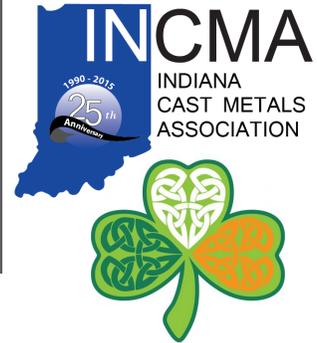


The Cope...



INCMA's Monthly Newsletter

March 2019

2019 SESSION UPDATE TDSIC TRACKER BILL

HB 1470 was heard in the Senate Utilities Committee on Thursday of this past week. The multi-hour testimony was both for and against the bill. INCMA lobbyists spoke to the committee stressing the need for amendments to the bill to balance the interests. The bill was "held" for a later meeting pending amendments. Committee member Senator J.D. Ford offered multiple amendments from the floor aimed primarily at opportunities for more public input. INCMA and the Indiana Industrial Energy Consumers (INDIEC) asked for three amendments.

1. Eliminate the change from "designation" to "description" of the projects that must be submitted to the IURC for consideration. Recent case law provides that "designate," means a very specific list. Proponents of HB 1470 would like a more loose standard of "describe".
2. Eliminate the new provision in HB 1470 that would allow for new projects to be added during periodic project updates. The concern of industry is that this allows for additional costs to added not only outside of

a rate case but also the formal review required for TDSIC.

3. If project categories are to be allowed to replace various types of equipment, there should be appropriations or caps in place.

INCMA will continue to pursue amended language and will update as information becomes available.



Wage Assignment for Uniforms

The push to amend the wage assignment statute continues. SB 99 has been assigned to the House Committee on Employment, labor and Pensions. Presumably, the bill will be heard in the next few weeks. The goal of the bill is to include "rent" along with "purchase" in the existing statute. Many companies that rent uniforms based on wage deductions, became defendants in class action litigation because the statute said,

"purchase". The courts found with the plaintiffs that "purchase" and "rent" are not the same. Trial lawyers kids need new shoes too, I guess?

IDEM Permit Fees Awaits Hearing

The Holcomb administration, through IDEM, seeks to increase environmental permit funding and transfer the authority to set fees to the Environmental Rules Board (ERB). In the next couple of weeks, it is anticipated that HB 1278 will be amended to include language to this effect. The debate centers around two questions. Who will decide? & How much will it cost? As to the decision maker, it seems that most legislators close to issue are alright with having the ERB make the decision in the future. This is a significant change and takes the decision from a legislative one to one made by the executive branch. The legislature does not have oversight authority over the executive branch. Essentially, the legislature would have to take the authority away from the ERB in order to have an impact is things get out of hand. Cost is another concern.

Initially, IDEM indicated that is needed \$3.2 million to fill the current deficit in permitting programs. As negotiations continued, IDEM changes the amount needed to \$5.2 million. This increase would be allowed during the first increase set by the ERB. Subsequent increases would be limited to not more than 10% and not more often than every 5 years. INCMA will continue to advocate for essential controls on any increases. Log into INCMA's website for a [weekly update of the total foundry tracking list](#).

STORMWATER DISCHARGES REPORT

The National Academies of Sciences (NAS) released its report on Improving the EPA Multi-Sector General Permit for Industrial Stormwater Discharges. AFS has identified a few highlights from the report which is available online by [clicking here](#). Additional details will be coming.

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