

ENVIRONMENTAL MANAGEMENT POLICY COMMITTEE

NIRPC Auditorium

February 5, 2015

Members/Guests Present: Geof Benson, Bob Daum, Deb Backhus, Jennifer Gadzala, Leslie Dorworth, Nicole Barker, Michelle Caldwell, Ashley Snyder, Kay Nelson, Andrew Pelloso, Cathy Csatari, Lauri Keagle, Wendy Vachet, Candice Smith, Natalie Johnson, Tom Easterly, Linda Wilson, Kelly Carmichael, Hala Kuss, Beth Shrader, Richard Morrisroe, Dan Plath, Brenda Scott Henry, Jeff Edstrom, Jody Melton, Kevin Breizke

NIRPC Staff: Kathy Luther, Joe Exl, Ty Warner, Meredith Stilwell

Call to order and Pledge of Allegiance

Chairman Benson called the meeting to order at 9:14 a.m. with the Pledge of Allegiance and self-introductions.

Approval of January 8, 2015 EMPC Minutes

On a motion by Deb Backhus and second by Kevin Breitzke, the January 8, 2015 EMPC meeting minutes were unanimously approved as presented.

Presentations:

a. Indiana Department of Environmental Management (IDEM) 2014 Year in Review – Tom Easterly, IDEM Commissioner

IDEM's mission is to implement federal and state regulations to protect human health and the environment while allowing the environmentally sound operations of industrial agricultural, commercial and government activities vital to a prosperous economy. Some of the ways they protect Hoosiers and their environment include developing regulations and issuing permits to restrict discharges to environmentally safe levels; inspecting and monitoring permitted facilities to ensure compliance with the permits; using compliance assistance and/or enforcement when people exceed their permit levels or violate regulations; educating people on their environmental responsibilities; and cleaning up contaminated sites to eliminate public exposure to toxics and return properties to productive use. While not as good in 2014 as in 2013 and early retirement resulting in an almost 10% drop in their workforce, they are still the best in the country with NPDES permitting at 100%.

According to December 2014 performance metrics 91% of Hoosiers live in counties that meet air quality standards; 98.17% of combined sewer overflow (CSO) communities have approved programs to prevent the release of untreated sewage; and 98.99% of Hoosiers received water from facilities in full compliance with safe drinking water standards. The measured air quality in Lake and Porter Counties is better than the federal air quality standards, but are still designated nonattainment because of Chicago's air quality. Oral arguments in the lawsuit against U.S. EPA for the designation were heard in the summer of 2014. LaPorte County's measured air quality is better than federal air quality standards for all pollutants except ozone, but measured ozone levels were better than federal air quality standards in 2013 and 2014 and unless 2015 is a very bad ozone year should meet the standard in 2015.

The Grand Calumet River/Indiana Harbor Ship Canal was designated as an Area of Concern (AOC) in 1987 and is the only one of the 43 AOC's in the Great Lakes Basin determined to be impaired for all 14 possible Beneficial Use Impairments (BUIs). U.S. EPA has agreed to remove two of the BUIs and work in ongoing on the other 12. Major improvements have occurred

recently some of which include habitat restoration work; dredging and capping sediment; and monitoring.

As part of IDEM's beach program 24 Lake Michigan beaches are sampled for bacteriological contamination (E. coli) up to seven days per week from Memorial Day to Labor Day. Results are posted at the beach, online at the BeachGuard website, and made available through the Indiana BeachAlert phone app. The percentage of total exceedance rates from 2009-2014 has remained relatively similar, but Commissioner Easterly noted that the exceedances are driven by Jeorse Beach and a couple of others that are really challenged, but other beaches are better.

U.S. EPA's Clean Power Plan regulates Carbon Dioxide (CO₂) emissions from power plants using fossil fuels. New source standards under 111(b) propose that all new power plants will be natural gas fired. The U.S. EPA 2030 goal for Indiana carbon dioxide emission rates (pounds of CO₂ per Megawatt Hour) for the existing Source Standards under 111(d) is 1,531. Indiana's estimate is at 1,615 to 1,683. U.S. EPA estimates a national level decrease in coal production and prices; an increase in natural gas production and prices; as well as job increases in the electricity, coal and natural gas sectors by 2020. Indiana, however, is seeing a decrease in the coal sector. The 111(d) source regulation proposal will increase the costs of energy in the United States and with both natural gas and electricity prices expected to rise by 10%, the impact on Hoosiers may be greater due to the current reliance on coal and the number of Hoosiers who lose utility services for non-payment is likely to increase. In addition the increased cost of energy will likely result in a shift of emissions from Indiana to other countries and worldwide greenhouse gas emissions may actually increase when manufacturing moves from Indiana (and the rest of the United States to other countries. The proposal will have virtually no impact on modeled global climate change. The proposed regulation is not consistent with Indiana's goal of affordable reliable energy and Governor Pence, Attorney General Zoeller and Commissioner Easterly have taken numerous actions in opposition of U.S. EPA's proposal.

Several slides were presented noting the proposed U.S. EPA / USACE definition of the Waters of the United States (WOTUS). Commissioner Easterly stated no one thinks the changes/clarifications make it clearer. In response to the proposal, Indiana submitted joint comments from IDEM and the Department of Agriculture before the November 14, 2014, comment deadline, asking that the proposed rule be withdrawn and the U.S. EPA work with the regulated community to develop words that match U.S. EPA's stated intent of clarifying, not expanding, the definition of Waters of the United States.

Some of the items on the IDEM 2015 Legislative agenda include the Surface Water Protection Plan and Aboveground Storage Tank Registration; cost recovery for IDEM oversight activities related to cleanup of a property contaminated with petroleum; Responsible Party Reimbursement Bill, which impacts Administrative Orders for response actions for contaminant releases; and the Agency Cleanup Bill which would allow for operator certification examination fees by third parties (Ivy Tech), electronic submission of information, in-lieu fees for mitigation of wetlands, five year variances, aligning of waste fee due dates with reporting dates and elimination of duplicate display device sales reporting.

Discussion followed regarding various topics some of which included progress on moving along contaminated sites; microbeads; fertilizer nutrient issues; funding of IDEM's beach program; Deep River Dam feasibility study; septic regulations; Burns Waterway; and the Little Calumet. During the discussion it was mentioned that it might be an interesting exercise to have representatives from both sides of the Waters of the United States discussion to debate and clarify the issue. In addition Commissioner Easterly noted that it is difficult for IDEM to educate as much as needed and the NIRPC environmental group is unique not only in Indiana, but in the country and is good for everyone involved.

Public Comment: *None*

Announcements:

- Chairman Benson commended the Committee regarding the issue involving the Pines and EPA. He noted the EMPC forum was used to shed a light on a problem the Pines felt wasn't receiving enough attention and progress is being made.
- Kay Nelson and Nicole Barker will both be attending sessions in DC and both will discuss questions and concerns afterward.
- Kathy Luther announced that Midwest Wind and Solar was selected as the installer for the Solarize NWI program. Applications for community participation in the program are due Feb. 6th.
- The NWIPA application to make the Kankakee a National Water Trail has received about 70 letters of support and will most likely be submitted at the end of February.
- Meeting and event announcements will be forwarded to the EMPC email distribution list.

Meeting adjourned at 10:42 a.m.