

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
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Lori Kaplan



ENVIRONMENTAL QUALITY SERVICE COUNCIL

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Authority: P.L. 248-2001

MEETING MINUTES¹

Meeting Date: October 4, 2004
Meeting Time: 9:30 A.M.
Meeting Place: Government Center South,
302 W. Washington St.,
Conference Room C
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Rep. James Bottorff, Chairperson; Rep. Ron Herrell; Rep. Steven Heim; Rep. David Wolkins; Sen. Beverly Gard; Sen. Kent Adams; Michael Sutherlin; Randal Edgemon; Dwayne Burke; Julia Wickard; Bill Hayden; Ellen Tobias; John Ulmer.

Members Absent: Sen. Lindel Hume; Sen. Vi Simpson; Nancy Michael; Stephen Murray; Lori Kaplan.

1. Call to Order

Rep. Bottorff called the meeting to order at 9:30 AM.

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.

2. Commissioner's Report

Tim Method, Deputy Commissioner of IDEM, gave the commissioner's report (Handout #1), which includes the following:

- (1) Outreach, education, and assistance from August 1-31, 2004
- (2) Status of rulemakings under development
- (3) Fees collected
- (4) Permit report cards
- (5) Permit charts
- (6) Listing of news releases from August 1-31, 2004
- (7) News release announcing new IDEM Business Ombudsman
- (8) CLEAN brochure
- (9) Letter from U.S. EPA on redesignation of LaPorte County for ozone attainment
- (10) Financial reporting on Environmental Management Permit Operation Fund
- (11) Annual report on environmental audits
- (12) Compliance and technical assistance annual report
- (13) IDEM Permit Wizard

Mr. Method indicated that a report on administratively extended NPDES permits will be sent to council members.

Tonya Galbraith, IDEM, demonstrated the newly created online IDEM Permit Wizard program, which guides potential permit applicants through a question and answer format designed to identify permit requirements. The program is expected to reduce the time required for the permitting process.

3. Wetlands and Water Issues

Mr. Method addressed the issues outlined in P.L. 52-2004 (HEA 1277), SECTION 13, which are as follows:

- (1) The implementation by IDEM of wetlands permitting.
- (2) The role of IDEM with respect to action on requests under Section 401 of the Clean Water Act for certifications concerning projects subject to permit requirements under Section 404 of the Clean Water Act.
- (3) The statutory definition of "private pond" as used in the definition of "waters" in IC 13-11-2-265.
- (4) The tensions between existing programs for wetlands protection and for local drainage.

Mr. Method stated that IDEM is in the process of developing rules relating to wetland activity permits. Notice of rulemaking has been published. IDEM has assembled working groups representing parties interested in wetland regulation to assist in the creation of definitions and to otherwise assist with the proposed rules. Preliminary adoption of the rules is expected later this year.

James Robb, IDEM, provided further information on the rulemaking (Handout #2). He identified the subject areas covered by four new proposed rules and the key

issues to be address in the rules.

Mr. Method commented that IDEM recognizes the need for coordination on wetlands issues with county surveyors and local drainage boards.

With respect to the other study items, Mr. Method indicated that IDEM's current focus is on the implementation of the recently enacted state wetlands statutes, and that there is no significant information to report with respect to the items that deal with aspects of federal law. Efforts to define terms have also focused on the wetlands statutes, and not on the more generally applicable definition of waters. Although there is some tension between existing programs for wetlands protection and for local drainage, IDEM has generally been able to resolve issues by working with local officials.

4. Final Report and Recommendations

The council considered and voted on proposed recommendations for inclusion in the final report, and approved the final report by voice vote of a majority of members appointed to the council.

5. Adjournment

Rep. Bottorff adjourned the meeting at 11:15 AM.