



2008

**Environmental &
Energy**

**Legislative &
Regulatory Review**



VINCE GRIFFIN

VICE PRESIDENT

**ENVIRONMENTAL & ENERGY
POLICY**

INDIANA CHAMBER OF COMMERCE



2008 LEGISLATIVE SESSION STATS

TIP OFF 1/8/08

FINAL BUZZER 3/14/08

763 Bills Filed

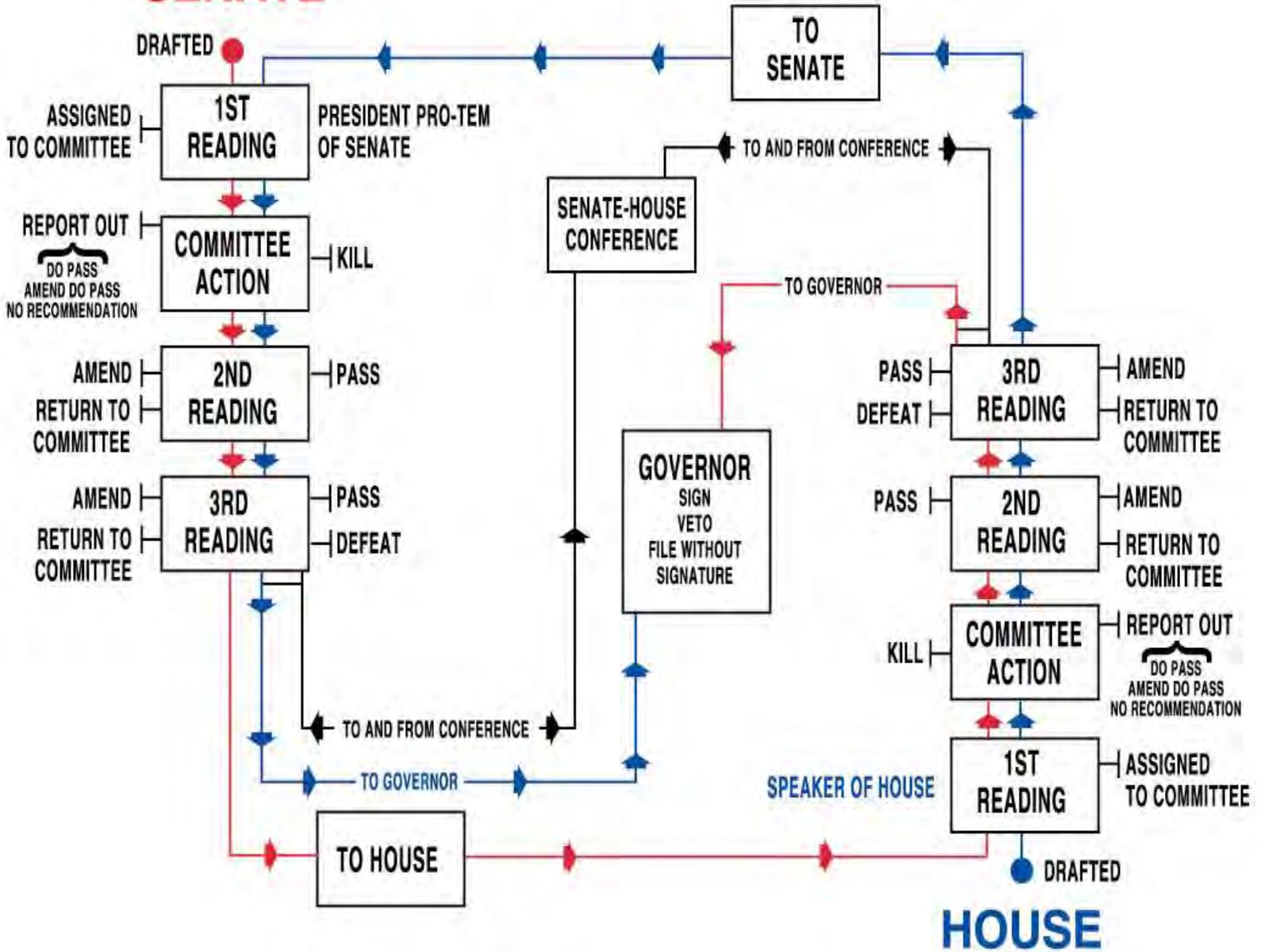
263 At Mid-point (34%)

163 Passed 3rd Reading (21%)

146 Signed/one vetoed (19%)



SENATE



The image shows a vertical strip of the Indiana state flag on the left side of the slide. The flag features a blue field with a yellow torch in the center, surrounded by yellow stars. The word "INDIANA" is written in yellow at the top. Below the torch are red and white stripes.

Environmental Quality Service Council

The Environmental Quality Service Council (EQSC) is required to provide legislative oversight to IDEM and review environmental issues as specified by law.

2007 EQSC Membership

The image shows a vertical strip of the Indiana state flag on the left side of the slide. It features a blue field with a yellow torch in the center, surrounded by yellow stars. The word "INDIANA" is written in yellow at the top. Below the torch, there are white stars on a blue background, and at the bottom, there are red and white stripes.

Sen. Beverly Gard, Chair
Sen. Marvin Riegsecker
Rep. Ryan Dvorak
Rep. Matt Pierce
Doug Meyer
Dave Wyeth
Stacy Herr
Art Umble
John H. Moll

Sen. Lindel Hume
Sen. Karen Tallian
Rep. David Wolkins
Rep. M. Stutzman
Stephen L. Murray
Dwayne Burke
John Hardwick
Calvin Davidson
Thomas Easterly

The image shows a vertical strip of the Indiana state flag on the left side of the slide. It features a blue field with a yellow torch in the center, surrounded by yellow stars. The word "INDIANA" is written in yellow at the top. Below the torch are red and white stripes.

EQSC RECOMMENDATIONS

VS.

ACTUAL BILLS

(EQSC Recommendation)

- Great Lakes Compact: The General Assembly should adopt the Great Lakes - St. Lawrence River Basin Water Resources Compact, and should work toward adoption of implementation language that sustains current and future development and provides a strong state role in implementation.*

The image shows a vertical strip of the Indiana state flag on the left side of the slide. It features a blue field with a yellow torch in the center, surrounded by yellow stars. The word "INDIANA" is written in yellow at the top. Below the torch, there are white stars on a blue background, and at the bottom, there are red and white stripes.

(BILLS)

☐ SB 45 Great Lakes Compact (Gard)

First bill signed by Governor

**☐ HB 1060 Great Lakes Compact
(Pelath)**

Not called down for 3rd Reading in
Second House/Senate

The image shows a vertical strip of the Indiana state flag on the left side of the slide. It features a blue field with a yellow torch in the center, surrounded by yellow stars. The word "INDIANA" is written in yellow at the top. Below the torch are white and red stripes.

(EQSC Recommendation)

Rulemaking:

- (a) No recommendation is made to change the current estimated **economic impact statement requirements** in the environmental rulemaking process, but **stakeholders** in the process are encouraged to submit statements for consideration by the rulemaking boards. IDEM, the State Budget Agency, and stakeholders in the process are encouraged to consult and to recommend improved methods for generation of estimated economic impact statements and consideration of the statements in the process.*
- (b) In the **sunset process**, IDEM should be required to list both the rules the agency wants to be **readopted** and those the agency wants to **expire**.*
- (c) IDEM should propose an **expedited environmental rulemaking process** to address noncontroversial rules that are not covered under current law.*

A vertical graphic on the left side of the slide featuring the Indiana state flag. It includes a yellow torch with a flame, a banner with the word "INDIANA" in yellow, and a blue field with yellow stars. Below the torch is a red and white striped field.

(EQSC Recommendation)

*Recycling: The General Assembly should permit IDEM to use the solid waste management fund to promote beneficial uses of **waste to energy** technologies with priority given to **waste tires**.*



(EQSC Recommendation)

- ❑ *Storm Water: The General Assembly should provide that two jurisdictions proposing to implement storm water fees in the same geographic area must negotiate to adopt a memorandum of understanding (MOU) that gives only one of the jurisdictions authority to impose fees and manage storm water. If they fail to produce a MOU within six months, **neither** jurisdiction should be permitted to impose storm water fees in the area until they agree on a MOU.*

The image features a vertical graphic on the left side, which is a stylized representation of the Indiana state flag. It includes a blue field with yellow stars, a yellow banner with the word "INDIANA" in red, and a yellow torch. Below this, there are red and white stripes.

(EQSC Recommendations)

- ❑ *Confined Feeding: The General Assembly should adopt the confined feeding **good character disclosure** and enforcement requirements contained in SB 431-2007, amended to allow IDEM to consider a permit applicant's compliance history outside the United States.*
- ❑ *Electronic Waste: The state should expand its electronic waste recycling program to include **all classifications** of electronic waste and **all state facilities**.*

The image shows a vertical strip of the Indiana state flag on the left side of the slide. It features a yellow torch with a flame, set against a blue field with white stars. The word "INDIANA" is written in yellow on a banner above the torch. The bottom of the flag shows the red and white stripes.

IDEM 2008 Legislative Issues (as presented to EQSC)

- Reduce work site posting requirements for wastewater operator certifications*
- Eliminate the requirement that septage haulers obtain two permits—one as a septage hauler and one for land application*
- Eliminate social security numbers from good character requirements in solid waste law*

The image shows a vertical strip of the Indiana state flag on the left side of the slide. It features a blue field with a yellow torch in the center, surrounded by yellow stars. The word "INDIANA" is written in yellow at the top. Below the torch, there are white stars on a blue background, and at the bottom, there are red and white stripes.

**IDEM 2008 Legislative Issues
(as presented to EQSC)**

- Allow electronic signatures for environmental compliance reports and permit applications*
- Statute of limitations for ELTF claims*
- Define allowable uses of ELTF*



**Bills and provisions that
passed the 2008
General Assembly**

The image shows a vertical strip of the Indiana state flag on the left side of the slide. It features a blue field with a yellow torch in the center, surrounded by yellow stars. The word "INDIANA" is written in yellow at the top. Below the torch, there are red and white stripes.

SB 43 Environmental Matters (Gard)

(Became THE mega-environmental bill of the 2008 session -- contains 15 provisions

*** Indicates those items that were from the EQSC)**

(Originally in SB 43)

- Requires noticing of rules to be sunset*
- Procedures for stormwater billing*

(Originally in HB 1023)

- County may use SWMD money

(Originally in SB 200)

- Qualification requirements for mediators
- IDEM no longer required to have a lab

The image shows a vertical strip of the Indiana state flag on the left side of the slide. The flag features a blue field with a yellow torch in the center, surrounded by yellow stars. The word "INDIANA" is written in yellow at the top. Below the torch are white stars on a blue background, and at the bottom are red and white stripes.

SB 43 Environmental Matters Cont.

- Modifies wastewater truck licensing*
- Eliminates the posting of a certificate by water or wastewater operators*
- Allows dual application of truck id*
- Restricts use of Social Security number*
- Pay provisions for anti-lock braking system sensors containing mercury

The image shows a vertical strip of the Indiana state flag on the left side of the slide. It features a blue field with a yellow torch in the center, surrounded by yellow stars. The word "INDIANA" is written in yellow at the top. Below the torch are white stars on a blue background, and at the bottom, there are red and white stripes.

SB 43 Environmental Matters Cont.

- Allows, with cap, use of ELF money for tank inspections*
- Establishes standards for electronic submission of data*

(Provisions originally in SB 199)

- Adjusts Indiana's environmental crime statute to satisfy EPA



SB 43 Environmental Matters

Cont.

Two provisions related to landfills without which SB 43 would likely have died.

- If a “non-zone” landfill has NOT been approved by 4/1/08, must resubmit with approval of the county commissioners
- If a “zone” county landfill has not accepted approved waste before 4/1/85, must reapply for zoning



HEA 1738-07

Water Resources

“Whiskey’s for drinking and water’s for fighting”

- ☐ Tracking of water sale and use**
- ☐ Water Resources Study Committee (WRSC) – current and future water use**

The image shows a vertical strip of the Indiana state flag on the left side of the slide. It features a blue field with a yellow torch in the center, surrounded by yellow stars. The word "INDIANA" is written in yellow at the top. Below the torch are red and white stripes.

HR 65 – Interim Study Committee on Water

HB 1738-08 directed the Water Resources Study Committee to study and make recommendations and findings on Indiana's current and future water use – it did not. HR 65 did not pass but, again directs the state to address that issue.

The image shows a vertical strip of the Indiana state flag on the left side of the slide. It features a blue field with a yellow torch in the center, surrounded by yellow stars. The word "INDIANA" is written in yellow at the top. Below the torch, there are white stars on a blue background, and at the bottom, there are red and white stripes.

2008 ENERGY BILLS

❑ HB 1117 Coal Gasification (Stilwell)

(Renewable energy bill plus lots of other stuff – DIED on the final day.)

❑ SB 223 Coal Gasification/Substitute Natural Gas (Hershman)

(Allows the use of non-Indiana coal IF resulting gas is cheaper – signed by Governor on 3/12/08)



SB 46 Environmental Restrictive Covenants (Gard)

Currently, an environmental restrictive covenant expires after 50 years. This provides that a covenant would not expire.

(Signed by Governor on March 3, 2008)



HB 1280 Energy Efficient Buildings (Pierce) Requires a building or structure **constructed, reconstructed, repaired, altered or retrofitted** to be designed with the Leadership in Energy and Environmental Design (LEED) rating system, the Green Globes Two Globes level or an equivalent standard accredited by the American National Standards Institute. Does not apply to schools.

*(Downsized to be “studied” by the EQSC.
Signed by Governor 3/24/08.)*



HB 1185 Indoor Air Quality (Lawson)

Expands the program providing for indoor air quality inspections in schools to include state agencies. Specifies certain qualifications for inspectors.

(Signed by Governor 3/14/08.)



HB 1120 Prohibitions on Certain Detergents (Dembowski)

Eliminates the exemption of phosphate detergents for use in **home** dishwashing machine equipment. Commercial uses continue to be exempt.

(Signed by Governor on March 3, 2008)



HB 1090 Climate Registry (Dvorak)

Requires the state of Indiana to become a member of and participate in the climate registry concerning greenhouse gas emissions reporting and reduction.

(Died in Senate Utilities Committee.)

The image shows a vertical strip of the Indiana state flag on the left side of the slide. It features a blue field with a yellow torch in the center, surrounded by yellow stars. The word "INDIANA" is written in yellow at the top. Below the torch are red and white stripes.

HB 1217 Biomonitoring (Dvorak)

Requires the state to establish a biomonitoring program to identify and assess the concentration of toxic chemicals in the bodies of individuals.

Monitoring for trace concentrations of certain chemicals in various tissues or excretions of people can be of value if the study is well targeted, properly designed, of long enough duration, high quality collection and includes a broad demographic. Testing to be testing with no goal in mind would cost many millions of dollars and can lead to false conclusions.

(Died in House Environmental Committee.)



Other Environmental and Energy Issues of Importance to Indiana Business Community

- BP Whiting – Canadian crude; \$4B; E-permits
- Duke Energy Edwardsport “Clean Coal” Generation Station; \$2B
- Benton County wind turbine projects
- Ethanol – Supply/demand; rise in corn price; soy bean shift; water, gas, carbon
- EQSC in 2008 Summer?
- WRSC in 2008 Summer?
- Ozone nonattainment; CAMR
- Antidegradation rule