

Members

Rep. James Bottorff, Chairperson  
Rep. Ron Herrell  
Rep. Steven Heim  
Rep. David Wolkins  
Sen. Beverly Gard  
Sen. Kent Adams  
Sen. Lindel Hume  
Sen. Vi Simpson  
Nancy Michael  
Stephen Murray  
Michael Sutherlin  
Randal Edgemon  
Dwayne Burke  
Julia Wickard  
Bill Hayden  
Ellen Tobias  
John Ulmer  
Lori Kaplan



# ENVIRONMENTAL QUALITY SERVICE COUNCIL

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Authority: P.L. 248-2001

## MEETING MINUTES<sup>1</sup>

**Meeting Date:** August 9, 2004  
**Meeting Time:** 9:30 AM  
**Meeting Place:** Government Center South,  
302 W. Washington St.,  
Conference Room A  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 2

**Members Present:** Rep. James Bottorff, Chairperson; Rep. Ron Herrell; Rep. Steven Heim; Rep. David Wolkins; Sen. Beverly Gard; Sen. Kent Adams; Sen. Vi Simpson; Nancy Michael; Stephen Murray; Michael Sutherlin; Dwayne Burke; Julia Wickard; Bill Hayden; Ellen Tobias; John Ulmer; Lori Kaplan.

**Members Absent:** Sen. Lindel Hume; Randal Edgemon.

### I. Call to Order

Chairman Bottorff called the meeting to order at 9:30 AM, and postponed the IDEM commissioner's report until the next council meeting.

### II. Contamination of water wells

Pat Carroll, IDEM, presented a report (Exhibit #1) entitled "Drinking Water Protection, Public Water Systems, Private Wells."

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

The council discussed the following issues with Mr. Carroll:

1. Private well testing and pass rate
2. Groundwater contamination standards
3. Well driller permit requirements
4. Recent legislation and rulemaking concerning small drinking water systems
5. The 100 ft. land radius control requirement for wells
6. Minimizing costs of well permits
7. The usefulness of requiring water softener permits
8. Tailoring permit requirements to the size or character of the well
9. Failed septic tanks as a source of groundwater contamination

Bill Grant, LaGrange County Health Department, presented a report (Exhibit #2) on the negative impact of state well rules on businesses.

Brian Wright, Hoosier Environmental Council, addressed issues relating to well contamination in Pines, Indiana. A landfill and a power plant are suspected sources of the contamination. Mr. Wright believes that IDEM should have been more proactive in testing the well water, and should strengthen measures to prevent well contamination. He asked the council to consider prevention and enforcement issues.

### III. Biofuels

Rep. Heim discussed legislation he authored last session to require use of biodiesel fuel in state vehicles, and to create a biofuels task force. Chris Novak, Indiana Soy Bean Board, and Charlie Smith, Countrymark Co-Op, presented a report (Exhibit #3) entitled "Biodiesel Opportunities for Indiana." They also distributed a brochure entitled "Soy Biodiesel" (Exhibit #4).

The council discussed with the presenters the following issues concerning biodiesel fuel:

1. Cost and performance competitiveness
2. Ideas for increasing consumer demand
3. Tax incentives
4. Infrastructure needs for distribution and sale
5. Approaches by other states
6. The effect on meeting air quality standards

### IV. Energy Conservation

Sen. Landske explained the background of SR 37-2004, which urged consideration of the adoption of the International Energy Conservation Code (IECC) as the Indiana Energy Conservation Code. Don Blinzinger, Bose Treacy Associates, indicated that it is time to update Indiana law regarding energy conservation. He discussed the possible use of the IECC as compared to the establishment by the state of its own requirements.

### V. Adjournment

Chairman Bottorff adjourned the meeting at 11:45 AM.

### **Subcommittee on Wildcat Creek Dam Removal**

The Subcommittee on Wildcat Creek Dam Removal met upon adjournment of the council. Subcommittee Chairman Representative Ron Herrell and Bill Hayden were present. Randal Edgemon was absent. Rep. Herrell stated that the purpose of the subcommittee is to determine whether any law precludes the removal of dams from Wildcat Creek in Kokomo, and, if not, what procedure must be followed for removal.

Five dams on Wildcat Creek were identified as possible candidates for removal. One is a large dam that contains an American Water Company reservoir. The other four are small "low head" dams.

Kenneth Smith, IDNR, and Andrew Pelloso, IDEM, participated in the discussion of the subcommittee's charge. They indicated that there is no law that precludes removal of the dams. However, the details of the removal of each dam must be studied to identify issues unique to each dam and to determine whether removal and associated activity will trigger requirements for permits from IDNR, IDEM, or the U.S. Army Corps of Engineers. Among the factors to be considered are the effect removal might have on downstream dams, the potential effect of the release of sediment on downstream habitats, and the removal and disposal of contaminated sediment.

Rep. Herrell stressed that in order to develop a plan for dam removal, the city must be informed of all the necessary actions and governmental approvals. Mr. Smith and Mr. Pelloso agreed to work with the city and to arrange a preliminary meeting to identify the steps that must be taken.

Chairman Herrell adjourned the meeting at 12:30 PM.