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BEFORE THE STATE OF INDIANA  
ENVIRONMENTAL RULES BOARD

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PUBLIC MEETING OF JUNE 14, 2023

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PROCEEDINGS

before the Indiana Environmental Rules Board,  
Beverly Gard, Chairman, taken before me, Lindy L.  
Meyer, Jr., a Notary Public in and for the State  
of Indiana, County of Shelby, at the Indiana  
Government Center South, Conference Center,  
Room A, 402 West Washington Street, Indianapolis,  
Indiana, on Wednesday, June 14, 2023 at 1:28  
o'clock p.m.

- - -

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1 APPEARANCES:

2 BOARD MEMBERS:

- 3 Beverly Gard, Chairman (via Zoom)
- 4 Michael Schuler (via Zoom)
- 5 Dr. Ted Niemiec
- 6 Dr. Joanne Alexandrovich
- 7 Ken Rulon (via Zoom)
- 8 William Etzler (via Zoom)
- 9 Chris Horn (via Zoom)
- 10 Carrie Kozyrski
- 11 Calvin Davidson
- 12 Chris Smith, Proxy, Department of
- 13 Natural Resources
- 14 Katie Nelson, Proxy, Lieutenant
- 15 Governor
- 16 Brian Rockensuess (nonvoting)

10

11 IDEM STAFF MEMBERS:

- 12 Chris Pedersen
- 13 Keelyn Walsh
- 14 Seth Engdahl
- 15 Krystal Hackney
- 16 Dan Watts
- 17 Jason House
- 18 Nancy King
- 19 Colleen Rennaker
- 20 Dallas O'Hern
- 21 Karla Kindrick

17

18 PUBLIC SPEAKERS:

- 19 Joyce Dreesen (via Zoom)
- 20 Ferrell Kemp
- 21 Joyce Voivodas (via Zoom)

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22

23

1 1:28 o'clock p.m.  
June 14, 2023

2 - - -

3 CHAIRMAN GARD: I'm going to call the  
4 Indiana Environmental Rules Board of June 14th,  
5 2023 at 1:30 p.m. to order. It appears we have a  
6 quorum, but I do need to call the roll since  
7 we're doing this partially remotely.

8 Comm. Rockensuess?

9 COMM. ROCKENSUESS: Here.

10 CHAIRMAN GARD: Dr. Niemiec?

11 DR. NIEMIEC: Here.

12 CHAIRMAN GARD: Dr. Alexandrovich?

13 DR. ALEXANDROVICH: Here.

14 CHAIRMAN GARD: Mr. Schuler?

15 (No response.)

16 CHAIRMAN GARD: Mr. Smith?

17 MR. SMITH: Here.

18 CHAIRMAN GARD: Mr. Rulon?

19 MR. RULON: Here.

20 CHAIRMAN GARD: Ms. Nelson?

21 MS. NELSON: Here.

22 CHAIRMAN GARD: Mr. Horn?

23 MR. HORN: Present.

1 CHAIRMAN GARD: Mr. Davidson?

2 MR. DAVIDSON: Here.

3 CHAIRMAN GARD: Mr. Etzler?

4 MR. ETZLER: Here.

5 CHAIRMAN GARD: And Ms. Kozyrski?

6 MS. KOZYRSKI: Here.

7 CHAIRMAN GARD: And Chairman Gard is  
8 here, so we have one, two, three -- seven, eight,  
9 nine, ten, eleven, so we do have a quorum.

10 At this point I'm going to ask Dallas  
11 O'Hern to cover the meeting logistics for  
12 in-person and remote participants.

13 MR. O'HERN: Thank you for joining us  
14 today. My name is Dallas O'Hern. I'm a Digital  
15 Media Specialist.

16 We will be taking questions and comments  
17 from the public today. For those meeting -- for  
18 those members of the public in the meeting room  
19 today, please make sure that you complete a  
20 speaker card if you would like to speak. Speaker  
21 cards are located on a table at the entrance, and  
22 should be given to Karla Kindrick when completed.

23 For those joining us via Zoom, if you

1 would like to speak, please use the raised hand  
2 or chat feature. To access the raised hand and  
3 chat feature, at the bottom of your screen, in  
4 the middle of that menu there is a chat icon  
5 which you can click on to show the chat dialogue.  
6 You should also see the raised hand option.  
7 Please utilize the raised hand option or chat  
8 features if you have any questions or comments.

9 For those joining us by phone, you can  
10 raise your hand by pressing 9, and when called  
11 upon, you can unmute by pressing 6 [sic].

12 For everyone in today's meeting, please  
13 identify yourself when speaking. If any members  
14 of the media have joined us via Zoom, please  
15 utilize the chat feature or e-mail  
16 media@idem.indiana.gov [sic] if you have any  
17 questions. This meeting is being recorded and  
18 will be posted on IDEM's Web site.

19 And with that, I'll turn the meeting back  
20 over to Beverly Gard.

21 CHAIRMAN GARD: Okay. Thank you so  
22 much.

23 Our first order of business today is

1 approval of the summary of the March 8th, 2022 --  
2 that's not right -- 2023 Board meeting. Are  
3 there any additions or corrections to the summary  
4 as presented?

5 (No response.)

6 CHAIRMAN GARD: If so, I need a  
7 motion to approve.

8 DR. ALEXANDROVICH: So moved.

9 DR. NIEMIEC: Second.

10 CHAIRMAN GARD: Is there a second?

11 DR. NIEMIEC: Second. This is Ted  
12 Niemiec.

13 CHAIRMAN GARD: This is a voice vote.  
14 All in favor, say aye.

15 MR. HORN: Aye.

16 MS. NELSON: Aye.

17 DR. ALEXANDROVICH: Aye.

18 MR. ETZLER: Aye.

19 MR. RULON: Aye.

20 MR. SMITH: Aye.

21 DR. NIEMIEC: Aye.

22 MS. KOZYRSKI: Aye.

23 MR. DAVIDSON: Aye.

1                   CHAIRMAN GARD:  Aye.

2                   Any opposed, nay.

3                                   (No response.)

4                   CHAIRMAN GARD:  The summary is  
5 approved as drafted.

6                   Commissioner, your report, please.

7                   COMM. ROCKENSUESS:  Thank you,  
8 Chairman Gard, members of the Board.  Thank you  
9 for being here today.

10                  Since March there's been quite a bit of  
11 stuff going on.  First, I want to report on  
12 staffing.  We've been -- all state government has  
13 been focused on staffing up since the Governor's  
14 compensation study was completed in October.  In  
15 January, we were at 769 employees, which was a  
16 little bit up from October, which was right  
17 around 750.

18                  Today we're sitting at 801, so we have  
19 seen growth in our different programs, which is  
20 great.  We have seen multiple applications for a  
21 position that we post, and those -- the people  
22 that we find are good quality candidates, and so,  
23 that's been a huge improvement as well.

1           And so, now we are being very diligent  
2 when we post positions to make sure, you know,  
3 with the new compensation and with our budget,  
4 that we are able to afford the different people  
5 per fund that they sit in, and then making sure  
6 we make strategic decisions on where we actually  
7 need assistance regardless of the program.

8           Two people in particular, one is here with  
9 me today that I want to recognize, Colleen  
10 Rennaker. For those in here --

11           Colleen, can you stand up?

12           Colleen's our new Deputy Assistant  
13 Commissioner in the Office of Land Quality.  
14 She'll be overseeing our Tanks Branch. Doug  
15 Louks, who -- he's still with us, but he'll be  
16 leaving state employment on Friday. She will be  
17 taking over his duties, and she has a long  
18 background in the tanks world, and I'm real  
19 excited for her to join the senior team.

20           And then additionally, because of all of  
21 the new staff we're bringing in, many are very  
22 young, and -- which is great, it gives us the  
23 ability to train them up, but we need somebody to



1 focus on training and development, and so, we  
2 have invested in a staff training and development  
3 person. That individual, her name's Amanda Hall,  
4 she started on Monday as well.

5 She has a pretty high hurdle that she's  
6 working towards. There's multiple buckets that  
7 we have her focusing on. One is obviously  
8 training and development. Another is a  
9 leadership program that we can operate within the  
10 agency. Other agencies have those, but IDEM  
11 employees only get so many seats, so I want to  
12 use that for longer term. And then three,  
13 establishing a very good and thorough mentorship  
14 program, not only within programs, but across the  
15 agency, so people know each other regardless if  
16 you're in Air, Land and Water.

17 The next thing I want to cover is the  
18 rather large EPA climate pollution reduction  
19 grant, the greenhouse grant initiative. We were  
20 one of, I think, 48 states that put our name in  
21 the hat for that. So, there's two parts to it.  
22 The first part is literally states are -- could  
23 apply, and they get up to three million dollars

1 to plan how to reduce greenhouse gas within the  
2 state.

3 And so, we did that. We are currently  
4 working through the final application process  
5 with the EPA as well as bringing on a vendor to  
6 help us do a greenhouse gas inventory, and then  
7 do outreach and communication with everybody else  
8 that may be interested in that program. The  
9 great thing about this particular grant process  
10 is: Once we get to the second pot, which is 4.6  
11 billion in competitive grants, it's all  
12 voluntary.

13 So, companies, industries, governments,  
14 you name it, they can apply for these dollars to  
15 do voluntary reductions in greenhouse gas  
16 emissions that maybe they wanted to do before,  
17 but they couldn't because of cost. So, then  
18 we're able to subsidize that through these grant  
19 processes. Now, that's the bigger amount of  
20 money, that's a ways out, so we have to do about  
21 a year or so worth of the planning, but we're  
22 excited to get started there.

23 We are -- we're also -- we're constantly

1 looking at: How can we create efficiencies  
2 within the agency? One that I have been  
3 particularly focused on is our cleanup programs,  
4 the State Cleanup Program and the Voluntary  
5 Remediation Program.

6 On average, when you are a responsible  
7 party walking into one of those programs, you're  
8 looking at between 11 and 14 years in which you  
9 will be in that program. And for a variety of  
10 reasons, some of it is IDEM processes, some of it  
11 is insurance issues, there's a whole gamut of  
12 problems.

13 But I've tasked our remediation team with  
14 looking at: What can we do to knock that down?  
15 How can we be more efficient? How can we move  
16 these things faster? Communities want these  
17 properties back on their tax rolls quickly. We  
18 have more sites than we have people to manage,  
19 and the people that are managing the sites are  
20 getting burned out because they have way more  
21 properties that they're managing than they can  
22 keep up with.

23 So, just by doing simple process

1 improvements that we're going to be rolling out  
2 to the remediation community, we are able to  
3 potentially knock some of those down from 11  
4 to 14 to four to seven years, which is a huge  
5 increase of time that we can use other places.  
6 So, we're going to be communicating that out to  
7 the remediation world in July or August and see  
8 what their thoughts are on what we're wanting to  
9 change, and then we're going to move that  
10 forward.

11 And then finally, I was going to talk a  
12 little bit about the legislative session. There  
13 are quite a few bills that were worked on in the  
14 environmental field. One that I'm particularly  
15 proud of, and thankful for Drake Abramson, he's  
16 our Legislative Director who shepherded the bill  
17 through the session, was the ability to increase  
18 our airport fees, and we will be hearing the  
19 preliminary adoption of that rule today. That  
20 was backed by all of our industry folks, which  
21 was great. Everybody came to table and said,  
22 "IDEM needs this. We need the Air Permit Program  
23 to stay in Indiana and not be taken over by EPA."

1 And so, that was a major win.

2           There were a number of other bills that we  
3 got involved in, one that had to do with the  
4 Excess Liability Trust Fund. It allows for more  
5 compliance-based expenditures to come out of the  
6 fund. Right now we wait to spend money until  
7 there's a problem. This allows us to spend money  
8 before there's a problem, to hopefully not spend  
9 as much on problems, which includes like paying  
10 50 percent for tank replacement or allowing some  
11 of the above-ground storage tanks, specifically  
12 in airports and bulk facilities that have access  
13 to the ELTF fund, and other things like that,  
14 trying to be proactive, because that fund balance  
15 is building and there's more that we can do with  
16 it.

17           There was a study bill on -- where IDEM  
18 has to do a study on wind blades, solar panels  
19 and lithium batteries, on how we dispose of those  
20 long term. So, we're going to get started on  
21 that, and then -- and there's a number of other  
22 bills, and if you guys have any questions on a  
23 particular bill that I don't bring up, I'm happy

1 to try and answer.

2 But there's also the rulemaking bill,  
3 which I know this Board took particular attention  
4 to, and many of the other agencies are paying  
5 large attention to. It's House Bill 1623. It  
6 made a number of changes. I don't think I could  
7 express exactly how that's going to look and how  
8 that's going to change what we're doing now.

9 We're -- Nancy and our legal team and our  
10 rules team are working with the Governor's  
11 Office, they're putting on workshops to make sure  
12 that we all understand what the changes are and  
13 what they mean, and how to do rulemaking going  
14 forward. This meeting and the meeting, I think,  
15 in August we're going to be working on rules  
16 grandfathered in to continue working down the old  
17 process.

18 From a procedural standpoint, with regards  
19 to your activity with rulemakings, it -- it  
20 doesn't change dramatically. We get rid of our  
21 first notice, but we still basically have to do  
22 the first notice through a second notice, I  
23 guess. We still have to answer comments. The

1 difference is we have to have language out to the  
2 public before we can propose a rule.

3           And then the -- we don't have to do as  
4 many -- I believe as many, you know, preliminary  
5 adoption versus final adoption versus whatever  
6 adoption. So -- but we'll -- next meeting, Nancy  
7 and her team are going to have a full rundown of  
8 what this means for rulemaking, how this is going  
9 to look going forward, and we'll be able to  
10 answer a lot more questions on that then.

11           And I think that's it for me. I'm happy  
12 to take any questions.

13           CHAIRMAN GARD: Commissioner, I have  
14 a question. I know they lifted some more  
15 regulations from wetlands, and then the  
16 administration or the Supreme Court also weighed  
17 in on that, so is it -- what protection, if any,  
18 do we have for wetlands in Indiana right now?

19           COMM. ROCKENSUESS: So, first, there  
20 was -- there was some language that was floating  
21 around this session on wetlands. That language  
22 did not make it through, but it was with the  
23 promise that I and my team would work with the

1 builders and other concerned parties throughout  
2 the summer to come up with a compromise on how we  
3 deal with some of the ambiguities around the  
4 different classes of wetlands and what falls in  
5 and what falls out, and a more streamlined  
6 process, and we've already started those  
7 conversations.

8           As far as federally, the Sackett case in  
9 front of the U.S. Supreme Court, it was decided  
10 that the EPA's regulation of wetlands stops at  
11 the wetland that abuts a water of the U.S., a  
12 river, lake or stream. It has to be directly  
13 next to that water, and they used language like  
14 it has to have a continuous connection, that you  
15 wouldn't be able to tell one from the other.

16           So, in the past, many of the wetlands --  
17 just in the past three years -- many of the  
18 wetlands in Indiana were considered federal,  
19 because you could find a significant nexus from a  
20 river, lake or stream that they would consider  
21 federal and connect that to the wetland through  
22 ditches or other streams or what have you.  
23 That's no longer the case now.



1           So, those wetlands that would have been  
2 protected federally a couple of months ago would  
3 now fall under the state wetland program. So,  
4 there are still protections for those wetlands.  
5 Now we're just going to see what happens this  
6 next session -- next legislative session -- on  
7 what the changes to our program will be.

8           CHAIRMAN GARD: Okay. Thank you.

9           Do any other Commission members have any  
10 questions?

11           DR. ALEXANDROVICH: This is Joanne.  
12 I have one question. The greenhouse gas  
13 inventory, how broad is it going to be? Is it  
14 state government? Industry? Everything.

15           COMM. ROCKENSUESS: Everything.

16           DR. ALEXANDROVICH: Everything.

17           COMM. ROCKENSUESS: So, part of what  
18 we're going to be doing is -- and we've already  
19 started the conversations -- is having -- because  
20 there's multiple agencies that have to be  
21 involved. This is much bigger than just IDEM.  
22 INDOT is going to be involved, Department of Ag's  
23 going to be involved, probably Department of

1 Health and other agencies that have that kind of  
2 a footprint. And then it is literally a  
3 greenhouse gas inventory of everything in your  
4 state, so it's going to be pretty in depth.

5 DR. ALEXANDROVICH: Are you going to  
6 get that done in two years?

7 COMM. ROCKENSUESS: Well, that's why  
8 we're hiring -- that why we're trying to hire a  
9 third party that specializes in doing these kind  
10 of things, because yeah -- no, if it was on us,  
11 no, we couldn't. There's no way. But we can use  
12 that money -- it's three million -- for the  
13 purposes of hiring somebody to do that.

14 DR. ALEXANDROVICH: Thank you.

15 COMM. ROCKENSUESS: Yeah.

16 CHAIRMAN GARD: Commissioners have  
17 other questions?

18 MS. KOZYRSKI: Yes, Chairman.

19 I wonder -- you mentioned you would be  
20 rolling out some streamlining proposals for  
21 remediation to that community, and what form will  
22 that take? Is there a direct link to that  
23 community?

1                   COMM. ROCKENSUESS:  So, the first  
2  thing we're going to do is we -- like with any  
3  program, we have frequent customers, so we're  
4  reaching out to those guys first, the attorneys  
5  and the consultants --

6                   MS. KOZYRSKI:  Okay.

7                   COMM. ROCKENSUESS:  -- that directly  
8  work with that.  And then there's a larger  
9  community of consultants called MCSA that we will  
10 be working through, and I've been talking about  
11 this for a year or more, but now we're at the  
12 point in which we have something, we have meat on  
13 the bones, that we can then go and show people.

14                  MS. KOZYRSKI:  Thank you.

15                  COMM. ROCKENSUESS:  Yeah.

16                  CHAIRMAN GARD:  Very good.

17                  Any other questions?

18                                        (No response.)

19                  CHAIRMAN GARD:  Okay.  If not, thank  
20 you, Commissioner.

21                  COMM. ROCKENSUESS:  Thank you.

22                  CHAIRMAN GARD:  We will then ask  
23 Chris Pedersen for a rulemaking report.

1 MS. PEDERSEN: Thank you. I'm Chris  
2 Pedersen, in the Rules Development Section of the  
3 Office of Legal Counsel.

4 For today's Board packet, an updated  
5 document was sent out electronically. It is  
6 provided in hard copy for the Board members  
7 participating in person. The document is the  
8 preliminarily adopted rule with IDEM's suggested  
9 changes for the definition of solid waste  
10 rulemaking. The difference between the original  
11 and the newer updated version is just formatting  
12 revisions for clarification, but we wanted to  
13 make sure that the Board acted on the correct  
14 copy, so that's the one that will be the exhibit.  
15 I just wanted to let you know that was the  
16 difference there.

17 Right now we are tentatively expecting the  
18 next Board meeting to be on August 9th, 2023, and  
19 at that meeting we anticipate presenting the  
20 Title V Permitting Fee Rule to you for final  
21 adoption, if it is preliminarily adopted today.  
22 And at this time, that is the only rulemaking we  
23 have on the agenda, but there's always a

1 possibility that another rulemaking will start  
2 moving forward, and if so, they will also come to  
3 the Board.

4 And that's all I have, but I'd be happy to  
5 answer any questions.

6 CHAIRMAN GARD: Thank you, Chris.

7 Are there any questions for Chris?

8 (No response.)

9 CHAIRMAN GARD: Thank you.

10 Today we have hearings for the following  
11 rule -- regular rule Board actions: Adoption of  
12 Title 326, CFR Updates; the preliminary adoption  
13 of Title V Permitting Fees and Wastewater  
14 Treatment Plant Operator Certification; we have a  
15 final adoption of Definition of Solid Waste, and  
16 Underground Storage Tank Revisions. There will  
17 be a hearing on the nonexpiring rules in  
18 accordance with requirements of IC 13-14-9.5-1.1.  
19 And finally, we will discuss the citizens  
20 petition to determine if a hearing should be  
21 scheduled.

22 As a reminder, if you wish to testify in  
23 any of today's hearings, please fill out a

1 comment card and give it to Karla Kindrick at the  
2 sign-in table.

3 The rules being considered at today's  
4 meeting were included in Board packets and are  
5 available for public inspection at the office of  
6 Legal Counsel, 13th Floor, Indiana Government  
7 Center North. The entire Board packet is also  
8 available on IDEM's Web site at least one week  
9 prior to each Board meeting.

10 A written transcript of today's meeting  
11 will be made. The legal transcript and any  
12 written submissions will be open for public  
13 inspection at the Office of Legal Counsel. A  
14 copy of the transcript will be posted on the  
15 "Rules" page of the agency Web site when it  
16 becomes available.

17 Will the official reporter for the cause  
18 please stand and raise your right hand and state  
19 your name?

20 (Reporter sworn.)

21 CHAIRMAN GARD: Thank you.

22 Moving on, this is a public hearing before  
23 the Environmental Rules Board of the State of

1 Indiana concerning adoption of 326 IAC 1-1-3 and  
2 326 IAC 20-1-1, Title 326 CFR Update.

3 I will now introduce Exhibit A, the draft  
4 rule, into the record of the hearing.

5 Keelyn Walsh will present the rule.

6 MS. WALSH: Good afternoon, members  
7 of the Board. I'm Keelyn Walsh, and I'm here to  
8 present LSA No. 23-29, references to the Code of  
9 Federal Regulations, for your consideration.

10 The reference to the Code of Federal  
11 Regulations at 326 IAC 1-1-3 indicates the yearly  
12 addition of the CFR that is applicable to Federal  
13 Regulations that have being incorporated by  
14 reference throughout 326 IAC, unless a different  
15 edition is specified in the rule. The latest  
16 version of the CFR contained in 326 IAC 1-1-3 is  
17 July 1st, 2018. Since that date, several new  
18 federal regulations have been promulgated that  
19 are not reflected in the current version of  
20 326 IAC.

21 Some of these regulations include the  
22 national emission standard for hazardous air  
23 pollutants for the Portland Cement Manufacturing

1 Industry, emissions monitoring provisions in  
2 State implementation plans required under the  
3 Nitrogen Oxides SIP Call, Standards for  
4 Performance of New Residential Wood Heaters, New  
5 Residential Hydronic Heaters, and Forced-Air  
6 Furnaces, and Reclassification of Major Sources  
7 as Area Sources under Section 112 of the Clean  
8 Air Act.

9 This rulemaking will incorporate citations  
10 by reference from Titles 29 and 40 of the CFR  
11 into 326 IAC. But updating the reference date to  
12 July 1st, 2022, 326 IAC will be consistent with  
13 those regulations that the Federal Government  
14 promulgated between July 1st, 2018 and June 30th,  
15 2022. This rule will also amend 326 IAC 20-1-1  
16 to incorporate by reference 40 CFR 63 Subpart C.

17 This rule was most recently amended on  
18 January 5th, 2022 with the addition of  
19 1-bromopropane to the Clean Air Act  
20 Section 112(b), the list of hazardous air  
21 pollutants. Previously, deletion of pollutants  
22 were the only changes made to the HAP list in  
23 Subpart C, but the January final rule contains



1 the first addition to the HAP list of  
2 1-bromopropane. Therefore, it's necessary to  
3 incorporate that list into the state rules to  
4 ensure that permits are accurately issued and  
5 that state rules are consistent with federal  
6 standards.

7 IDEM requests that the Board final adopt  
8 this rule as presented, and myself and program  
9 staff are available to answer any further  
10 questions that you have.

11 Thanks.

12 CHAIRMAN GARD: Are there any  
13 questions for Keelyn on the rule?

14 (No response.)

15 CHAIRMAN GARD: Okay. Thank you,  
16 Keelyn.

17 MS. WALSH: Uh-huh.

18 CHAIRMAN GARD: Are there any speaker  
19 cards?

20 MS. KINDRICK: No, ma'am.

21 CHAIRMAN GARD: Okay. Thank you.

22 Are there -- is there anyone that's on  
23 remotely that cares to address the rule, the

1 proposed rule?

2 (No response.)

3 CHAIRMAN GARD: Okay. The hearing is  
4 concluded. The Board will now consider final  
5 adoption of 326 IAC 1-1-3 and 326 IAC 20-1-1,  
6 Title 326 CFR Update.

7 Is there any Board discussion?

8 (No response.)

9 CHAIRMAN GARD: Is there a motion to  
10 be made to final adopt the rule as presented?

11 MS. NELSON: So moved.

12 MR. RULON: Ken Rulon, so moved.

13 MS. NELSON: Seconded, Katie Nelson.

14 CHAIRMAN GARD: Okay. I'll call the  
15 roll.

16 Dr. Niemiec?

17 DR. NIEMIEC: Yes.

18 CHAIRMAN GARD: Dr. Alexandrovich?

19 DR. ALEXANDROVICH: Yes.

20 CHAIRMAN GARD: Mr. Schuler?

21 MR. SCHULER: Yes.

22 CHAIRMAN GARD: Mr. Smith?

23 MR. SMITH: Yes.

1 CHAIRMAN GARD: Mr. Rulon?

2 MR. RULON: Yes.

3 CHAIRMAN GARD: Ms. Nelson?

4 MS. NELSON: Yes.

5 CHAIRMAN GARD: Mr. Davidson?

6 MR. DAVIDSON: Yes.

7 CHAIRMAN GARD: Mr. Etzler?

8 MR. ETZLER: Yes.

9 CHAIRMAN GARD: Ms. Kozyrski?

10 MS. KOZYRSKI: Yes.

11 CHAIRMAN GARD: And the Chair votes  
12 aye. That's ten yeases and zero nays. The rule  
13 has been final adopted.

14 This is a preliminary hearing before  
15 the Environmental Rules Board of the State of  
16 Indiana concerning preliminary adoption of  
17 326 IAC 2-1.1-7, Title V Permitting Fees.

18 I will now introduce Exhibit B, the draft  
19 rule, into the record of the hearing.

20 Seth Engdahl will present the rule.

21 MR. ENGDAHL: Members of the Board,  
22 good afternoon. My name is Seth Engdahl, and I  
23 am a rule writer in the Rules Development Section

1 within IDEM's Office of Legal Counsel.

2 The rulemaking current under consideration  
3 is statutorily mandated and would increase the  
4 annual base fee for two permit types: Title V  
5 operating permits and federally enforceable state  
6 operating permits, or FESOP's. Specifically, the  
7 annual base fee for these permits would increase  
8 from the current fee of \$2,381 to \$6,100. This  
9 will result in an increase in revenue of roughly  
10 4.3 million dollars per year to support the  
11 Title V permitting program.

12 For some background information on this  
13 rulemaking, the Clean Air Act requires state  
14 permitting programs to be supported by fees  
15 sufficient to cover all direct and indirect  
16 incurred costs in the development and  
17 administration of the program. Without proper  
18 funding, the management of the program would be  
19 ceded to U.S. EPA.

20 IDEM charges Title V sources two fees: An  
21 annual fee, and a fee based on the tonnage  
22 emitted. Over the past decade, the agency has  
23 seen a steady decline in billable emissions.

1 This is attributable to a myriad of factors,  
2 including coal-fire facilities transitioning to  
3 natural gas or facilities shuttering altogether.

4 While a reduction in overall emissions is  
5 undoubtedly a good thing for the state, it has  
6 resulted in a growing deficit, currently two to  
7 three million dollars annually for the Title V  
8 permitting program at IDEM. Accordingly, the  
9 agency works with the Indiana General Assembly  
10 and interested stakeholders to pass legislation  
11 to raise the annual base fees and allow for a  
12 more predictable income stream for the program.

13 This culminated in the passage of Senate  
14 Enrolled Act 155, which was signed by the  
15 Governor on April 20th of this year. This  
16 rulemaking and the legislation mandating it are  
17 necessary to fully fund the Title V permitting  
18 program.

19 I would note that this is the third time  
20 IDEM has raised its Title V fees in the past 30  
21 years, with the most recent increase in 2019. A  
22 statutory cap of one increase of 10 percent or  
23 less per five-year period remains in place;

1     however, this cap was bypassed by Senate Enrolled  
2     Act 155 for this increase.

3             IDEM requests that the Board approve this  
4     rule as presented, and I am happy to answer any  
5     questions that you may have.

6             CHAIRMAN GARD: Are there any  
7     questions?

8                     (No response.)

9             CHAIRMAN GARD: Thank you, Seth.  
10     Are there any speaker cards?

11             MS. KINDRICK: No, ma'am.

12             CHAIRMAN GARD: Okay. Thank you.

13             Is there anyone remotely that cares to  
14     address the permitting fees?

15                     (No response.)

16             CHAIRMAN GARD: Okay. The hearing is  
17     concluded. The Board will now consider  
18     preliminary adoption of 326 IAC 1-1.1-7, Title V  
19     Permitting Fees.

20             Is there any Board discussion?

21                     (No response.)

22             CHAIRMAN GARD: Well, is there a  
23     motion to preliminarily adopt the rules?

1 MR. DAVIDSON: So moved.

2 CHAIRMAN GARD: Is there a second?

3 MR. SMITH: Second.

4 CHAIRMAN GARD: Okay. I'll call the  
5 roll.

6 Dr. Niemiec?

7 DR. NIEMIEC: Yes.

8 CHAIRMAN GARD: Dr. Alexandrovich?

9 DR. ALEXANDROVICH: Yes.

10 CHAIRMAN GARD: Mr. Schuler?

11 MR. SCHULER: Yes.

12 CHAIRMAN GARD: Mr. Smith?

13 MR. SMITH: Yes.

14 CHAIRMAN GARD: Ms. Nelson?

15 MS. NELSON: Yes.

16 CHAIRMAN GARD: Mr. Horn?

17 MR. HORN: Yes.

18 CHAIRMAN GARD: Mr. Davidson?

19 MR. DAVIDSON: Yes.

20 CHAIRMAN GARD: Mr. Etzler?

21 MR. ETZLER: Yes.

22 CHAIRMAN GARD: Ms. Kozyrski?

23 MS. KOZYRSKI: Yes.

1                   CHAIRMAN GARD:  And the Chair votes  
2  aye.  That would be --

3                   MR. RULON:  Chairman Gard, this is  
4  Ken Rulon.  I vote yes as well, please.

5                   CHAIRMAN GARD:  Oh, I'm sorry.  That  
6  would be eleven yeases and zero nays.

7                   This is a public hearing before the  
8  Environmental Rules Board of the State of Indiana  
9  concerning preliminary adoption of 327 IAC 5-23,  
10 Wastewater Treatment Operator Certification.

11                  I will now introduce Exhibit C, the draft  
12 rule, into the record of the hearing.

13                  Krystal Hackney will present the rule.

14                  MS. HACKNEY:  Good afternoon, members  
15 of the Board.  My name is Krystal Hackney.  I'm a  
16 rule writer in the Rules Development Section  
17 within the IDEM's Office of Legal Counsel.

18                  I am here to present Rule No. 18-365 for  
19 Wastewater Treatment Plants and Operators.  
20 This rulemaking repeals the existing rule at  
21 327 IAC 5-22 and replaces it with 327 IAC 5-23.  
22 This rule addresses state statutory requirements  
23 that were made in 2015 and 2018 that affect



1 IC 13-18-11.

2           These statutory changes allow electronic  
3 examination through a third-party administrator,  
4 add certification examination fees, require proof  
5 of compliance with continuing education  
6 requirements submitted with certificate renewal  
7 applications, update the renewal cycle for  
8 operator certificates from two years to three  
9 years, and adds reciprocity for certified  
10 operators from other U.S. territories applying  
11 for certification in Indiana.

12           The new rule reorganizes and restructures  
13 sections as well as updating them with the  
14 following necessary changes:

15           Clarifications for definitions, plant  
16 classifications, qualifications and substitution  
17 qualifications, duties of an operator, passing  
18 score for certification examination, and the  
19 removal of specific allowable substitutions for  
20 education and experience to be replaced with more  
21 general criteria for allowable substitutions;

22           The inclusion of third-party examinations  
23 and fees independent of IDEM;

1           The addition of exemptions on deadlines  
2 for renewal applications and examinations for  
3 individuals impacted by U.S. deployment;

4           The addition of a provision requiring  
5 applicants who fail the examination three  
6 consecutive times to attend and pass an  
7 IDEM-approved technical examination preparation  
8 course that is directly related to wastewater  
9 treatment before they can take the exam again;

10          The clarification for new applications to  
11 include course completion documents;

12          Operators who have had their  
13 certifications revoked or suspended are  
14 prohibited from performing lab analysis on  
15 samples used for compliance purposes;

16          The addition of a limit for provisional  
17 certificates to a 90-day effect period with a  
18 maximum extension of no more than one year;

19          And the reclassification of certain  
20 wastewater treatment plants due to the current  
21 struggle with meeting the requirements in the  
22 existing classification system.

23                 IDEM will present a nonrule policy

1 document concerning the education and experience  
2 substitutions to the Board when the final  
3 adoption hearing is held.

4 IDEM requests that the Board preliminarily  
5 adopt this rule as presented. Program experts  
6 and I are both available to answer any questions  
7 that you may have.

8 Thank you.

9 CHAIRMAN GARD: Are there any  
10 questions for Krystal?

11 MS. KOZYRSKI: Yes, I have a couple.

12 Can you clarify: If an individual is  
13 preparing for, say, a Class D, what's currently a  
14 Class D, will they be required to become an  
15 apprentice? Is that going to be a new  
16 requirement for ultimate certification?

17 MS. HACKNEY: I'm going to defer to  
18 Jason or Mark and --

19 MR. HOUSE: Yeah. So, Jason House,  
20 Branch Chief, Compliance and Enforcement in the  
21 Office of Water Quality. No, no. So, you can go  
22 down the pathway of becoming an apprentice on  
23 your way to becoming a certified operator, or if

1 you have the education and experience necessary  
2 to become an operator, you can take the  
3 examination for that particular classification.  
4 Does that help?

5 MS. KOZYRSKI: Yeah. Thank you for  
6 that clarification.

7 CHAIRMAN GARD: Any other questions?

8 MS. KOZYRSKI: No.

9 CHAIRMAN GARD: Any speaker cards?

10 MS. KINDRICK: No, ma'am.

11 CHAIRMAN GARD: Okay.

12 Anyone remotely that wants -- wants to  
13 address the rule?

14 (No response.)

15 CHAIRMAN GARD: The hearing is  
16 concluded. The Board will now consider  
17 preliminary adoption of 327 IAC 5-23, Wastewater  
18 Treatment Plant Operator Certification.

19 Is there any Board discussion?

20 (No response.)

21 CHAIRMAN GARD: Is there a motion to  
22 preliminarily adopt the rules?

23 MR. HORN: This is Chris Horn. I

1 would so move.

2 CHAIRMAN GARD: Is there a second?

3 MS. KOZYRSKI: Second.

4 CHAIRMAN GARD: I'll call the roll.

5 Dr. Niemiec?

6 DR. NIEMIEC: Yes.

7 CHAIRMAN GARD: Dr. Alexandrovich?

8 DR. ALEXANDROVICH: Yes.

9 CHAIRMAN GARD: Mr. Schuler?

10 MR. SCHULER: Yes.

11 CHAIRMAN GARD: Mr. Smith?

12 MR. SMITH: Yes.

13 CHAIRMAN GARD: Mr. Rulon?

14 MR. RULON: Yes.

15 CHAIRMAN GARD: Ms. Nelson?

16 MS. NELSON: Yes.

17 CHAIRMAN GARD: Mr. Horn?

18 MR. HORN: Yes.

19 CHAIRMAN GARD: Mr. Davidson?

20 MR. DAVIDSON: Yes.

21 CHAIRMAN GARD: Mr. Etzler?

22 MR. ETZLER: Yes.

23 CHAIRMAN GARD: Ms. Kozyrski?

1 MS. KOZYRSKI: Yes.

2 CHAIRMAN GARD: And the Chair votes  
3 aye. That's eleven yeas, zero nays. The rules  
4 have been preliminarily adopted.

5 Before I move on to the next one, I do  
6 have one correction. On the first vote to adopt  
7 the final rules, it was not ten to zero, it was  
8 eleven to zero.

9 Now, this is a public hearing before the  
10 Environmental Rules Board of the State of Indiana  
11 concerning final adoption of 329 IAC 3.1-5-4,  
12 329 IAC 3.1-5-7, and 329 IAC 3.1-6, Definition of  
13 Solid Waste.

14 I will now introduce Exhibit D, the rule  
15 as preliminarily adopted with IDEM's suggested  
16 changes into the record of the hearing.

17 Dan Watts will present the rule.

18 MR. WATTS: Good afternoon, members  
19 of the Board and Chairwoman Gard. I'm Dan Watts,  
20 of Rules Development Section, and I'm presenting  
21 LSA Document 20-23 for final adoption.

22 IDEM is presenting this rule for final  
23 adoption a second time because the proposed rule

1 adopted on March 8th did not include the  
2 amendments to 329 IAC 3.1-6-1 and the recently  
3 effective LSA No. 22-216 final rule. If this  
4 rule is promulgated as currently adopted, it  
5 would unintentionally repeal the recently  
6 effective rule requirements.

7 In this proposed rule presented for final  
8 adoption, 329 IAC 3.1-6-1-1(b)(8) includes the  
9 additional Federal Register notice adopted in  
10 LSA 22-216, which became effective on March 24th  
11 of this year. These changes are shown with  
12 underlines in the updated proposed rule sent to  
13 the Board, and no other changes to the rule  
14 language are being presented for final adoption.

15 This rule itself amends the hazardous  
16 waste rules in 329 IAC 6.1 [sic] with the  
17 incorporation by reference of recent updates to  
18 the federal identification of solid waste for the  
19 purposes of hazardous waste management. The  
20 rulemaking is in response to federal court  
21 vacatur of certain requirements in a 2015 federal  
22 rule for the definition of solid waste, which  
23 IDEM has previously adopted.

1           With this rulemaking, IDEM's hazardous  
2 waste rules will be consistent with the federal  
3 definition of solid waste and also comply with  
4 the state statutory change in Public Law 120-2022  
5 pertaining to these federal requirements.

6           Representatives from IDEM are available to  
7 answer questions you may have for this  
8 rulemaking, and the Department regrets this error  
9 and requests that the Board adopt this rule so  
10 Indiana's hazardous waste rules can be consistent  
11 with the federal requirements.

12           Thank you.

13           CHAIRMAN GARD: Are there any  
14 questions for Dan?

15                           (No response.)

16           CHAIRMAN GARD: Thank you, Dan.

17           Are there any speaker cards?

18           MS. KINDRICK: No, ma'am.

19           CHAIRMAN GARD: Is there anyone  
20 remotely who wants to address the proposed rule?

21                           (No response.)

22           CHAIRMAN GARD: Okay. The hearing is  
23 concluded. The Board will now consider final



1 adoption of 329 IAC 3.1-5-4, 329 IAC 3.1-5-7, and  
2 329 IAC 3.1-6, Definition of Solid Waste.

3 Any Board discussion?

4 (No response.)

5 CHAIRMAN GARD: Okay. Is there a  
6 motion to adopt IDEM's suggested changes?

7 MR. DAVIDSON: So moved.

8 MR. RULON: Ken Rulon, so moved.

9 CHAIRMAN GARD: Is there a second?

10 MR. DAVIDSON: Second.

11 CHAIRMAN GARD: I'll call the roll.

12 Dr. Niemiec?

13 DR. NIEMIEC: Yes.

14 CHAIRMAN GARD: Dr. Alexandrovich?

15 DR. ALEXANDROVICH: Yes.

16 CHAIRMAN GARD: Mr. Schuler?

17 MR. SCHULER: Yes.

18 CHAIRMAN GARD: Mr. Smith?

19 MR. SMITH: Yes.

20 CHAIRMAN GARD: Mr. Rulon?

21 MR. RULON: Yes.

22 CHAIRMAN GARD: Ms. Nelson?

23 MS. NELSON: Yes.

1 CHAIRMAN GARD: Mr. Horn?

2 MR. HORN: Yes.

3 CHAIRMAN GARD: Mr. Davidson?

4 MR. DAVIDSON: Yes.

5 CHAIRMAN GARD: Mr. Etzler?

6 MR. ETZLER: Yes.

7 CHAIRMAN GARD: Ms. Kozyrski?

8 MS. KOZYRSKI: Yes.

9 CHAIRMAN GARD: And the Chair votes  
10 aye. That's eleven ayes, zero nays. The changes  
11 have been adopted. Is there a motion to final  
12 adopt the rules as amended?

13 MR. HORN: I would so move, Chris  
14 Horn.

15 CHAIRMAN GARD: Is there a second?

16 MS. NELSON: Second, Katie Nelson.

17 CHAIRMAN GARD: I'll call the roll.

18 Dr. Niemiec?

19 DR. NIEMIEC: Yes.

20 CHAIRMAN GARD: Dr. Alexandrovich?

21 DR. ALEXANDROVICH: Yes.

22 CHAIRMAN GARD: Mr. Schuler?

23 MR. SCHULER: Yes.

1 CHAIRMAN GARD: Mr. Smith?

2 MR. SMITH: Yes.

3 CHAIRMAN GARD: Mr. Rulon?

4 MR. RULON: Yes.

5 CHAIRMAN GARD: Ms. Nelson?

6 MS. NELSON: Yes.

7 CHAIRMAN GARD: Mr. Horn?

8 MR. HORN: Yes.

9 CHAIRMAN GARD: Mr. Davidson?

10 MR. DAVIDSON: Yes.

11 CHAIRMAN GARD: Mr. Etzler?

12 MR. ETZLER: Yes.

13 CHAIRMAN GARD: Ms. Kozyrski?

14 MS. KOZYRSKI: Yes.

15 CHAIRMAN GARD: And the Chair votes  
16 aye. That's eleven yeas, zero nays. So, the  
17 rules have been -- is that -- we amended the  
18 rules. No, that was a final adoption, so eleven  
19 yeas, zero nays.

20 This is a public hearing before the  
21 Environmental Rules Board of the State of Indiana  
22 concerning final adoption of 329 IAC 9,  
23 Underground Storage Tank Revisions.

1           I will now introduce Exhibit F, the  
2 preliminarily adopted -- with IDEM's -- as  
3 preliminarily adopted with IDEM's suggested  
4 changes into the record of the hearing.

5           Seth Engdahl will present the rule.

6           MR. ENGDAHL: Members of the Board,  
7 good afternoon again. My name is Seth Engdahl,  
8 and I'm a rule writer within the Rules  
9 Development Section within IDEM's Office of Legal  
10 Counsel.

11           The rulemaking currently under  
12 consideration would make several changes to rules  
13 at 329 IAC 9. The overarching goal of this  
14 rulemaking is to better align rules governing the  
15 underground storage tanks, or UST's, in Indiana  
16 with the Code of Federal Regulations.

17 Accordingly, the bulk of this rulemaking repeals  
18 sections of 329 IAC 9 that are either more  
19 proscriptive or identical to their federal  
20 counterparts, and then incorporates the relevant  
21 sections of the Code of Federal Regulations.

22           I would emphasize this is not a complete  
23 repeal and incorporation by reference for rules

1 governing UST's. Rules such as those governing  
2 UST closure at 329 IAC 9-6 are staying in place  
3 because their federal counterparts are generally  
4 vague and allow states to develop state-specific  
5 rules and programs. This rulemaking primarily  
6 impacts state-specific rules governing initial  
7 response, site investigation, corrective action,  
8 reporting, record keeping, and financial  
9 responsibility.

10 Repealing these sections and incorporating  
11 their federal counterparts will provide the  
12 agency and UST owners and operators needed  
13 flexibility in responding to leaks, spills and  
14 overfills of UST's. This rulemaking also  
15 incorporates the contents of certain notification  
16 forms in 329 IAC 9-2-2. The incorporation of  
17 these forms was deemed essential by the Office of  
18 Management and Budget to provide predictability  
19 to UST owners and operators.

20 There has been one minor change to the  
21 rule language since preliminary adoption.  
22 In 329 IAC 9-2-2, there are multiple references  
23 to forms approved by the Indiana Department of

1 Administration. The reference to this government  
2 body was in error, as it is the Indiana Archives  
3 and Records Administration that approves forms  
4 for use by the Department. Accordingly, this  
5 erroneous reference has been corrected for final  
6 adoption.

7 This rulemaking was preliminarily adopted  
8 by the Board in November of last year. IDEM  
9 chose to withdraw the rulemaking from  
10 consideration at the March Board meeting to  
11 ensure that legislation pending consideration by  
12 the Indiana General Assembly would not impact the  
13 rule. Because there was no such impact, the rule  
14 now is being considered today without any  
15 substantive changes.

16 IDEM requests that the Board approve this  
17 rule as presented, and I'm happy to answer any  
18 questions that you may have.

19 CHAIRMAN GARD: Are there any  
20 questions for Seth?

21 MS. KOZYRSKI: I do.

22 CHAIRMAN GARD: Thank you.

23 MS. KOZYRSKI: Chairman, I do have a

1 question.

2 CHAIRMAN GARD: Yes.

3 MS. KOZYRSKI: With the adoption of  
4 these forms, will there need to be a migration?  
5 Is this a kind of new set of forms that is  
6 different than what is currently being used --

7 MR. ENGDAHL: No, it's the current --

8 MS. KOZYRSKI: -- by the  
9 administration?

10 MR. ENGDAHL: -- forms -- yes, the  
11 current forms, all of the contents of the forms  
12 is put into rule language. OMB would like us to  
13 start doing that from now on so that those  
14 reading the rule can predict what they'll need to  
15 have.

16 MS. KOZYRSKI: Thank you.

17 MR. ENGDAHL: So --

18 CHAIRMAN GARD: Any other questions?

19 (No response.)

20 CHAIRMAN GARD: Any speaker cards?

21 MS. KINDRICK: No, ma'am.

22 CHAIRMAN GARD: Anybody remotely?

23 (No response.)

1                   CHAIRMAN GARD: Okay. The hearing is  
2 concluded. The Board will now consider final  
3 adoption of 329 IAC 9, Underground Storage Tank  
4 Revision.

5                   Is there any Board discussion?

6                                   (No response.)

7                   CHAIRMAN GARD: We need a motion to  
8 adopt IDEM's suggested changes.

9                   MR. SMITH: So moved, Chris Smith.

10                  CHAIRMAN GARD: Is there a second?

11                  MS. KOZYRSKI: Second.

12                  CHAIRMAN GARD: I'll call the roll.

13                  Dr. Niemiec?

14                  DR. NIEMIEC: Yes.

15                  CHAIRMAN GARD: Dr. Alexandrovich?

16                  DR. ALEXANDROVICH: Yes.

17                  CHAIRMAN GARD: Mr. Schuler?

18                  MR. SCHULER: Yes.

19                  CHAIRMAN GARD: Mr. Smith?

20                  MR. SMITH: Yes.

21                  CHAIRMAN GARD: Mr. Rulon?

22                  MR. RULON: Yes.

23                  CHAIRMAN GARD: Ms. Nelson?



1 MS. NELSON: Yes.

2 CHAIRMAN GARD: Mr. Horn?

3 MR. HORN: Yes.

4 CHAIRMAN GARD: Mr. Davidson?

5 MR. DAVIDSON: Yes.

6 CHAIRMAN GARD: Mr. Etzler?

7 MR. ETZLER: Yes.

8 CHAIRMAN GARD: Ms. Kozyrski?

9 MS. KOZYRSKI: Yes.

10 CHAIRMAN GARD: The Chair votes aye.

11 That's eleven yeas, zero nays. The suggested  
12 changes by IDEM have been adopted. Is there a  
13 motion to final adopt the rules as amended?

14 MR. DAVIDSON: So moved.

15 MS. NELSON: Second, Katie Nelson.

16 CHAIRMAN GARD: Is there -- did I  
17 hear a second?

18 MS. NELSON: Yes, Katie Nelson.

19 CHAIRMAN GARD: Okay. I'll call the  
20 roll.

21 Dr. Niemiec?

22 DR. NIEMIEC: Yes.

23 CHAIRMAN GARD: Dr. Alexandrovich?

1 DR. ALEXANDROVICH: Yes.

2 CHAIRMAN GARD: Mr. Schuler?

3 MR. SCHULER: Yes.

4 CHAIRMAN GARD: Mr. Smith?

5 MR. SMITH: Yes.

6 CHAIRMAN GARD: Mr. Rulon?

7 MR. RULON: Yes.

8 CHAIRMAN GARD: Ms. Nelson?

9 MS. NELSON: Yes.

10 CHAIRMAN GARD: Mr. Horn?

11 MR. HORN: Yes.

12 CHAIRMAN GARD: Mr. Davidson?

13 MR. DAVIDSON: Yes.

14 CHAIRMAN GARD: Mr. Etzler?

15 MR. ETZLER: Yes.

16 CHAIRMAN GARD: Ms. Kozyrski?

17 MS. KOZYRSKI: Yes.

18 CHAIRMAN GARD: The Chair votes aye,

19 so it's eleven yeas, zero nays. The rule has

20 been final adopted as amended.

21 This is a public hearing before the

22 Environmental Rules Board of the State of Indiana

23 concerning the review of rules that do not expire

1 under IC 13-14-9.5-1.1. Every year IDEM is  
2 required to publish a list of rules that have  
3 been effective for seven years but not subject to  
4 expiration because they are necessary for a  
5 federally delegated program to receive or  
6 maintain federal funding.

7 This year, notices were published for the  
8 rule -- the air rules in Title 326 and waste  
9 rules in Title 327. A 30-day comment period was  
10 provided for each of those. No comments were  
11 received.

12 I will now introduce Exhibit F, the list  
13 of rules in Title 326 that do not expire, and  
14 Exhibit G, the list of rules in Title 327 that do  
15 not expire under IC 13-14-9.5-1.1, into the  
16 record of the hearing.

17 At this time, is there anyone who would  
18 like to comment on any rules listed in either  
19 notice?

20 (No response.)

21 CHAIRMAN GARD: Are there any speaker  
22 cards?

23 MS. KINDRICK: No, ma'am.

1                   CHAIRMAN GARD:  Okay.  Anyone  
2  remotely?

3                                   (No response.)

4                   CHAIRMAN GARD:  Okay.  If not, this  
5  hearing is concluded.  The Board must determine,  
6  based on comments received, whether it should  
7  direct the agency to open a new rulemaking for  
8  any of the rules that are listed in the notices.  
9  If the Board chooses not to ask for a rulemaking,  
10 notice [sic] must be made that no further action  
11 be taken on these rules.

12                           Is there any discussion?

13                                   (No response.)

14                   CHAIRMAN GARD:  So, the motion that I  
15 would need would be:  Either no further action on  
16 listed rules, or to direct the agency to begin  
17 rulemaking on a specific listed rule.  So, do I  
18 have one of those motions?

19                   MR. RULON:  Yeah, Ken Rulon.  I move  
20 that we would do no further action.

21                   DR. NIEMIEC:  Second.

22                   CHAIRMAN GARD:  Is there -- okay.  
23 Roll-call vote.

1 Mr. -- Dr. Niemiec?

2 DR. NIEMIEC: Yes.

3 CHAIRMAN GARD: Dr. Alexandrovich?

4 DR. ALEXANDROVICH: Yes.

5 CHAIRMAN GARD: Mr. Schuler?

6 MR. SCHULER: Yes.

7 CHAIRMAN GARD: Mr. Smith?

8 MR. SMITH: Yes.

9 CHAIRMAN GARD: Mr. Rulon?

10 MR. RULON: Yes.

11 CHAIRMAN GARD: Ms. Nelson?

12 MS. NELSON: Yes.

13 CHAIRMAN GARD: Mr. Horn?

14 MR. HORN: Yes.

15 CHAIRMAN GARD: Mr. Davidson?

16 MR. DAVIDSON: Yes.

17 CHAIRMAN GARD: Mr. Etzler?

18 MR. ETZLER: Yes.

19 CHAIRMAN GARD: Ms. Kozyrski?

20 MS. KOZYRSKI: Yes.

21 CHAIRMAN GARD: And the Chair votes

22 aye. That's eleven ayes, zero nays, so we will

23 have no further rulemaking on the rules that were

1 designated.

2 Citizen's Petition presentation. This is  
3 a petition to revise the Fugitive Dust Rules, if  
4 you all remember. Today the Board will consider  
5 the merit of the Citizen's Petition on Fugitive  
6 Dust to decide if a hearing should be scheduled  
7 to further consider an update of the existing  
8 fugitive dust regulations specifically regulated  
9 for fugitive dust created by the companies  
10 located along East 96th Street, Hazel Dell, and  
11 Gray Roads in Indianapolis, Indiana.

12 Nancy King will give an overview of the  
13 Citizen Petition process before the Board  
14 discussion. And some of you all remember we've  
15 gone through several of these before.

16 MS. KING: Thank you, Chair Gard.

17 As Chair Gard mentioned, we have done  
18 this, but it's been a little while since you  
19 folks have had a Citizen's Petition before you,  
20 so I will kind of briefly -- I think I sent you  
21 some information on that, but I will briefly just  
22 run through it really quickly in case you have  
23 any questions.

1           Under state law, Indiana Code 13-14-8-5,  
2 any person can present a written proposal to  
3 adopt, amend or repeal a rule as long as the  
4 petition meets the requirements in the statute.  
5 It must be supported by a statement of reasons  
6 and accompanied by a petition signed by at least  
7 two hundred people who support the position taken  
8 on the proposal.

9           We came up with our own process -- that's  
10 basically what the statute says, so over the  
11 years working with this, we came up with our own  
12 process. A citizen's petition on rulemaking is  
13 presented to the Board at a regularly scheduled  
14 Board meeting, then the Board accepts the  
15 petition, and the agency staff then can -- we,  
16 the rule folks, are the ones who verify whether  
17 it meets the requirements, if there are -- you  
18 know, there aren't duplications of names, things  
19 like that.

20           The statute requires that the proposal be  
21 accompanied by the petition that has to have at  
22 least two hundred signatures on it, it has to be  
23 supported by a statement of reasons, and the

1 proposal cannot deal with a subject matter upon  
2 which this Board has held a hearing within the  
3 previous six months of the submission of the  
4 actual proposal.

5           And the last requirement is that the  
6 proposal not be plainly devoid of merit, and that  
7 was a question that some of you had, as to how we  
8 determine merit, and as I provided, just the most  
9 basic of -- there's no statutory definition for  
10 that. Therefore, when you don't have a statutory  
11 definition, you look at the most common use of  
12 that term, "merit."

13           And so, it is up to this Board to make the  
14 determination of whether a petition that is  
15 brought before you, if it meets the other  
16 requirements of the statute, whether it has merit  
17 to hold a hearing. That hearing would be to  
18 basically discuss what the issue is that has  
19 arisen and also whether the Board would then  
20 direct the agency to engage in rulemaking.

21           I think the most recent one that we had  
22 was probably the one related to the water  
23 program, which -- and that was a situation where,



1 again, there's not a lot in the statute, so what  
2 we came up with was sort of that work-group type  
3 process, to work on the issue itself. So, it's  
4 not just a rulemaking or nothing, you know, it's  
5 that people need the ability to be able to speak  
6 to the Board.

7 So, that's just a quick overview of that.  
8 We did make those determinations for this  
9 particular petition. It met the statutory  
10 requirements. And so, now it's up to you as the  
11 Board to decide how you'd like to move forward  
12 with that, but I'm happy to answer any questions  
13 you may have on the process, such as it is.

14 CHAIRMAN GARD: Are there any  
15 questions for Nancy, first of all, about the  
16 process that we're going through, and second, on  
17 the proposed merit of the petition?

18 MR. RULON: Yes, Chairman Gard, Ken  
19 Rulon. I have one quick question for Nancy.

20 Is this statutorily allowable that we  
21 would direct a specific rule to just like one  
22 specific location in the state, or does it have  
23 to be a statewide rule?

1 MS. KING: The statute doesn't speak  
2 to that, but generally speaking, when we are  
3 doing regulations in rulemaking, the general  
4 requirement is that those are applicable. I mean  
5 there are situations where we have specific rules  
6 that actually are about specific entities and  
7 that -- like especially in air rules, we have --  
8 you know, we have stack requirements for  
9 industries.

10 But in a situation like fugitive dust,  
11 where it really is -- you know, it's something  
12 that has -- it's not specific to any -- the  
13 complaint is specific to a particular area, but  
14 the concept of it in terms of how it is regulated  
15 isn't specific to a particular industry. So,  
16 there's nothing that tells you you couldn't  
17 specifically do that, but that could be  
18 problematic in terms of how it is then applied  
19 elsewhere or not applied elsewhere.

20 So, generally in a situation like this,  
21 where it is something of a general nature from a  
22 regulatory perspective, it would probably be the  
23 most prudent to make it something that is

1 relatively broadly effective.

2 MR. RULON: Right. And that was my  
3 concern, because if we're not going to allow  
4 gravel pits anywhere in the State of Indiana,  
5 we're not going to have any more houses built in  
6 the state. I just wanted those -- I wanted to  
7 make sure what we're talking about.

8 Thank you for that.

9 MS. KING: You're welcome.

10 CHAIRMAN GARD: You know, Nancy,  
11 correct me if I'm wrong on this, and this is kind  
12 of a DNR issue, but I think with the extraction  
13 of minerals, I think that that is something that  
14 if somebody's in that business and finds a  
15 location that they can extract minerals, they can  
16 do it.

17 MS. KING: I might have to speak with  
18 me friends at DNR on that, because we don't  
19 really deal in the mineral extraction business,  
20 so -- I mean other than to, you know, probably  
21 regulate people after the fact, so --

22 MR. SMITH: Madam Chair, there's a  
23 couple of avenues. Coal, oil and gas have their

1 own sets of statute and administrative rule.  
2 Aggregate, really the only thing the Department  
3 looks at is implications to floodway flow so they  
4 are not stockpiling materials that then adversely  
5 flood their neighbors. So, they're permitted  
6 with specific layouts to their facilities to  
7 ensure, when we have floodwaters, they flow as  
8 efficiently as possible.

9 CHAIRMAN GARD: Uh-huh. Okay. Thank  
10 you.

11 Well, you know, with this specific  
12 location, you know, I happen to drive through  
13 there fairly frequently, and the gravel pits --  
14 and it's a nuisance, I agree. I had my car  
15 washed the other day and then drove through there  
16 and, you know, my tires were all dirty. But  
17 those -- those gravel pits were there long before  
18 all of that development started there. The  
19 development started long after the gravel pits  
20 were originally there.

21 So, I guess I'm a little bit concerned  
22 that if we started having a hearing on this, that  
23 we're going to get into this business of having

1 hearings on a lot of different things just for  
2 very specific locations, and I think that can be  
3 a problem. But, you know, I'm happy for anybody  
4 to disagree with me if you want to.

5 I also hope all of you saw the attachment  
6 that was sent by, I think, Martin Marietta that  
7 told of how often they sweep the highway and  
8 water it down and those sorts of things.

9 MR. DAVIDSON: I would agree with  
10 you, and I guess a little -- slightly different,  
11 Madam Chair, that I don't want folks to feel like  
12 they don't have a place to bring a concern, but I  
13 think the failure of the local zoning -- to me,  
14 it doesn't matter who's there first. The local  
15 zoning that sometimes allows dissimilar  
16 developments to exist contributes to this type of  
17 breakdown.

18 Regardless of what rule could be passed or  
19 contemplated, you're left sometimes with  
20 indifferent neighbors. And so, maybe express  
21 some of these concerns back within your local  
22 community that governs some of how the  
23 development occurs within the county or within

1 the city.

2 CHAIRMAN GARD: That's -- that's  
3 right. Well, you know, the people that developed  
4 around there knew those gravel pits were there.

5 Any -- any other thoughts from members of  
6 the Commission on how to deal with this?

7 DR. ALEXANDROVICH: This is Joanne  
8 Alexandrovich.

9 I do have some thoughts. I don't disagree  
10 with either you or Cal, but I spent considerable  
11 time studying this issue presented by the  
12 Petitioners, and based on my studies, I  
13 determined that the Petitioners did not present  
14 enough evidence to prove that there is indeed a  
15 problem that we can address as a Board.

16 But then I realized it's the Board's duty  
17 to hear testimony and new evidence that may lead  
18 us to decide whether a new rulemaking is  
19 necessary. Therefore, I concluded that the  
20 petition is not plainly devoid of merit and that  
21 it's the responsibility of this Board to hold a  
22 hearing on the issue.

23 So, unless there's any more discussion,

1 I'd like to move that we take a vote on whether  
2 this -- the petition is completely devoid of  
3 merit -- plainly devoid of merit, and hopefully,  
4 if the Board agrees with my position, schedule a  
5 hearing at our next meeting.

6 CHAIRMAN GARD: Is there a second?

7 (No response.)

8 CHAIRMAN GARD: Did I hear a second?

9 (No response.)

10 CHAIRMAN GARD: Well, not hearing a  
11 second, the motion has failed. Does -- do I hear  
12 a motion to -- and I think, just to clarify the  
13 record, we probably need to have a motion to --  
14 to not have a hearing, that we think it's devoid  
15 of merit. Is there a motion there?

16 MR. RULON: Chairman Gard, Ken Rulon.  
17 I guess I would make the motion that at this time  
18 the petition is devoid of merit. Obviously let  
19 them know that if they go back and can satisfy  
20 what Joanne wants in terms of proof that it isn't  
21 without merit, you know, that there is some merit  
22 to it. But at this time, based on what she just  
23 said, we don't have any evidence that it has

1 merit, and so, therefore, I would move that until  
2 further evidence is brought forward, that this  
3 petition is without -- is devoid of merit.

4 CHAIRMAN GARD: Is there -- is there  
5 a second to that motion?

6 DR. ALEXANDROVICH: Was that a  
7 motion? Can I comment on that?

8 CHAIRMAN GARD: Let's get -- let's  
9 get the second first.

10 Do we have a second?

11 MR. HORN: I would make a second on  
12 that motion, Chris Horn.

13 CHAIRMAN GARD: Okay. Now we're open  
14 for discussion.

15 Dr. Alexandrovich?

16 DR. ALEXANDROVICH: Okay. Just to  
17 clarify, I felt like the Petitioners did not  
18 provide enough evidence to prove that there's  
19 something we can do, but that doesn't mean we can  
20 do something or maybe we can't do something. You  
21 know, I don't know which way, and I think that  
22 trying to answer that question means that it's  
23 not devoid of merit, because we don't know what



1 the answer is; you know, there's nothing we can  
2 do or there's something we can do. We don't know  
3 yet until we have a hearing, until we get more  
4 evidence. Is there something we can do? That's  
5 what I meant, I think, if that makes more sense.

6 CHAIRMAN GARD: Is there -- is there  
7 any other discussion? Anybody else?

8 (No response.)

9 CHAIRMAN GARD: Well, I think  
10 probably we need a roll-call vote on this.

11 So, Dr. Niemiec?

12 DR. NIEMIEC: Again, what's before  
13 us? Do you want to rephrase it? I believe I  
14 understand what it is and what my vote is going  
15 to be, but I believe what was put forward was  
16 that -- a motion to not have any further meetings  
17 about this at this time.

18 CHAIRMAN GARD: Yeah, I think  
19 Mr. Rulon has said that it is determined this  
20 petition is devoid of merit; is that correct?

21 DR. NIEMIEC: Okay.

22 MR. RULON: Yeah, I was just -- I was  
23 making the motion that it's devoid of merit at

1 this time.

2 DR. NIEMIEC: Okay.

3 MR. RULON: So, the vote would be  
4 that it's devoid of merit, but I'm --

5 DR. NIEMIEC: Yes.

6 MR. RULON: -- just saying that the  
7 people that petitioned, if they want to bring  
8 evidence, we can always hear it again later. But  
9 right now, it's not there, so that -- so that is  
10 the motion, that it is currently devoid of merit.

11 DR. NIEMIEC: Yeah, that's what I  
12 thought, and then my vote is yes.

13 CHAIRMAN GARD: Okay. Dr. Niemiec?

14 DR. NIEMIEC: Yes.

15 CHAIRMAN GARD: Dr. Alexandrovich?

16 DR. ALEXANDROVICH: No.

17 CHAIRMAN GARD: Mr. Schuler?

18 MR. SCHULER: Yes.

19 CHAIRMAN GARD: Mr. Smith?

20 MR. SMITH: Yes.

21 CHAIRMAN GARD: Mr. Rulon?

22 MR. RULON: Yes.

23 CHAIRMAN GARD: Ms. Nelson?

1 MS. NELSON: Yes.

2 CHAIRMAN GARD: Mr. Horn?

3 MR. HORN: Yes.

4 CHAIRMAN GARD: Mr. Davidson?

5 MR. DAVIDSON: Yes.

6 CHAIRMAN GARD: Mr. Etzler?

7 MR. ETZLER: Yes.

8 CHAIRMAN GARD: Ms. Kozyrski?

9 MS. KOZYRSKI: Yes.

10 CHAIRMAN GARD: And the Chair votes  
11 aye, so it's ten yeas, one nay, so at this time,  
12 we will not schedule a hearing on the petition.

13 On Other Matters, this is an Open Forum.  
14 Is there anyone that wishes to address the Board  
15 today?

16 MS. DREESEN: Hello. Can you hear  
17 me?

18 CHAIRMAN GARD: Yes, I can. Just,  
19 you know, identify yourself, please.

20 MS. DREESEN: Sure. My name is Joyce  
21 Dreesen. I live in the Crystal Lake area, and I  
22 was at the last meeting when we presented the  
23 petition on fugitive dust. I did have a number

1 of pieces of evidence to present at that time,  
2 but it was determined in March that we would meet  
3 again today. So, we had a bit of evidence to  
4 present in March, but we did not present it, so  
5 I'm a bit concerned that the group has decided  
6 that there is no merit when we have not presented  
7 evidence.

8 CHAIRMAN GARD: Okay. Thank you.

9 MS. DREESEN: Sure.

10 CHAIRMAN GARD: Is there anyone else  
11 that wants to address the Board today?

12 MR. KEMP: Yeah.

13 CHAIRMAN GARD: Not necessarily on  
14 this, but on anything.

15 MR. KEMP: On this. I'm -- my name  
16 is Ferrell Kemp, and I sit on the Homeowners  
17 Association Board for Crystal Lake, and I just  
18 got involved in this, and what Joyce just  
19 mentioned, we have evidence, but when we -- I  
20 listened on the call last time with the Board.  
21 The Board basically said that is not the time to  
22 present the evidence, that you would then take it  
23 back and discuss it, and come back to us and let

1 us know whether it was devoid of merit. And now  
2 you're making a decision, and we haven't had an  
3 opportunity to present it.

4 Also, there's a current rule, regulation,  
5 that's out there right now that they're not  
6 abiding by, an attachment that you reviewed from  
7 Martin Marietta that we have not even seen. So,  
8 we don't know whether that was valid, invalid,  
9 accurate, not accurate.

10 So, I think that I would ask you to  
11 reconsider taking a look at this. I live there,  
12 and there's health concerns with how much dust in  
13 the last three or four years that these companies  
14 are generating. We're not asking them to go  
15 away. We know they were there before our  
16 residential district.

17 However, we're just asking to be good  
18 neighbors. What do we need to help them with or  
19 them help us with to help eliminate some of the  
20 dust? That's all we're asking. We're not asking  
21 for them to move. We're just asking for some  
22 help, and if you guys aren't going to do it,  
23 where do we go?

1                   CHAIRMAN GARD: Well, let me make one  
2 comment. You made reference to the current rule,  
3 and, in your opinion, the current rule is not  
4 being enforced in this situation, and if  
5 that's -- if you feel that way, there's a way  
6 that you can go to the agency and ask them to  
7 look and see if in fact the rule's being abided  
8 by or if it's being violated. So, I would  
9 suggest that that group be looked at at this  
10 point.

11                   MS. DREESEN: We have -- we have sent  
12 in concerns, and there were actually violations  
13 given out. The last inspection, I believe, was  
14 in November of 2022, and there were violations  
15 sent to some of the companies along 96th Street.  
16 We have been trying to work with the Compliance  
17 Division to find out what specifically was sent  
18 to them and what the ramifications were.

19                   We were given access to the VFC, which is  
20 the IDEM Virtual Filing Cabinet, but after trying  
21 for a couple of hours to get to the specific  
22 violation and results, we were not able to. So,  
23 we've been e-mailing back and forth with the

1 Office of Air Quality Compliance and Enforcement  
2 to try to get the information on the violation  
3 letters and what action has been taken, but thus  
4 far have not had any luck.

5 COMM. ROCKENSUESS: This is --

6 CHAIRMAN GARD: Well, I think --

7 COMM. ROCKENSUESS: This is Brian  
8 Rockensuess, Commissioner. Chairman?

9 CHAIRMAN GARD: Yes, Commissioner.

10 COMM. ROCKENSUESS: Yeah. So, we'll  
11 make sure to get you the inspection reports and  
12 violation letters. We'll make sure that you  
13 have -- who are you working with within the  
14 agency? Is there a particular individual?

15 MS. DREESEN: We've been e-mailing  
16 with Kurt Graham.

17 COMM. ROCKENSUESS: Okay. We will  
18 make sure his -- that -- my Assistant  
19 Commissioner, Deputy, and Air Quality are here  
20 right now, so we'll make sure Graham sends you  
21 those documents. I don't know if the enforcement  
22 process is over or not, but we will -- we'll --  
23 if it is, we'll send you the agreed order,

1 whatever penalties that went along with that, and  
2 then you can let us know what you think once you  
3 review it.

4 MS. DREESEN: So, is it correct --  
5 and again, we have two issues. The first issue  
6 is enforcement of current regulations, because  
7 dust is not supposed to leave the properties, and  
8 I know the companies are doing a lot to mitigate  
9 the dust, but there still is quite a bit leaving,  
10 and that's one of the reasons that we developed  
11 the petition.

12 And it did take quite a -- you know, we  
13 have over the 200-plus signatures, because there  
14 are definite concerns for health issues within  
15 the neighborhood. And we are very clear that the  
16 entities were here prior to development, but we  
17 are concerned. Is it correct that, based on the  
18 meeting today, we will not be able to approach  
19 you again for six months?

20 CHAIRMAN GARD: Nancy?

21 MS. KING: Hi. No, that is in fact  
22 not the case. The six months applies to an  
23 actual hearing, so --



1 MS. DREESEN: Okay.

2 MS. KING: -- the Citizen's Petition  
3 can be reinvigorated, and certainly it sounds  
4 like with the fact that there is additional  
5 information, that certainly might be something  
6 that would be beneficial for the Board to see.  
7 So, that six-month thing is only about a formal  
8 hearing in the statute.

9 CHAIRMAN GARD: So --

10 MS. DREESEN: Thank you. Is there a  
11 way that we can send you the evidence prior to  
12 the meeting in August, or will we need to wait  
13 until that time?

14 MS. KING: You can submit that  
15 information and we can provide it to the Board.  
16 That's generally how we do it, so we're certainly  
17 happy to provide that information. We provided  
18 the Board, I believe earlier, when this was  
19 originally brought up, with some of the  
20 compliance information that the Commissioner  
21 spoke about as well. So, yeah, I mean it's  
22 incumbent upon us to provide as much information  
23 so that people can make informed decisions on

1 these things.

2 CHAIRMAN GARD: Well, you know, at  
3 this point, just having this discussion now, I  
4 think, will serve to at least help address some  
5 of the enforcement issues that you have talked  
6 about, and the fact that now you're probably  
7 going to get more information, so your petition  
8 at this point has not been totally worthless.  
9 It's started an administrative process that I  
10 think probably needs to be done, and after you  
11 get that -- all of that information, you know, if  
12 you're not satisfied and if you have additional  
13 information that you think would prove that the  
14 issue is not devoid of merit, the petition can  
15 always be amended and refiled. Just start a new  
16 petition.

17 MR. SMITH: Well, Madam Chair, I  
18 think it's also important, too, for the Board to  
19 understand whether it's an issue of rules  
20 actually needing to be changed or enforcement of  
21 current rules, you know, if that is the actual  
22 solution.

23 MS. NELSON: That's --

1 CHAIRMAN GARD: Exactly.

2 MS. NELSON: -- what I was thinking.  
3 If they're not following current rules, why would  
4 changing the rules fix the issue?

5 DR. ALEXANDROVICH: It would  
6 change --

7 MR. SMITH: I mean it could be a bit  
8 of both --

9 DR. ALEXANDROVICH: It could change  
10 their --

11 MR. SMITH: -- for them to  
12 understand --

13 DR. ALEXANDROVICH: -- permit  
14 requirements.

15 MR. KEMP: Yeah, it is minimal.

16 MS. DREESEN: Our understanding of  
17 the current rules is that they only apply to dust  
18 leaving the properties, they do not apply to  
19 deposition of the fugitive dust, so that's where  
20 we wanted to update the rules, so that there  
21 could be some enforcement on when dust is doing  
22 damage in surrounding neighborhoods.

23 CHAIRMAN GARD: Does anyone else want

1 to address any issue?

2 (No response.)

3 CHAIRMAN GARD: And I want to make  
4 clear, just -- this discussion isn't a public --  
5 an official public hearing on the issue. This is  
6 an Open Forum that we provide for anybody,  
7 whether it's virtual or in the audience, to  
8 comment on any IDEM issue.

9 MS. VOIVODAS: Hi. My name is Joyce  
10 Voivodas, and I am also part of the committee for  
11 the petition, and I think you hit the nail on the  
12 head is that really the reason why really we knew  
13 that the measures, the control measures, were not  
14 being followed are the current rules.

15 And there's a strong list of those  
16 current measures that need to be controlled in  
17 Article 326 1(a)(6), (6), (5), (4), and it's very  
18 lengthy, and I don't know if it has been viewed,  
19 that this has been done frequently. Is it  
20 inspected frequently to see that these control  
21 measures are done?

22 And the second thing is this business has  
23 grown so much, tenfold in the past -- well, the

1 last time these rules were done was 2001, and  
2 then it's changed a lot since then. So, that's  
3 my input on that.

4 CHAIRMAN GARD: So, you know, at this  
5 point, I think we're talking about an enforcement  
6 issue, which the Commissioner has addressed, that  
7 he's directed his staff to provide you the  
8 information that you have requested, and I think  
9 if the Commissioner sees that there are obvious  
10 violations, the agency can address those.

11 Those are administrative issues, and this  
12 Board, other than just calling the attention to  
13 it to the administration, we have -- we have no  
14 enforcement power as the Board here on this -- on  
15 enforcing rules.

16 Is there any comment on any other issue?

17 (No response.)

18 CHAIRMAN GARD: Okay. Does the  
19 Board, anybody on the Board, have any comments on  
20 any other issue?

21 MR. RULON: Ken Rulon again. I just  
22 wanted to really congratulate the IDEM staff and  
23 our new director on what an exemplary job

1 managing the process at the Statehouse this year,  
2 and I think somebody should say "Thank you" once  
3 in a while, so I think they deserve that.

4 I trust that if there's an enforcement  
5 issue, that they will jump on that. They're  
6 pretty good at that, so I just wanted to thank  
7 them for an excellent job working with the  
8 legislature this year. Very well done.

9 COMM. ROCKENSUESS: Thanks, Ken.

10 CHAIRMAN GARD: I think you're  
11 exactly right, Ken. I'm very proud of this  
12 staff, and I'm particularly proud of the  
13 Commissioner. You all may not know that he was  
14 my Legislative Assistant for a number of years,  
15 and so, I feel like I've kind of grown up with  
16 him. So -- but I'm particularly pleased with his  
17 direction of the agency.

18 Is there -- are there any other closing  
19 comments from any Board Members?

20 (No response.)

21 CHAIRMAN GARD: Well, if not, the  
22 next meeting is tentatively set for August  
23 the 9th, 2023 at 1:30 in Conference Room A, and

1 we may or may not provide Zoom. That will be  
2 determined, and we'll let you all know about  
3 that.

4 So, is there a motion to adjourn?

5 DR. NIEMIEC: So moved.

6 CHAIRMAN GARD: Is there a second?

7 MS. NELSON: Second, Katie Nelson.

8 CHAIRMAN GARD: All in favor, say  
9 aye.

10 MR. HORN: Aye.

11 MS. NELSON: Aye.

12 DR. ALEXANDROVICH: Aye.

13 MR. ETZLER: Aye.

14 MR. RULON: Aye.

15 MR. SMITH: Aye.

16 DR. NIEMIEC: Aye.

17 MS. KOZYRSKI: Aye.

18 MR. DAVIDSON: Aye.

19 MR. SCHULER: Aye.

20 CHAIRMAN GARD: Aye.

21 Opposed, nay.

22 (No response.)

23 CHAIRMAN GARD: So, you all enjoy the

1 few months of the summer. This is kind of a  
2 great one. At least we had some rain.

3 COMM. ROCKENSUESS: Yeah.

4 - - -  
5 Thereupon, the proceedings of  
6 June 14, 2023 were concluded  
7 at 2:50 o'clock p.m.  
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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Wednesday, June 14, 2023 in this matter and transcribed by me.

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Lindy L. Meyer, Jr.,  
Notary Public in and  
for the State of Indiana.

My Commission expires August 26, 2024.

Commission No. NP0690003

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