



“No More Stringent Than” Briefing Paper

Background: The issue is whether the General Assembly should enact a law that would prohibit state rules from being more stringent than corresponding provisions of federal law.

In favor of “no more stringent than”:

From statements made by Representative Wolkins and IDEM Commissioner Tom Easterly at the EQSC meeting, 10/30/2006

- About one-third of states have enacted similar laws, which generally permit state agency regulation in areas not subject to EPA regulations.
- State regulators try to meet specific goals without a balanced view of costs and benefits, and state regulators are not directly accountable to the general public.
- Legislators can identify issues that call for regulation more stringent than federal law on a case-by-case basis.
- Rulemaking process would be streamlined – there would be little or no discretion at the state level, therefore no need for lengthy public process.
- IDEM would not need to respond to any citizen concerns that did not relate to EPA requirements.
- Federal law should serve as a baseline and the General Assembly should determine when and to what extent state law should be more stringent.

Opposed: From statements made by Easterly and Senator Beverly Gard at EQSC meeting

- The process required to understand the issue and propose a solution that is more stringent leads to greater understanding of costs and benefits of a variety of solutions.
- The EPA may be too slow to address an issue that is very important in Indiana but not on a national level.
- States with NMST requirements have to work hard at the federal level to get the EPA to develop national programs and rules to address the local issues.
- Some might argue that IDEM has no need to collect data for anything that is not required by the EPA, making it impossible to measure or address Indiana environmental problems that have not registered on the federal level.
- Institute additional oversight to ensure that legal requirements are followed when rules are more stringent than federal requirements. IDEM or other bodies must make a compelling case to justify any requirements that are more stringent than the federal requirements.

Action: The EQSC briefly discussed the matter at the October 30 meeting but did not make a recommendation due to lack of time to fully address the issue. The WUC will discuss at the January meeting. Please be aware of this issue and how it might impact your business.

For more information:

[US Environmental Protection Agency](#)

[State Environmental Resource Center commentary](#)

[Lawmaker refuses to let environmental bill die](#), NWI Times, May 10, 2005

[Indiana Law Blog entry](#), May 19, 2005

[Rep. Wolkins's memo](#) re: No More Stringent Than, April 25, 2005

[Hoosier Environmental Council newsletter](#), April 2005

[Commissioner Easterly's report to the EQSC](#), October 30, 2006



Indiana Section WUC Legislative Advocacy Week
November 13–17, 2006

Indiana Water Shortage Plan/ Annex 2001/Great Lakes Compact Briefing Paper

Background:

The Indiana Water Shortage Task force is comprised of 10 members from a variety of key users, experts and stakeholders. AWWA member Bill Etzler (Aqua Indiana, Inc.) represents public water supply utilities. The task force is meeting to:

- Prepare water withdrawal status report
- Establish procedures in the event of a water shortage
- Recommend policy on baseline flow for in-stream uses and water conservation
- Encourage local government to establish water-use priorities during drought and publicize need for conservation and drought-preparedness

Requirements of the Indiana Water Shortage Plan will be tied to any measures put in place by the state related to Annex 2001. Governor Daniels has said that any measures put in place for the Great Lakes will apply to the entire state, making this an issue of interest for all utilities.

Action: This will likely not be presented as legislation until 2008. The EQSC will continue to review and discuss; please be aware of this issue and that the decisions made in the Great Lakes Compact will almost certainly have long-lasting effects on Indiana's water utilities. Please advise your legislators that AWWA is the authoritative drinking water resources, so they can rely on you for information on the subject.

For more information:

[DNR Director Kyle Hupfer's report to the EQSC](#), September 7, 2006
[Great Lakes Commission site, Great Lakes Basin Compact](#)
[DNR web site for all things water availability related](#)
[Indiana's Water Shortage Plan](#)



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Regional Sewer and Water Districts Briefing Paper

Background:

Regional sewer districts (RSDs) are intended to facilitate sewer installation and maintenance in rural areas. The expansion of an RSD boundary is initiated by the filing of a petition by an eligible governmental entity. The issue of jurisdiction has come under question as a result of a proposed expansion of the Twin Lakes Regional Sewer District into Carroll County.

The resolution of these localized jurisdictional disputes may apply to other regions and any resolution for RSDs may also apply to regional water districts.

Action: The EQSC is concerned about properties with private, properly functioning and legal sewage disposal systems being required to connect to RSD sewage disposal systems. AWWA members should be aware because any change to RSDs will affect regional water districts.

For more information:

[Presentation to WUC by attorney Dave McGimpsey](#)
[Indiana Regional Sewer District Association](#)



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Great Ships Initiative Briefing Paper

Background:

Currently, procedures in place today appear to remove about 95 percent of invasive species in the Great Lakes. However, it appears that removal of 99.9 percent of invasive species is necessary to curtail the overpopulation that can affect water treatment plants in addition to many other water-related activities.

Michigan's Department of Environmental Quality (DEQ) recently announced additional permit systems that apply to all ships loading or unloading in Michigan ports, starting next year. The other Great Lakes states must follow suit in order to have an impact on reducing the growth and importation of invasive species into the Great Lakes. In addition, invasive species can spread to other surface waters from the Great Lakes.

AWWA members should be interested in the issue since invasive species have affected drinking water plants and their ability to effectively take water out of the Great Lakes.

Action: The EQSC reports that "IDEM and the administration should continue to work with other Great Lakes states on the ballast water issue to reach a regional solution." Please encourage your legislator to support the development of guidelines and filtration systems for the exchange of ballast water.

For more information:

[Great Lakes Commission support](#)

[Northeast-Midwest Institute's scoping report](#)

[Ports of Indiana news release, July 12, 2006](#)

[American Great Lakes Ports Association support](#)



Indiana Section WUC Legislative Advocacy Week
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Water and Wastewater Infrastructure Needs Briefing Paper

Background:

A 2003 study by the Indiana Advisory Commission on Intergovernmental Relations states that between \$12.4 and \$13.9 billion will be needed for improvements and upgrades to Indiana's wastewater and drinking water infrastructure, including:

- Combined sewer overflows
- Wastewater conveyance and treatment
- Failed septic system repairs
- Stormwater management
- Drinking water production, treatment and distribution facilities

This estimate is 35 to 53 percent higher than the USEPA's previous estimate. Indiana governments have historically spent about \$253 million annually (in 2000 dollars) on these programs, and estimates show that Indiana governments would need to invest between \$620 million and \$695 million annually over the next 20 years. That is an increase of between 245 and 275 percent.

Current funding sources are significantly challenged to meet the needs of expanding and improving this infrastructure.

Action: Discuss the need for addressing long-term wastewater and water infrastructure needs. Ask legislators to add this discussion to the EQSC 2007 agenda and stress the importance of funding for the

For more information:

Indiana Advisory Commission on Intergovernmental Relations, January 2003 report, Financial Needs for Wastewater and Water Infrastructure Needs in Indiana

- [Executive Summary](#)
- [Complete report](#)

[ACEC Briefing to the EQSC](#), October 30, 2006