

The Cope...



INCMA's Monthly Newsletter

January 2024

LEGISLATURE KICKS OFF

The 2024 legislative session got underway last week in Indianapolis. INCMA lobbyists are busy reviewing draft bills as they are introduced. About 8 weeks remain for action on the various proposals given the quick nature of the "short session." A full list of bills being tracked for INCMA will be [updated weekly and available here](#).

The following is a snapshot of two bills that could impact foundries.

HB 1003 Administrative Law (Rep. Steuerwald, R – Danville) The Office of Environmental Adjudication (OEA) would be eliminated by this bill with cases and jurisdiction transferred to the Office of Administrative Law Proceedings (OALP). Decisions made by IDEM would begin the appeal process with OALP. The bill is clear in providing that OALP is the ultimate authority regarding orders issued by IDEM.

In addition, deference will not be given to previous agency decisions. A minor concern by the business community is for the potential loss of expertise where an administrative law judge has no experience with technical

aspects of environmental permitting.

HB 1276 Notice of Public Hearing or Meeting (Rep. Soliday, R – Valparaiso)

Providing certainty for permit applicants is at the heart of the bill. The Commissioner of IDEM would be required to decide if additional meetings or hearings are required within 10 days of the closing of a comment period on the issuance of a permit.



HB 1399 PFAS Chemicals (Rep. Lindauer, R – Jasper) Per- and Polyfluorinated Substances (PFAS) are nearly ubiquitous in our waste streams. These chemicals have been used for many years in manufacturing and other applications. Regulation of PFAS chemicals varies by state as we await clear direction from federal regulators. However, the bill codifies a definition of PFAS and directs the Environmental Rules Board to use the definition in future rulemakings. The bill originated with the

American Chemistry Council and has been generally supported by the business community.

SB 206 IDEM Agency Bill

(Sen. Niemeyer, R – Lowell) In most legislative sessions IDEM requests a few legislative changes to deal with various issues. The bill this year includes:

***Electronic Communication** – allowing IDEM to use email to complete actions traditionally done by US Mail.

***Cause of Action/Entry for Remediation**

Where remediation is required and an owner will not allow access to a property, an action can be filed by a person to gain entry.

***Biomass Certification**

The use of biomass to produce energy in Indiana is rising. The bill requires IDEM to make determinations within 90 days for construction.

***Easement Identification for Restrictive Covenant Approval**

– Occasionally a restriction is placed on land because of an environmental situation. Currently IDEM requires the identification of easements to ensure no conflict with the

environmental control. Easements causing conflict with the control must be made subordinate to the covenant.

LAST CALL TO REGISTER FOR 2024 LEG. CONF.

INCMA's annual Legislative Conference will be held next week on Wednesday January 24, 2024 at the Hilton Hotel in downtown Indianapolis. [Register soon to attend!](#) This year's informative speakers will include:

- Robert Kuzman, Regional Director of Regulatory Affairs, MISO;
- Stephanie Wells, President, Indiana Fiscal Policy Institute;
- Vanessa Green Sinders, New President, Indiana Chamber of Commerce; &
- Stephanie Salmon, VP Gov't Affairs, AFS.

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