

Members

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Rep. Ron Herrell
Rep. Steven Heim
Rep. David Wolkins
Sen. Beverly Gard
Sen. Kent Adams
Sen. Lindel Hume
Sen. Vi Simpson
Nancy Michael
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John Ulmer
Lori Kaplan



ENVIRONMENTAL QUALITY SERVICE COUNCIL

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MEETING MINUTES¹

Meeting Date: August 30, 2004
Meeting Time: 9:30 A.M.
Meeting Place: Training Center Room 5, Indiana
Government Center South, 302 W.
Washington St.
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Ron Herrell; Rep. Steven Heim; Rep. David Wolkins; Sen. Beverly Gard; Sen. Kent Adams; Sen. Lindel Hume; Nancy Michael; Stephen Murray; Michael Sutherlin; Randal Edgemon; Dwayne Burke; Julia Wickard; Bill Hayden; John Ulmer; Lori Kaplan.

Members Absent: Rep. James Bottorff, Chairman; Sen. Vi Simpson; Ellen Tobias.

1. Call to Order

Rep. Herrell chaired the meeting in Rep. Bottorff's absence. He called for a moment of silence for Rep. Bottorff and his family on the recent passing of Rep. Bottorff's mother, and called the meeting to order at 9:35 AM. Rep. Herrell noted that the agenda item on Clark and Floyd County vehicle emissions testing issues is postponed until the final meeting of the council on October 4.

2. Commissioner's Report

Lori Kaplan, Commissioner of IDEM, presented the Commissioner's Report (Handout #1), which includes the following:

¹ 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.

1. Outreach, education, and assistance from July 1, 2004 through July 31, 2004
2. Status of rulemakings under development
3. Fees collected
4. Permit report cards
5. Permit charts
6. Listing of news releases from July 1, 2004 through July 31, 2004

Ms. Kaplan noted that there were no late permits during the report period, and announced the completion of three voluntary environmental clean-ups.

3. Report of Wildcat Creek Dam Removal Subcommittee

Rep. Herrell presented a report to the council on the August 9 subcommittee meeting.

4. Brownfields Issues

Sen. Gard introduced David Valinetz, SESCO Group, who presented a report on brownfields issues. Expansion, redevelopment, or reuse of abandoned sites is often complicated because of the presence of contaminants. Mr. Valinetz described the operation of his company in remediating environmental contamination at brownfield sites and redeveloping the sites. He distributed a statement ("Can Indiana Make a Paradigm Shift, Brownfields to Land Recycling," Handout #2), and an article from BizVoice entitled "Yellow Light for Brownfields?" (Handout #3). He believes that developers' current reticence to become involved with brownfield redevelopment could be reversed by appropriate changes in state and local rules and policies.

Mr. Valinetz responded to questions from the council concerning the brownfield definition used in other states, approvals required from IDEM and the procedure to obtain approvals, issues concerning indemnity for developers and liability of former site owners and the current owner, and remediation standards based on expected use of the site.

Bruce Oertel and Tom Baker, IDEM, presented a report on IDEM brownfield activities. Mr. Oertel described the funding available for brownfield remediation and the various ways in which IDEM addresses brownfield issues. Three hundred sixty-nine brownfield sites have been identified. Depending on the size and complexity of issues, some sites can be dealt with quickly. Mr. Baker cited examples of successful brownfield remediation facilitated by IDEM and stressed IDEM's capabilities in this area. He described the agency's ongoing consideration of ways to protect a developer against liability related to contamination not caused by the developer and to improve worker safety at brownfield sites.

In response to questions from the council, Mr. Baker addressed IDEM's inspection of buildings for contamination before a company moves to reduce the likelihood of the company's escaping liability after abandonment, and Mr. Oertel addressed IDEM's allocation of resources in dealing with brownfield sites.

Glenn Pratt stated that Indiana compares unfavorably to other states in the resources devoted to brownfield redevelopment, and expressed his view that Indiana should increase its efforts and funding.

5. Invasive Species

Sen. Zakas presented a report (Handout #4) on the introduction of invasive species through ballast water discharged from vessels. Sen. Zakas would like the council to examine a recent Michigan law that requires development of ballast water treatment methods and the listing of vessel owners that do not comply with treatment requirements. He also recommends that one

or more state legislators should be appointed to the Great Lakes Commission in order to better monitor this issue.

Miriam Dant, Baker & Daniels, spoke on behalf of Ispat Inland, Inc., which is a member of the Lake Carriers Association. She stressed that the ballast water invasive species problem applies only to oceangoing vessels, and that any remedial action should not apply to vessels that never leave the Great Lakes. She provided to the council the following from the Lake Carriers Association: a map and 2003 Annual Report (Handout #5); 2004 Position Paper (Handout #6); and letter to Sen. Zakas from James H.I. Weakley, President (Handout #7).

William Niemier, Ports of Indiana, described the economic impact of the operation of Indiana's ports. Proposals to combat invasive species have included a prohibition on ballast water discharge in U.S. ports. Because ballast water transfers are necessary when vessels are loaded and unloaded, such a proposal would cripple shipping in the Great Lakes and eliminate its benefits to Indiana. He stressed that the issue is complicated, and that any regulation must be very carefully considered.

Steve Lucas, Indiana Natural Resources Commission, stressed the complexity of the issue and the need to proceed cautiously based in part on the potential for introduction of invasive species from not only ballast water, but also from bilge water, sewage, and galley water.

Stephen Mosher, Ports Director, Burns Harbor, indicated that the Indiana Port Commission is participating in a coalition to study the invasive species issue.

Andre Joseph, International Longshoremen's Association, cautioned against a simple solution that would create other problems. He emphasized that Indiana is typically not the first point of entry for oceangoing vessels, and therefore contributes to the invasive species problem less than other states.

Ray Sierra, International Longshoremen's Association, indicated that a thorough study is needed to determine the direct and indirect impacts of ballast water regulation. The issue is complicated by the limited number of vessels contributing to the problem, the unwillingness of some shippers to maintain awareness of the problem, and the problems in enforcement with respect to less reputable shippers.

Glenn Pratt stated that Congress has been aware of the issue for at least twenty years, but has not acted. He believes that Indiana should address the issue to put pressure on Congress to act.

6. Adjournment

Rep. Herrell adjourned the meeting at noon.