JOIN OR DONATE TODAY

THE HOOSIER ENVIRONMENTAL COUNCIL, FOUNDED IN 1983, IS INDIANA`S LARGEST STATE-WIDE ENVIRONMENTAL ORGANIZATION. OVER OUR MORE THAN TWENTY-FIVE YEARS, WE HAVE SUCCEEDED IN TRANSLATING OUR EDUCATIONAL EFFORTS INTO ENVIRONMENTAL GAINS, WITH FOREST, GROUNDWATER AND LAKE PROTECTION AS PART OF OUR LEGACY.

Despite our gains and those of other environmental organizations in the state, Indiana ranks disturbingly low in many indicators of environmental quality. We believe that Indiana deserves a future where our children can breathe clean air, drink clean water and play in natural, wide, open spaces that are as good or better than what children in other parts of the country have access to. And we intend to make that happen.

Hoosier Environmental COUNCIL

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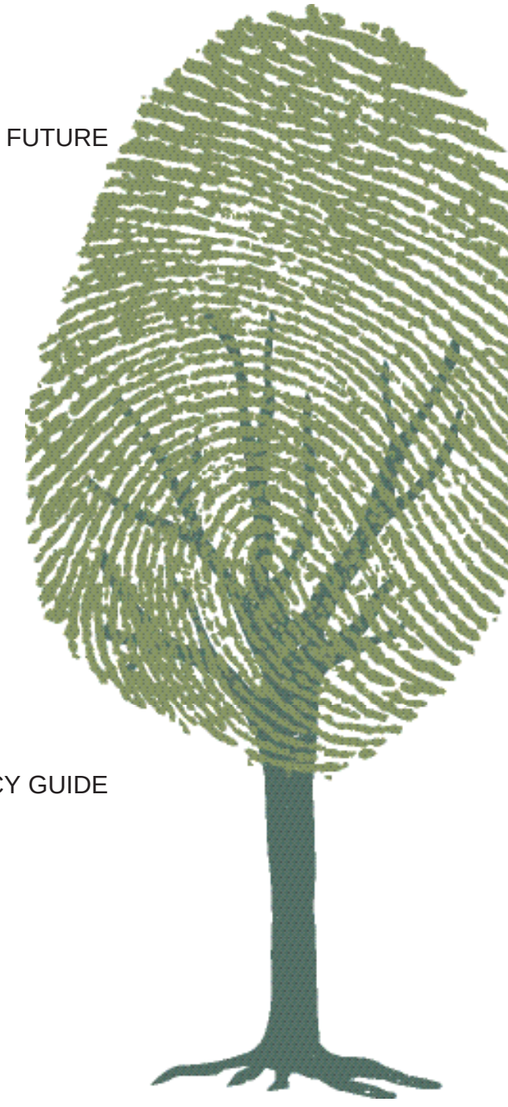
MAKE YOUR MARK ON INDIANA'S FUTURE



2010 - 2011 LEGISLATIVE POLICY GUIDE

Hoosier Environmental COUNCIL

BE THE SOLUTION

INDIANA'S RIVERS, FORESTS, COUNTRYSIDE AND AIR ARE CARED FOR BY HOOSIERS OF ALL STRIPES. PROTECTING THE ENVIRONMENT NEEDS TO BE VIGOROUSLY EMBRACED AS A BI-PARTISAN ISSUE.

There seems to be a strong opinion among some Hoosiers that creating jobs and improving our air, water and landscape are somehow incompatible. But innovative clean energy entrepreneurs, hard-working sustainable farmers, and green-minded architects, engineers, and landscape designers are showing a different way. Policymakers have an opportunity to make the economic landscape more attractive to these kinds of forward-thinking Hoosiers by reducing investment barriers to promoting a greener economy. This guide showcases several policies that will help foster a more sustainable economy for Indiana, creating more jobs and improving our environment at the same time.

ENERGY POLICY

Diversifying Energy Supply: The Renewable Electricity Standard (RES)

The Issue

As you drive along Interstate 65, past Lafayette, you see lines of wind turbines on your left and right, heralding a new age of electricity generation for Indiana. Today, though, Indiana's electric generating capacity is still more that 94% dependent on coal. While coal may presently seem cheap in terms of wholesale costs, coal power is expected to increase in cost with increasingly stringent air quality standards, rising global demand for coal, and the high likelihood of greenhouse gas emission controls. For economic and environmental reasons, Indiana needs to accelerate its diversification away from coal by relying more on alternatives, such as renewable energy, energy efficiency, and combined heat and power. More than two dozen states have addressed that challenge by adopting a renewable electricity standard (RES), a policy that would require utilities companies to generate an increasing portion of their electricity from renewable energy resources such as wind, sustainable biomass, micro-hydropower, solar, geothermal, etc. Wind power accounts for more than 15% of Iowa's electric generation, whereas in Indiana, it is less than 2% investment as a result.

Our Position

A Renewable Electricity Standard is a proven policy to diversify energy supply and to create a thriving new sector in renewable energy production and manufacturing. Jobs would be created through the re-tooling of existing Hoosier businesses to produce renewable energy components, as well as through installing and servicing these energy sources. Renewables are growing at an especially Indiana has historically ranked in the top ten in terms of mercury and particulate pollution, and therefore passing an RES is also a strategy to reducing air pollution, since renewable resources generally have little to no impact on air quality. . . Indiana is the only state in the Midwest without an RES, and must – at last – pass one if it is to have any hope of being a national leader in renewable electricity production and manufacturing.

SPEAK UP INFORM OTHERS

Share what you learn and your passion for a cleaner, healthier Indiana by using the tools you use every day. Inspire others to make the every day changes that, when combined with others in your social network, will leave a legacy to our children and grandchildren that we can be proud of.

The Hoosier Environmental Council is on Facebook at: facebook.com/hecweb and Twitter at twitter.com/hec_ed.

You can also find us at hecweb.org.

CONTACT

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CLEAN ENERGY

Making Energy Efficiency Affordable: Property Assessed Clean Energy Bonds

The Issue

Indiana needs more jobs and less air pollution. Property Assessed Clean Energy (PACE) bond programs have been adopted in more than 20 states as a means to address both of these goals. The basic idea of PACE authorizing language is to give municipalities the authority to issue bonds that are expressly used to provide affordable loans to homes and businesses to pay for the upfront costs of energy-efficient heaters, air conditioners, windows, etc. These loans can also be used to pay for the costs of an on-site renewable energy system, such as a small wind turbine, or solar panel. Homes or businesses pay these expenses over a 20 year period, and critically, their owed amount stays with the home or business, when either is sold. By the owed amount staying with the property, homeowners and business owners need not feel that they're stuck paying for a system that may only benefit from a few years of investment. Investments in energy efficiency create jobs for a variety of working professionals, above all, installers, and maintenance workers. And energy efficiency is the fastest and cheapest way of reducing reliance on often dirty, fossil fuel-based baseload power.

Our Position

HEC supports the Indiana General Assembly authorizing municipalities to start PACE programs. It is purely voluntary on whether municipalities participate, and voluntary on whether or not homes or businesses in a PACE district participate. PACE programs can be customized by municipalities to provide strong consumer protections and strong lender protections.

Promoting Renewable Energy: Net Metering Policy

The Issue

Net metering is a billing agreement with your electric utility; it enables businesses and homeowners to generate their own electricity and get credit on their monthly bills when they return any excess power to the electric grid. This on-site customer generation is commonly known as distributed generation, since electricity production is located among the electricity consumers, instead of at a central power plant. When the renewable energy system generates more electricity than the customer is using, the meter literally runs backwards, off-setting the electricity that is provided to the customer by its local utility, and lowering electric bills for customers who generate their own power.

Our Position

Indiana is currently ranked last in the Midwest in its net metering policy, and 3rd from the bottom nationally. HEC supports opening up net metering to allow all classes of customers to participate, and to enable customers to benefit from net metering where the size of their system roughly equals their average load. These two changes alone would spur greater investment in on-site generation of power from solar, wind, geothermal and mini-hydroelectric, build Indiana's renewable energy market, and produce jobs in construction and installation of renewable energy systems.

MEET YOUR LEADERS

ASK FOR YOUR LAWMAKERS SUPPORT

Read up on the issues on our website, www.hecweb.org. Drop an email to your legislator to meet with him or her over coffee or breakfast. Learn about what motivates and inspires your legislator. Talk about your concerns. Nurture a working relationship – provide helpful information to your legislator, keep an eye on the legislative session (through our e-newsletters), and stay in touch with your legislator for the long-haul. You'll be surprised by the kind of impact that you can make.

Keeping Phosphorus Out of Our Waters: Restricting Phosphorus in Lawn Chemicals

The Issue

Excessive nutrients threaten our local fish and wildlife and the quality of our drinking water. Phosphorus contributes to algae choking our lakes and consuming the resources needed by the native plants and ecosystem for normal growth. These algae create uninhabitable living conditions for many local plant and aquatic species due to the absence of oxygen, food, and quality habitat. Affected waters can contain harmful human and animal toxins produced by algae that result in skin irritations, gastrointestinal problems, and even damage to internal organs. Phosphorus enters our waterways from commercial lawn and farm fertilizer, animal wastes, and wastewater treatment plants. (Indiana has already banned the use of phosphorus-containing laundry detergents and dishwasher liquids). Most Indiana lawns already contain sufficient amounts of phosphorus and leftover phosphorus from fertilizer applications leeches into rivers and streams.

WATER & AGRICULTURE POLICY

Our Position

HEC supports a restriction on the unnecessary use of phosphorus in lawn fertilizers on turf grass except (a) when a new lawn is being established or (b) a soil test indicates otherwise or (c) when used on agricultural land at accepted application rates. The Indiana General Assembly should adopt Phosphorus-Free Lawn Fertilizer legislation.

CONTACT

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Water Quality Protection: The Clean Water Act's Anti-Degradation Policy

The Issue

The Clean Water Act requires states to develop, adopt, and retain a statewide policy to not degrade waterways.

The Act's antidegradation provisions are meant to ensure that new pollution is allowed only if it is too small to have an impact, or if it is both economically important and necessary based on a technology review. This policy is intended to keep our cleanest waters from being degraded by pollution. Overall, the Clean Water Act was adopted to assure that America's rivers and lakes are "fishable and swimmable".

The Indiana General Assembly adopted additional antidegradation requirements in bills passed in 2000 and 2009.

Following these legislative directives, the Indiana Department of Environmental Management is proposing new antidegradation rules for Indiana. This rulemaking process was first started in 1997 and was resumed in 2007 as a result of the public concern over the proposed increased pollution to Lake Michigan proposed by BP's Whiting oil refinery.

IDEM's proposed rules provide for three "tiers" of antidegradation protection, as required by federal law:

- Tier 1 protects existing uses by providing the absolute floor of water quality in all waters of the United States.
- Tier 2 protects "high quality waters", and in general, water quality may not be lowered to less than the level necessary to fully protect the "fishable/swimmable" uses and other existing uses. All waters in Indiana are presumed to be high quality. Tier 2 waters shall be maintained and protected unless a finding is made that allowing a significant lowering of water quality is necessary to accommodate important economic or social development in the area in which the surface waters are located
- Tier 2.9 waters are those designated as Outstanding State Resource Waters. These waterbodies are identified by rule, and include Lake Michigan, Blue River, Cedar Creek, and many other streams. For new pollution to be allowed in these waters, additional findings must be made to support a lowering of water quality.

Our Position

HEC supports a strong and effective antidegradation policy that fully protects our waters from further degradation, and that allows exceptions only in the most compelling and well-documented circumstances. IDEM's proposed rules do not meet this standard, and must be improved. The proposed rules are inconsistent with federal requirements and include too many exemptions that allow companies to avoid justifying their new or increased discharges.

Weaknesses in the current rule include:

- its definition of "pollutants of concern" to include only those pollutants with numeric criteria – this means that
- its allowance for overly broad and poorly defined "de minimis" discharges of pollutants
- its provisions that allow unjustified new discharges if they conform to what the draft calls "Best available demonstrated control technology", and
- its failure to clarify how antidegradation reviews will be conducted for general permits.

CLEAN WATER

According to the 2010 Impaired Waters list, Indiana now has more than 2,600 impairments that make our water bodies unsafe for drinking and recreation.

CLEAN, UNCONTAMINATED WATER IS ESSENTIAL

SUSTAINABILITY

Sustainable agriculture builds food and fiber production systems that are both economically viable and protect or enhance the environmental quality of the agricultural lands. It also increases the quality of life for farmers and those people that live in the area surrounding the farms.

FINANCIAL ASSURANCE

In the Spring of 2009, four to five million gallons of manure was released from the 12 million gallon manure lagoon at the Muncie Sow Unit. So far, the state of Indiana has paid the clean up costs associated with the defunct hog farm. Indiana taxpayers should not have to bear the financial burden created by the environmental practices of defunct industrial agriculture facilities. There are mechanisms in the law that can easily be adapted to the industrial agriculture industry that would protect Indiana taxpayers and place the financial burden of environmental contamination on the entities that have derived an economic benefit from the operation.

Confined Animal Feeding Operations and the Environment

The Issue

Agriculture is an important part of Indiana's economy and a way of life for many Hoosiers; however, recent and rapid changes in the practices of livestock agriculture have the potential to harm human health and the environment. Indiana's livestock operations are growing increasingly crowded and industrialized; the number of animals produced at industrial scale facilities more than doubled between 2004 and 2007. The result of this transition to industrial-scale animal production is the proliferation of more than 500 Confined Animal Feeding Operations (CAFOs) in Indiana alone.

While there are certainly responsible CAFO operators in Indiana, CAFOs can significantly impact Hoosier's quality of life including their environment and their physical and mental health. Most of the problems caused by CAFOs result from their excessive size and the crowded conditions that the animals live in. These problems include air and water pollution from largely unregulated manure management practices. These environmental impacts are further exacerbated by the fact that CAFO operators tend to favor development in certain geographic regions.

The disposal of CAFO manure through land application on unsuitable land can result in the runoff and leeching of waste into surface and groundwater. Manure has value as fertilizer; however, unlike commercial fertilizers, it also contains pathogens – organisms that carry disease. Many Indiana waterways have been devastated by high levels of E.Coli, which may be attributed to untreated animal manure that is making its way into our water.

Animal manure runoff also results in an overload of nutrients which can cause blue-green algae blooms to infest Indiana's waterways including, reservoirs used for our drinking water. CAFO pollution. Such runoff can also leech into soil and groundwater further contaminating our food crops and drinking water.

Catastrophic failures of manure lagoons have sent millions of gallons of raw waste into waterways, decimating fish populations, endangering the health of rural residents and can negatively impact neighboring property values.

Financial assurance or financial responsibility is the demonstration that adequate funds will be available to pay for closure, post closure operation and maintenance, clean-up or to compensate others harmed by a release. The primary purpose of financial assurance is to ensure funds will be available to adequately protect human health and the environment in the event that the facility owners or operators are unable or fail to do so. It is important that regulators require facility owners and operators to obtain adequate financial assurance when the entities are financially healthy, so that appropriate resources are set aside in the event that the owner or operator hit a financial decline. This can easily be accomplished through legislation that would require regulated Animal Feeding Operations to provide a complete site closure and remediation plan and a demonstration of adequate financial assurance to complete the activities outlined in the plan before the site is allowed to accept animals. Common financial assurance mechanisms include: a trust fund; a surety bond; a letter of credit; an insurance policy; ability to self insure utilizing a financial test; and corporate guarantee. Financial assurance requirements are prevalent throughout environmental law and are required under the Resource Conservation Recovery Act (RCRA) for hazardous waste sites, solid waste disposal facilities and Underground Storage Tanks.

Indiana is losing about 100,000 acres of forests, farms and other undeveloped spaces a year.

TRANSPORTATION & LAND PROTECTION POLICY

Protecting Indiana Wilderness: Land Conservation Funding

The Issue

From the Hoosier National Forest in southern Indiana to the Indiana Dunes National Lakeshore, our state is blessed with diverse natural areas. Unfortunately, Indiana has the lowest percentage of publicly owned land in the Midwest. Our vision is to expand Indiana's open spaces and protect our existing ecosystems, so that more people can enjoy the rich recreational and aesthetic benefits that nature gives us.

Our Position

Conservation funding should be a high priority for Indiana's elected officials. Indiana needs a permanent and dedicated funding source for the Indiana Heritage Trust, the state fund which acquires new lands for state parks, state forests, fish and wildlife areas, and nature preserves. Until this dedicated funding is in place, the General Assembly should appropriate at least $2 million a year for the Trust.

Expanding Public Transit: Funding Buses and Rail

The Issue

For years, Hoosiers have relied heavily on automobiles for personal travel. It hasn't come without a price. In 2009, Indiana has the sixth highest road density in the United States and our state government has developed a habit of solving all transportation problems with more and bigger roads. From 2006 to 2015, Indiana plans to spend $6.5 billion on new highway construction, while only spending $5.4 billion on maintaining and repairing the roads we already have. Our public transit agencies are underfunded and cannot meet demand for transit service, yet only 3% of state transportation spending goes to public transit.

Indeed, Indiana is stuck firmly in the past when it comes to transportation issues. Many U.S. cities, some smaller than Indiana's biggest city, are already operating light rail transit systems. These quiet, energy-efficient public trains are in place, or are being built, in places like Charlotte, St. Louis and Denver. Such a system would greatly reduce energy consumption, and provide an affordable and convenient mode of travel for residents. Public transit boosts a community's attractiveness by improving its air quality, reducing congestion, and providing a comfortable, convenient way to move from place to place.

Our Position

HEC supports legislation to advance public transit in Indiana. Regional transit authority legislation will enable local governments to establish a regional authority to build, operate and fund regional public transit systems offering bus and light rail service. It will include a dedicated, permanent funding source that significantly increases funding for public transit in Indiana, by providing local governments with local option taxing authority dedicated to support public transit. By empowering localities with the authority to have a dedicated funding mechanism for transit, Indiana will be following a well worn path for expanding transit; Charlotte, Dallas, Denver, and St. Louis all get more than 55% of their total transit funding from local dollars.

CONTACT

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INDIANA HISTORICALLY RANKS IN THE TOP 10 IN TERMS OF MERCURY, SOOT AND TOXIC DISCHARGE. WHILE OUR DEPENDENCY ON COAL AND HEAVY INDUSTRY ARE PART OF THE EXPLANATION, OUR ENVIRONMENTAL QUALITY IS ALSO TIED TO OUR PUBLIC COMMITMENT TO MONITOR BUSINESS COMPLIANCE WITH THE LAWS AND ENFORCEMENT OF LAWS THAT ARE ALREADY ON THE BOOKS.

Having the Funds to Protect the Environment: Program Funding

The Issue

Funding for the Indiana Department of Environmental Management and Indiana Department of Natural Resources has declined in the past several years, principally as a result of spending reversions ordered by the Governor due to lower than expected state tax revenues. For example, during FY 2008, overall spending at IDEM was reduced by 11%. In this same year, funding for Indiana's state parks was cut by 8%. In FY 2009, state agencies were ordered to reduce their budgets by another 10%. For 2 consecutive budget cycles, funds appropriated for the Indiana Heritage Trust totaling $3 million have not been used for this purpose, but instead were reverted to the general fund.

For the 2009-2011 state budget, IDEM's total budget was reduced by about $13 million a year from the 2007-2009 level; for the same time period DNR's budget was reduced by about $4 million annually. IDEM's staff level will soon be reduced to the level that it had in 2005.

In addition, funds in some dedicated environmental accounts have been transferred to the state general fund. In 2009, the state shifted $11 million from the Recycling Promotion and Assistance Fund, which provides grants for local government and private sector recycling projects, to the general fund. More reversions of this type are expected in the coming years.

The result of these cuts is that agency staffs are shrinking through attrition, services such as funding for local air pollution agencies have been cut, deserving community environmental projects are denied funding, and the agencies are not consistently able to keep up with their permitting, compliance and enforcement responsibilities.

Our Position

Indiana's environmental agencies should have sufficient resources to protect Hoosiers' health and the environment, by fully exercising their regulatory and resource management responsibilities. Dedicated environmental funds should be used for their intended purpose, and not reverted to the general fund. Budget appropriations for programs such as the Indiana Heritage Trust should be allocated as intended by the legislature. Environmental permitting fees should be set at levels that provide revenue to cover the full cost for the agency to implement the permitting programs properly.

ENVIRONMENTAL PROGRAM FUNDING POLICY