

ENVIRONMENTAL MANAGEMENT POLICY COMMITTEE

NIRPC AUDITORIUM, PORTAGE, IN

February 7, 2013

Members/Guests Present: Geof Benson, Kay Nelson, Mardanna Soto, Leslie Dorworth, Jennifer Gadzala, Lee Botts, Susan MiHalo, Nicole Barker, Michael Kuss, Linda Wilson, Deb Backhus, Michelle Caldwell, Ashley Snyder, Hala Kuss, Tom Easterly, Letty Zepeda, Cathi Murray, Sherryl Doerr, Laurie Keagle, Pete Julovich, Charles Morris, Jana Cram, Kathy Sipple, Cathy Csatari, Jim Meyer, Michael Aylesworth, Mike Milatovic, Arber Himaj, Tina Tabisz, Bill McNeill, Sarah Weaver, Jim Micheals, Mark Reshkin, Andrew Pelloso

NIPRC Staff: Kathy Luther, Bill Brown, Mitch Barloga, Meredith Stilwell

Call to order and Pledge of Allegiance

Chairman Benson called the meeting to order at 9:05 a.m. with the Pledge of Allegiance and self-introductions.

Approval of January 3, 2013 EMPC Minutes

On motion by Kay Nelson and second by Cathi Murray the January 3, 2013 EMPC minutes were approved.

Chairman Benson announced the NIRPC 2040 Comprehensive Regional Plan has been awarded the Daniel Burnham award from the American Planning Association.

NIRPC Business:

◆ 2040 CRP Video

The 2040 CRP Video was shown to the Committee.

◆ ****Action Item** TAP Application Revisions** – *Joe Exl, NIRPC*

The Transportation Alternative Program was previously known as TE and has the ability to fund some environmental projects. Kathy Luther detailed historical information regarding how few projects have previously been funded through this avenue and this is an opportunity to take advantage of. During the last TE funding round one environmental project was submitted. With the new TAP funding program now in effect the TE application needed to be reviewed and updated. A committee was formed to revise the environmental section of the application. Joe thanked Leslie Dorworth and Jennifer Gadzala for their help in updating the information. A fact sheet and scoring criteria sheet were provided to the group in their meeting packets. The total TAP funding allocation is anticipated at \$950k with 10% of that allocated to the Historic Projects/Environment category. For environmental projects, the goal is to have projects submit for half of the allotment in order to allow two projects to be funded. Eligible projects sponsors were cited by Joe and were included on the fact sheet provided for review. Match requirements are 20% and has to be a cash match. Kathy brought up that although the EMPC requested last year to get 20% of the funding pot with federal budget issues the northwest Indiana allocation was reduced from \$2.5m to less than \$1m and the 3PC didn't want to give up larger percentage with the funding reduction especially since the first environmental project is still in limbo. Mitch Barloga spoke briefly on the Safe Routes to School category and although his first statement was funding would be around \$950k that was with INDOT basing population on 2000 census numbers. Based on new numbers, the pot should be over \$1m for the entire program and over \$100k for the environmental program. Previously TE was combined of two zones one of which is made of up of Lake and Porter Counties and the other zone being LaPorte County. It is unclear if that is still the case with TAP and there is the possibility that allocations may have to be split between LaPorte and Lake and Porter Counties. Joe detailed the proposed changes and additions in the general and environmental scoring criteria areas of the application to the Committee. The EMPC will be responsible for scoring submitted projects and a small working group could be formed to review and score the applications to be brought before the EMPC for recommendations. Mitch noted the trail portion of the application was approved by the Transportation Policy Committee at their January meeting. If the EMPC recommends the changes to the application, both portions will then be brought before the NIRPC Executive Board for their approval at the February meeting. Hopefully a late spring, early summer funding cycle will begin and last about two months with projects funded to start by late 2013 or early 2014. Kathy stated that cities might not come up with any projects for the vegetation and wildlife categories on their own and if there is a natural area anyone has been doing invasive management on and it has a transportation factor, it might be up to a non-profit to offer to partner with that city. Jennifer Gadzala suggested developing a committee from the EMPC to review proposed projects, score applications and then make recommendations

to the EMPC. Communication with local officials was briefly discussed. **A motion was made by Michael Kuss to call for a vote to accept the recommended changes to the TAP application and was seconded by Kay Nelson. Jennifer asked for clarification on a bullet point regarding strategies to be used under section C of the application. After discussion, a vote was taken and with no opposition, the motion passed.**

Presentations:

◆ IDEM – 2012 Year in Review – Tom Easterly, IDEM Commissioner

Commissioner Easterly noted there is no place with a committee like the EMPC anywhere else in the state and is a valuable organization to have people with various backgrounds come together to talk about complex environmental issues. IDEM's mission and ways they implement that mission were presented. He spoke on the One Region 2012 Quality of Life Indicators Report environmental chapter and examples of incorrect information reported were discussed. Some of the examples presented included air quality in Northwest Indiana is not poor and has attained all air quality standards for all six pollutants since 2008; the region is in compliance for ozone and while EPA did designate the area as nonattainment for the "new" ozone standard in June of 2012, this was based upon air quality in Illinois at the Wisconsin border and not due to Indiana air quality. Water quality issues addressed in the report included CSO issues and it was noted LaPorte, Michigan City, and Valparaiso have complete required CSO remedies and all other communities are making progress. A graph of the Indiana combined sewer overflow status reflecting US EPA and IDEM's responsibility was presented. Another issue noted was in 2010, on average there were beach action days 28% of the time and the average, best and worst percentages for 2010, 2011, and 2012 were presented with results showing each year beaches are getting better. Recommendations from IDEM include One Region should work with entities such as the NIRPC, EMPC, the NWI Forum Environmental Committee, and IDEM to obtain the most current data on the environment and any future report should accurately present the facts about the measured quality of Northwest Indiana's environment. Brief discussion was held regarding the author of the report and their belief the facts they presented were accurate and Tom noted this region has the most measurements of most states and there is good information.

Economy and the environment: The Yale Center for Environmental Law & Policy and Columbia University Center for International Earth Science Information Network produced a Pilot 2006 Environmental Performance Index and is available at <http://www.yale.edu/epi/>. Policy implications of the 2012 EPI were presented. Between 2009 and 2011, only 19 states met both ozone and particulate air quality and Indiana was one of them.

New Air /Quality Standards: Lake and Porter Counties have been designated nonattainment areas resulting from the new air quality standards since the end of 2009. Currently all monitors in Indiana currently meet the 100 ppb short term NO_x standard established in 2010 and a number of townships in six counties will likely be designated as nonattainment for the 1 hour, 75 ppb SO₂ standard. The new PM_{2.5} Standard is 12 micrograms per cubic meter which is a 20% reduction from the previous 15 micrograms standard. The new standard becomes effective March 18, 2013 and there will likely be new nonattainment designations in 2015. The Northwest Indiana ozone designation was discussed in detail and a timeline was presented reflecting the process of Lake and Porter County being designated nonattainment for ozone due to data provided by Illinois on December 7, 2011. On April 13, 2012, IDEM sent a package explaining why Lake, Porter and Jasper Counties should be designated as attainment. However, on May 31, 2012 Administrator Jackson signed the nonattainment designation for the Chicago Area including Lake and Porter Counties in Indiana. Illinois' auto inspection and maintenance program is a key factor in the nonattainment because older cars are not inspected and data from Indiana's system shows that inspection of 1968-1995 vehicles accounted for 67% of the HC, 85% of the NO_x, and 70% of the CO reductions in 2008. A recent study in California indicated that 2% of the cars contribute 50% of the emissions.

CO₂ (greenhouse gases): EPA has proposed NSPS GHG rule, which prohibits construction of new electrical generating facilities that use coal in the US but it is questioned if that is going to make a significant difference in emissions. The National Academy of Sciences report "America's Climate Choices" recommends actions be taken now to start reducing US greenhouse gas emissions to levels between 50% and 80% below 1990 levels. In the spring of 2012 the Environmental Council of States (ECOS) passed resolution 12-1 "Challenges of Achieving Significant Greenhouse Gas (GHG) Emissions Reductions." A copy is available online. Tom presented a graph reflecting his attempts using various scenarios and none of the methods reduced GHG emissions the recommended amount. EPA was asked to develop on or more scenarios that would produce an 80% reduction and to conduct an analysis of costs and benefits associated with each scenario along

with an estimate of costs and benefits of not obtaining the GHG reductions. EPA decided not to develop the scenario, but rather to develop rules to reduce GHG emissions, even if the rules do not materially reduce US emissions.

Fish Tissue Mercury: At the end of 2010, EPA issued new guidance on the proper interpretation of the fish tissue date. EPA's guidance indicates that a properly calculated average mercury value is the appropriate interpretation of the limit. IDEM has reevaluated its mercury data using the EPA guidance. IDEM's data reflects a reduction ranging from 60% - 84% in mercury impaired stream reaches, stream miles, impaired lakes, and impaired lake acres from 2010-2012.

IDEM 2013 Goals and challenges:

- Find a way to be the clear leader in helping and cooperatively partnering with regulated entities to improve environmental quality per Governor Pence's request
- Develop Good to Great Plan to improve IDEM performance that is consistent with Governor Pence's Roadmap
- Continue work to ensure that all Hoosiers have air to breathe that meets all health based standards and that EPA designates all the State as attainment for air pollutants
- Continue work to ensure all Indiana waters meet all water quality standards and the US EPA delists impairments as water quality improvements are documented
- Continue work to ensure that current activities do not pollute Indiana lands and previously contaminated lands are safe for future intended uses
- Continue to pursue water program consolidation
- Issue water general permits
- Phosphorous in lakes rule
- Develop plans and associated rules to meet new air quality standards
- Continue process of tailoring the solid waste processing rules for activities with limited potential environmental impact
- Transform rulemaking process to the new Environmental Rules Board
- Update and improve the Virtual File Cabinet

The function of the northwest Indiana IDEM office was questioned and Mr. Easterly indicated Indianapolis makes the rules but there are some programs run out of the northwest Indiana office and they are closer to the community. Associates are available locally to answer questions and provide feedback to Indianapolis regarding local concerns. The regional office visits and outreach to local communities and provide their location and contact information. Mercury in fish tissues was discussed and what is being done to address the issue regarding people who are doing sustenance fishing. Mr. Easterly surmised the only thing that really can be done and be effective is to make the fish cleaner. Kay Nelson remarked that three members of the new environmental rule-making board are representatives from northwest Indiana. She is pushing for webcasts of those meetings and noted you have to reregister to be put on the email list. She also spoke about attending the great lakes week in Cleveland where a researcher from the Ohio SeaGrant pointed out phosphorous levels increased in the waterways when no-till agricultural practices were implemented. It was commented that we are very fortunate to have a professional environmental engineer in Tom Easterly as Commissioner. Michael Kuss thanked Tom for meeting with the EMPC and commented that Michigan City has not had a CSO overflow since July 2011. He also reported LaPorte has not had an overflow since 2008 and challenged other communities to get it done and quickly. He also remarked that Michigan City will be purchasing two natural gas vehicles and also held a natural gas symposium last June and representatives from other states gave presentations on various topics. Chairman Benson questioned what keeps IDEM from having any rulemaking or legal authority over the septic issue. Mr. Easterly noted local health departments permit those issues and have a relationship with the State Health Department and none with IDEM. If there is water pollution IDEM can take action against an individual or against a community, but it is very difficult for State government to go against an individual citizen for something they are not the sole cause of. It is an institutional challenge that has to be approached gently. Further discussion and comments were made regarding no-till and various soil types.

Announcements:

Kay Nelson announced some EMPC members will be attended meetings in Washington on March 4, 5, 6 and can report back on anything critical that happens at the March 7th EMPC meeting.

Susan MiHalo announced the Indiana Coastal Cooperative Weed Management Area is having a roundtable and summit on invasive species on February 27.

Butterfly Monitoring Workshops

Organization: The Nature Conservancy

When: Saturday, February 9, 2013 / 9:30 a.m.– 12:00 p.m..

Where: Gibson Woods Nature Preserve

6201 Parrish Ave., Hammond, IN 46323

When: Saturday, February 16, 2013 / 10:00 a.m. – 12:00 p.m.

Where: Crown Point Community Library

122 N. Main St., Crown Point, IN 46307

When: Saturday, February 23, 2013 / 9:30 a.m. – 12:00 p.m.

Where: Indiana Dunes National Lakeshore Visitor Center

1215 N. State Rd. 49, Porter, IN 46304

Contact Info: John Henry Drake jhdrake@tnc.org

South Shore Clean Cities Annual Meeting **Registration required

When: Tuesday, February 12, 2013 / 10:45 a.m.

Where: Avalon Manor Banquet Center

3550 East US 30, Merrillville, IN 46410

Contact Info: Stephanie Smith 219-644-3690 or ssmithSSCC@comcast.net

219 Green Connect – 3 events

• NIRPC Public Outreach Task Force & sharing of the 2040 Plan

When: Thursday, February 21, 2013 / 6:30 p.m.

Where: Shoreline Brewery

208 Wabash St., Michigan City, IN 46360

• Enbridge Pipeline Webinar

When: Thursday, February 21, 2013 / 1:00 p.m.

• NIRPC Public Participation Webinar

When: Wednesday, February 27, 2013 / 1:00 p.m. – 2:00 p.m.

Click Here to Register: <https://www4.gotomeeting.com/register/981051519>

• Visit www.219greenconnect.com or to the 219 Green Connect Facebook page to be added to their email list.

Partners for Clean Air Annual Luncheon Meeting **Registration required

When: Thursday, April 18, 2013 / 11:00 a.m.

Where: Lost Marsh

1001 129th St., Hammond, IN 46320

Registration Required: <http://www.surveymonkey.com/s/5P9SYK6>

Joe Exl announced IDEM will be hosting two public meetings on the TMDL and baseline assessment for the Deep River/Portage Burns Waterway Watershed March 13th. There will be a 2:00 p.m. meeting at Lake County SWCD and a 6:00 p.m. meeting at Portage Lakefront and Riverwalk. He also announced an email was received indicated NIRPC's 319 Grant application has with some revisions has been recommended to move on to the EPA.

Geoff Benson announced he will be attended the NARC conference in Washington DC. He will be meeting with congressional delegates, congressmen and senators, and has also been invited to the White House to discuss transportation issues.

The next EMPC meeting will be March 7, 2013.

Meeting adjourned at 11:11 a.m.