



2009

**Environmental &
Energy**

**Legislative &
Regulatory Review**



VINCE GRIFFIN

VICE PRESIDENT

**ENVIRONMENTAL & ENERGY
POLICY**

INDIANA CHAMBER OF COMMERCE



2009 LEGISLATIVE SESSION STATS

TIP OFF 1/5/09

FINAL BUZZER 4/29/09

1319 Bills Filed

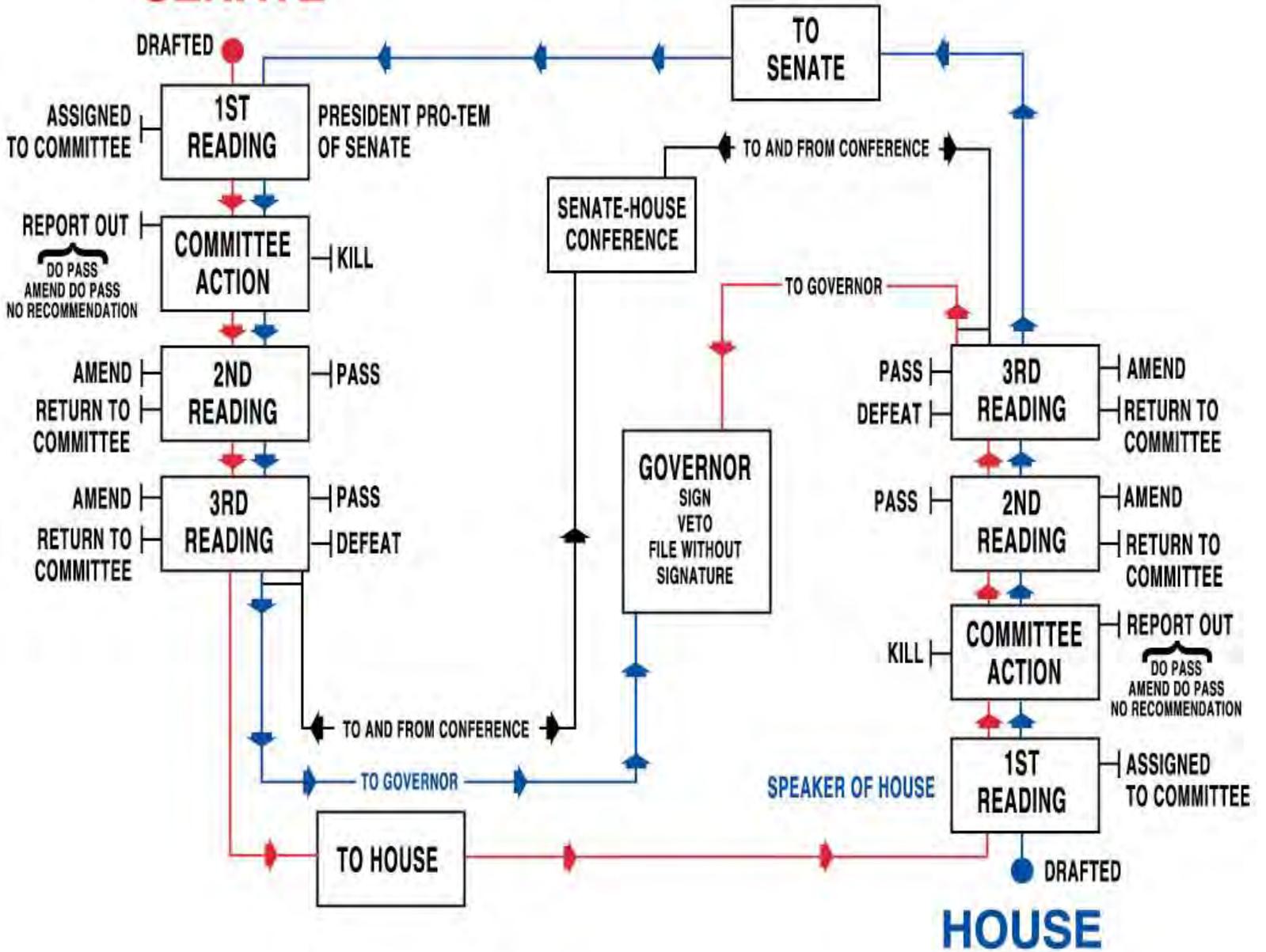
440 At Mid-point (33%)

219 Passed 3rd Reading (17%)

181 Signed/3 vetoed (14%)



SENATE



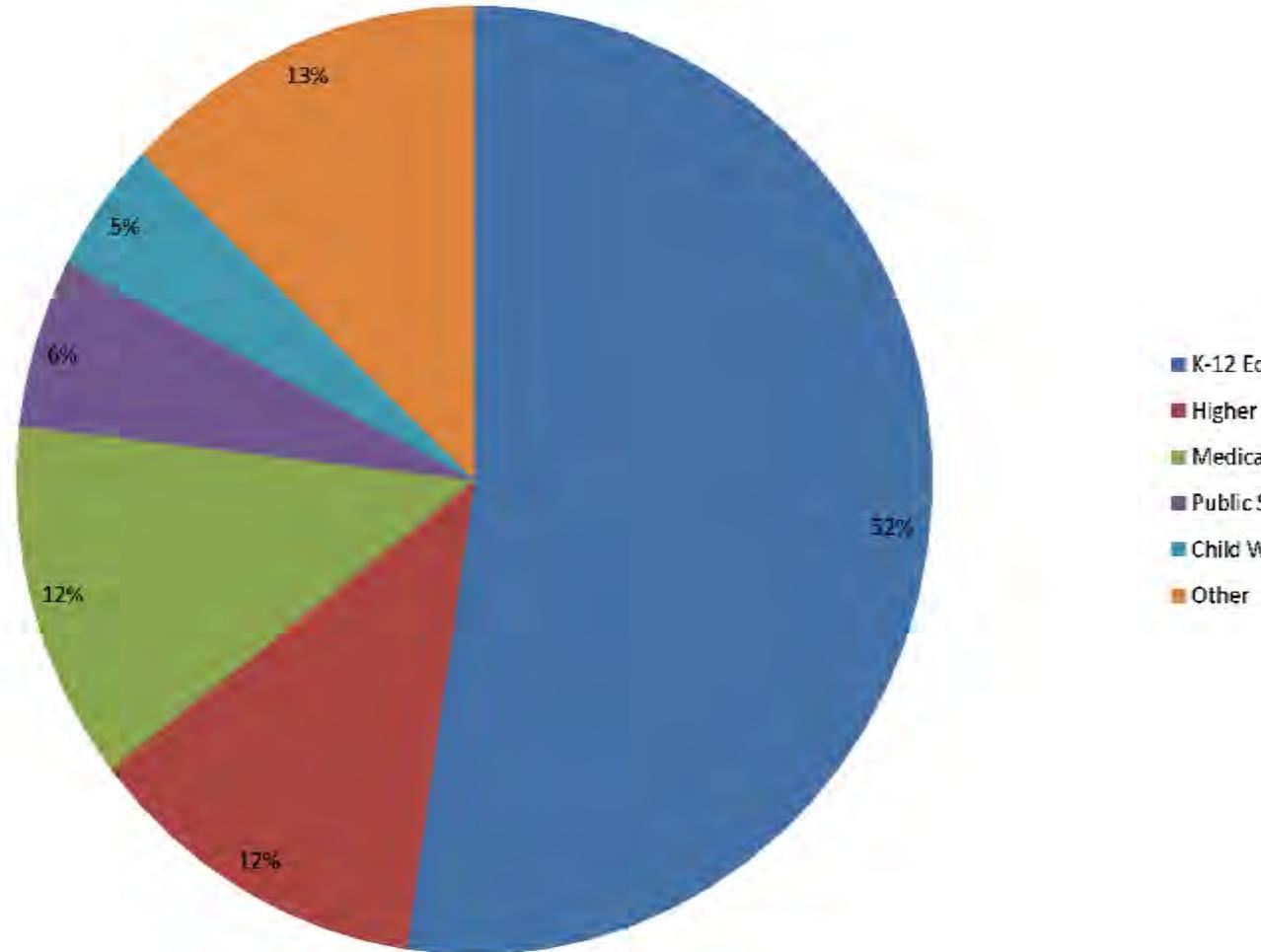
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BIG “WAGON” ISSUES

- \$28 Billion Budget (Check book closes end of June 2009)
- Unemployment Insurance Fund (Loosing \$6 Million/Day)
- CIB (Lucas, Conseco, Victory Field, Convention Center)
- Education (65% of the State’s Budget)



General Fund Estimated Expenses FY 2010-2011



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2009 *Energy Issues*

Energy “Wagon Train”

E85 stations, ethanol, alternative energy, reconnection charges, energy efficient buildings, home generated energy, carbon from power plants, compressed natural gas, solar powered roof vents and fans, clean fuel vehicle incentives, coal land rights, net metering, rural renewable energy, geothermal, biomass for vehicles, substitute natural gas contracts and nearly ten bills related to renewable energy.

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Renewable Energy & Net Metering

- *Varying %ages*
- *2MW for Net Metering*

- *Survivor: HB 1033 – “Evaluate” biomass and algae as a “renewable”.*

(Yep - that's "Poop-to-Power")



Federal Energy Initiatives Will Rule

Waxman/Markey Bill

20% → 15% Renewable Mandate

Wind

Solar

Biomass

COSTLY!!



HB 1348 – Class 1 Building Codes

Adopt most current standards

VETO!



HB 1669 – Geothermal loans

Rookie Rep. Nancy Michael

(D-Greencastle)

Role of DePauw University

Consistent, stable, significant

With “referendum” – Opposed

Without referendum – Support

(Passed)

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ENVIRONMENTAL WAGON TRAIN

- SB 419 – “Antidegradation”*
- SB 440 – School indoor air quality*
- SB 460 – Environmental restrictive covenants*
- SB 461 – Environmental issues*
- HB 1097 – Indoor and outdoor air quality*
- HB 1162 – Permits/Christmas Tree*
- HB 1224 – Water Resources Task Force*
- HB 1278 – Water Common Law*
- HB 1589 – E-Waste*



SB 419 – “Antidegradation”
SB 460 – Environmental covenants
HB 1162 – Permits/Christmas Tree

All amended into HB 1162

- ☐ HB 1162 – Must have all permits before operation***
- ☐ SB 419 – Facilitates the “Antideg” permitting process***
- ☐ SB 460 – Promotes clean up programs and stresses “risk-based” standards***

(Passed)



SB 440 and HB 1097 ***School Environmental Standards***

- HB 1097 original language – state develop indoor and outdoor air and water quality standards***
- HB 1097 final language – incorporate SB 440 to affect only indoor air quality***

(also contained campground and sewer back-flow provisions)

(Passed)

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HB 1224 – Water Resources **Task Force**

- ❖ **Indiana has NO plan for current and future water use.**
- ❖ **HB 1224 Establishes a Task Force to oversee the plan development.**
- ❖ **IDNR will be the staff to support this effort.**
- ❖ **IDNR Director will appoint ten person Task Force**
- ❖ **Chair will NOT be from IDNR**

(Passed)

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HB 1278 – “Common Law Doctrine”

- **Change Indiana “Common Law”**
- **Pre-dates our Indiana Constitution**
- **Directs how “water” is handled**
 - **“Common Enemy” Doctrine**
 - **Chamber Opposed**
 - **Directed to “Summer Study Committee”**
 - **Chamber Supported**

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HB 1589 – E-Waste

*Rookie Rep. Mary Ann Sullivan
(D-Indianapolis)*

Role of Indiana Recycling Coalition

- Manufacturers stepped up – pay fee
- Manufacturers execute program
- Percentage goals and penalties
- State Recycling Board oversee
- IDEM Collects Data
- Reports to EQSC

(Passed)

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SB 461 – “You name it”

- ❑ **Synopsis:** Environmental issues. Repeals the electronic digital signature act. Allows the use in motor vehicle air conditioning equipment of a toxic or flammable refrigerant if the refrigerant has been approved by the United States Environmental Protection Agency. Allows, in streamlined rulemaking processes, the adoption of a proposed rule with amendments at the public hearing, and requires that the amendments meet logical outgrowth requirements. Replaces the undefined term "sanitary landfill" with "solid waste landfill". Modifies the deductible for claims against the ELTF by certain UST owners. Establishes deadlines for Indiana department of environmental management (IDEM) action on various permit applications with respect to certain solid waste processing facilities. Requires IDEM to enter into contracts with local air pollution agencies to carry out an air pollution program for IDEM. Extends the powers granted to Marion County to establish a local air pollution permit program to counties, cities, and towns outside Marion County. Authorizes a local permit program to comply with more restrictive local ordinances to further the expressed purposes of air pollution control laws. **Allows a city or town to regulate the introduction of any substance or odor into the air or any generation of sound within four miles outside its corporate boundaries.** Allows IDEM to establish a drinking water apprenticeship program. Allows suspension or revocation of a drinking water or wastewater operator certification if another state has decertified or taken similar action against the operator. For purposes of wastewater management statutes, replaces the term "wastewater" with "septage". Provides that, beginning September 1, 2009, if a campground is billed for sewage service at a flat rate, the campground may instead elect to be billed for the sewage service by installing, at the campground's expense, a meter to measure the actual amount of sewage discharged by the campground into the district's sewers. Requires disclosure upon the sale of residential property of known methamphetamine contamination if the property has not been certified as decontaminated. Provides that an owner or agent is required to disclose knowledge of a psychologically or environmentally affected property in a real estate transaction if the property has been contaminated by methamphetamine and has not been certified as decontaminated. Authorizes a board of sanitation commission or a board of public works to: (1) provide financial assistance for the installation of certain sewage works in private dwellings; and (2) establish a user fee to pay for the financial assistance. Requires the environmental quality service council to study certain issues.

- ❑ Allow any municipality to regulate any smell or sound within FOUR miles of its borders
(Died)

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SB 461 Directives to EQSC

(DIED)

- (1) With respect to the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1:*
 - (A) whether administration of the fund should be removed from the department of environmental management;*
 - (B) whether to broaden access of the department of environmental management to the fund; and*
 - (C) whether the annual limits on reimbursement of claims against the fund should be increased.*
- (2) Whether to abolish the underground petroleum storage tank trust fund established by IC 13-23-6-1.*
- (3) Whether to expand the definition of "owner" for purposes of IC 13-11-2-150 to include property owners who neither own nor operate underground storage tanks.*
- (4) Options for underground storage tank operators to obtain training required by Section 9010 of the federal Solid Waste Disposal Act (42 U.S.C. 6991i).*
- (5) Whether the northwest Indiana advisory board established under IC 13-13-6 should be abolished.*
- (6) Whether to establish a state registry of environmental restrictive covenants and ordinances.*
- (7) The progress of rulemaking concerning antidegradation of surface waters.*
- (8) The efficacy of changes in enforcement programs at the department of environmental management.*
- (9) The ability of local governments to adopt environmental protection and public health ordinances.*
- (10) The risk of infectious disease transmission from pathogens in livestock manure at concentrated animal feeding operations and confined feeding operations.*
- (11) Any other issues the council considers appropriate.*

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2009 Summer Study Environmental Committees

EQSC

**Water Resources Study
Committee**

**Natural Resources Study
Committee**

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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.

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2008 EQSC Membership

Rep. Ryan Dvorak, Chair

Rep. Matt Pierce

Rep. M. Stutzman

Rep. David Wolkins

Sen. Beverly Gard

Sen. Lindel Hume

Sen. Marvin Riegsecker

Sen. Karen Tallian

Doug Meyer

Dave Wyeth

Stacy Herr

Art Umble

John H. Moll

Stephen L. Murray

Dwayne Burke

John Hardwick

Calvin Davidson

Thomas Easterly