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BEFORE THE STATE OF INDIANA
ENVIRONMENTAL RULES BOARD

- - -

PUBLIC MEETING OF APRIL 11, 2018

- - -

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, April 11, 2018 at 1:29
o'clock p.m.

- - -

IERB 4-11-18

21 William F. Daniels, RPR/CP CM d/b/a
ACCURATE REPORTING OF INDIANA
22 12922 Brighton Avenue
Carmel, Indiana 46032
23 (317) 848-0088



2

1 APPEARANCES:

2 BOARD MEMBERS:

Beverly Gard, Chairman

3 Angelique Collier

Dr. Ted Niemiec

4 Joanne Alexandrovich

Ken Rulon

5 William Etzler

Chris Horn

6 Gail Boydston

Calvin Davidson

7 Devin Hillsdon-Smith

Mike Mettler, Proxy, Department of

8 Health

Jeffrey Cummins, Proxy, Lieutenant

9 Governor

Bruno Pigott, IDEM Commissioner (nonvoting)

10

11 IDEM STAFF MEMBERS:

Chris Pedersen

12 Keelyn Walsh

MaryAnn Stevens

13 Jack Harmon

Susan Bem

14 Jessica Reiss

Jody Arthur

15 Martha Clark Mettler

Keith Baugues

16 Matt Stuckey

Erin Moorhouse

17 Janet Pittman

18

PUBLIC SPEAKERS:

19 Bill Beranek

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1 1:29 o'clock p.m.

April 11, 2018

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3 CHAIRMAN GARD: Okay. Good

4 afternoon. The Chair sees a quorum, so I will

5 call the April the 11th, 2018 meeting of the

6 Environmental Rules Board to order, and with

7 that, Mr. Etzler wants a moment of personal

8 privilege.

9 MR. ETZLER: Thank you, Chairman

10 Gard.

11 For most of us that live in the hinterland

12 of Indiana, news doesn't always travel real fast,

13 but I was made aware that Sen. Gard on Monday was

14 given a very prestigious award, and I can say

15 from personal experience that since she is

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16 retired, I have run into her on a number of
17 occasions at various functions that have extended
18 her public service to other areas, other than
19 serving in the legislature, and this group being
20 one of those. But she was awarded the Nancy
21 Maloley Outstanding Public Servant award on
22 Monday, through the Lugar Series, and I think we
23 owe her our appreciation.

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4

1 (Applause.)

2 CHAIRMAN GARD: Thank you. When he
3 asked me for a moment of personal privilege, I
4 thought he was going to resign.

5 (Laughter.)

6 CHAIRMAN GARD: Our first order of
7 business today is approval of the summary of the
8 January 11th, 2018 Board meeting. Are there any
9 additions or corrections to the summary as
10 presented?

11 (No response.)

12 CHAIRMAN GARD: So, is there a motion
13 to approve?

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14 MR. RULON: So moved.
15 CHAIRMAN GARD: Is there a second?
16 MR. DAVIDSON: Second.
17 MR. HILLSDON-SMITH: Second.
18 CHAIRMAN GARD: All in favor, say
19 aye.
20 MR. HORN: Aye.
21 DR. NIEMIEC: Aye.
22 MS. COLLIER: Aye.
23 MS. BOYDSTON: Aye.



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1 DR. ALEXANDROVICH: Aye.
2 MR. RULON: Aye.
3 MR. ETZLER: Aye.
4 MR. CUMMINS: Aye.
5 MR. METTLER: Aye.
6 MR. DAVIDSON: Aye.
7 MR. HILLSDON-SMITH: Aye.
8 CHAIRMAN GARD: Aye.
9 Opposed, nay.
10 (No response.)

11 CHAIRMAN GARD: The minutes are
12 approved as presented.

13 Commissioner, your report.

14 COMM. PIGOTT: Sen. Gard, I want to
15 also extend my congratulations. I was at that
16 luncheon yesterday. It was terrific, and I
17 couldn't be prouder that Sen. Gard received the
18 Nancy Maloley award. And, of course, she was the
19 first Commissioner of the agency, so I want to
20 also extend my appreciation for the work you've
21 done. I know myself, I've benefited from your
22 leadership, and we all have. So, thank you for
23 your service --



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1 CHAIRMAN GARD: Thank you.

2 COMM. PIGOTT: -- and continued
3 service. That's the crazy thing, isn't it? It
4 just keeps going, and we very much appreciate
5 that. So, that's, that.

6 But I wanted to review a few things. I'd
7 like to talk a little bit about the priorities
8 we're working on. I'd like to talk about some

9 issues that you may have read about in the
10 newspaper but you might wonder, "What's IDEM
11 doing about it?" I'd like to talk about some of
12 our staffing changes as well, and so that's where
13 I'll start.

14 As you know, at the last Board meeting I
15 talked a little bit about some of the priorities
16 that we've got. One is we're working to
17 investigate assuming control over the 404
18 Program. That's our Wetlands Program in Indiana.
19 We continue to do that.

20 I want to congratulate Nancy and Brian,
21 who worked pretty hard over the last legislative
22 session to take our first step toward moving in
23 that direction, and specifically there was

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1 legislation that the two of them worked on with
2 other folks to ensure that we could move forward
3 with the 404 assumption program specifically,
4 some environmental crimes legislation.

5 So, I think we're making progress, and

6 we're doing investigation in terms of staffing
7 needs, in terms of fee structures, in terms of
8 what waters would be regulated by the State of
9 Indiana under a 404 Program that was assumed by
10 the State of Indiana. So, we're making progress
11 there.

12 The second thing I'd like to mention is
13 the VW settlement. As you know, Sen. Gard, who
14 never stops working on issues, is working as the
15 chair of the commission regarding the VW
16 settlement, and there's been a series of meetings
17 that have been held throughout the State of
18 Indiana, five meetings, to elicit feedback from
19 the general public about the kind of -- what we
20 call the BMP, or beneficiary mitigation plan.
21 That's the overarching plan that's developed by
22 this committee to help determine how the funds
23 from the VW settlement will be spent in the State



1 of Indiana.

2 And so, there have been five meetings.

3 Members of the Board attended, including Bill

4 Beranek, who's sitting in the audience here, and
5 others, and I think we heard a good deal of
6 feedback, and that board will be considering
7 those changes in deciding what next steps to
8 take, and that those next steps will include
9 being -- creating or more finely tuning the plan
10 for the use of those fund, and then once that's
11 submitted, the board will be able to take
12 solicitations. So, we're expecting somewhere
13 near the end of year is my understanding before
14 the solicitations start coming in.

15 We continue to work to issue our permits
16 on time in real time, and I'm proud to say that
17 we don't have a backlog in terms of our permits.
18 We're continuing to do that very efficiently.
19 It's one thing that Comm. Easterly accomplished
20 in the ten years that he served in this position
21 that I'm very proud of and hope that we continue.
22 I know that our staff is fully committed to doing
23 that.



1 We're also seeking to improve the process
2 by which we issue inspection reports. I may have
3 mentioned that, you know, we have a statutory
4 deadline to get our inspection reports out to
5 facilities within 45 days of the conducting of an
6 inspection, but we aim to get it done in seven.
7 There's no reason we shouldn't be able to do it.
8 There's a lot of technological fixes that can
9 help us get there, and we're going to work really
10 hard to do that.

11 We're working also to create a citizen
12 portal for many of the programs, and I think
13 we're going to start with a pilot project. A lot
14 of our more simple permitting projects, the
15 general permits, for example, our storm water
16 general permits and other general permits are
17 fairly simple application forms, and there's no
18 reason that those application forms shouldn't be
19 electronic and submitted to us electronically.
20 You know, we're long past the day of doing your
21 taxes electronically. We should do the same in
22 terms of our permits, and so that's going to be a
23 first step.



1 We're also working -- and this past
2 weekend I spent a little bit of time in East
3 Chicago, Indiana working on lead sites. On
4 Saturday there was a public meeting in East
5 Chicago about the Superfund site that you may
6 have all read about. The U.S. EPA's been working
7 to remediate homes where lead in the soils has
8 got to be dug up and moved out, and they're about
9 to start work again this year at the same time in
10 replacing lead service lines in that community.

11 We're taking a look holistically around
12 the state and saying, "What other potential areas
13 are there, and what can we do so that we're not
14 caught on our heels in terms of responding to
15 these incidents?" So, those are some of the big
16 priorities we're working on.

17 In terms of the newspaper articles you may
18 have read about, I'd like to just highlight a
19 couple. As you know, sometime ago, in April
20 of 2017, U.S. Steel experienced a rupture of a
21 pipe, and that pipe released some hexavalent
22 chrome into the waterways, and since that time,

23 the folks at U.S. Steel, U.S. EPA and IDEM have



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1 been working together to fashion a consent
2 decree.

3 That consent decree was lodged, and that
4 consent decree requires the U.S. Steel folks to
5 do a number of things. One is reconstruct a
6 concrete containment structure that actually
7 ensured that hexavalent chrome and other
8 noncontact cooling water didn't reach the waters
9 of the state.

10 Not only are they going to have to
11 reconstruct it, but they're going to paint it in
12 different colors so that if part of it starts to
13 wear away, the colors change and they know that
14 something's going wrong and they ought to fix it.
15 They're also going to change a single-wall heat
16 exchanger into a double-wall to help prevent
17 hexavalent chrome from actually getting out, and
18 they're going to install some new notification
19 procedures.

20 In the event that something like this
21 happens again, they're going to notify the
22 National Parks Service, they're going to notify
23 the Indiana American, the Portage folks, Burns



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1 Harbor, and the City of Chicago in the event
2 there's some trouble. They are working to
3 develop also an operations and maintenance plan
4 that's more robust that deals with this specific
5 area, and that plan is due in April 15th.

6 As a result of all of this work, they are
7 also going to be paying a civil penalty, a
8 \$600,000 fine, \$300,000 of which goes to the
9 state. They're also paying \$350,000 for
10 response -- compensatory damages for the closure
11 of the national park during the time when that
12 was -- that spill was ongoing, and there are
13 other smaller amounts that they're going to be
14 paying out. In total, they'll be paying a
15 1.2-million-dollar amount to the State and
16 Federal Government.

17 And the consent decree, as I mentioned,

18 has been lodged, and it was lodged on April 3rd,
19 and that period of time between April 3rd and
20 May 3rd is the time when they -- the public
21 comments are allowed to be submitted. There's
22 been requests for additional time for the
23 submission of comments, and it's likely that that



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1 time frame will be extended another 30 days so
2 that folks can look at the operation and
3 maintenance plan.

4 I think the overall consent decree is
5 pretty robust, and it will go a long way to help
6 prevent problems in the future and help respond
7 in the event -- and God hope that it doesn't
8 happen again. So, I think we're making great
9 progress on that.

10 And I will be honest with you, I received
11 a number of e-mails, well, probably a hundred,
12 over the last several months about concerns
13 raised by citizens, that they wanted our agencies
14 to take action. Now, I think this plan is taking

15 action, and we're doing a good job, and I'm
16 really proud of the folks who worked to put this
17 consent decree together. So, that's that.

18 And you may have also read sometime ago
19 about a Marathon Oil diesel fuel spill in the
20 western side of Indiana. I think there were 1400
21 gallons of -- or barrels of diesel fuel that were
22 released in this spill, and I know people have
23 raised concerns about that as well, saying,

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1 "Well, what is the state agency going to do about
2 it, and what's the plan, what's the approach
3 we're going to take?"

4 And you should know that we are going to
5 be taking enforcement action, just as we are
6 doing with U.S. Steel, to ensure that proper
7 procedures are put in place. Like U.S. Steel,
8 there was a pipe, and the pipe, due to erosion,
9 broke, and that released the fuel. It wasn't a
10 purposeful incident, it wasn't something that
11 Marathon wanted to do, but there's a need to put
12 in place operation and maintenance plans to

13 ensure that this sort of thing doesn't happen
14 again, and we'll be working through our
15 enforcement arm and with U.S. EPA and others to
16 deal with this incident.

17 There's one other thing you may have read
18 in the Indianapolis Star about, a coal combustion
19 residual article a couple of Mondays ago, I think
20 it was, and there's been a great deal of concern.
21 There are a number of coal-fired power plants
22 around the state, and they have what they -- what
23 are termed ponds which contain the residuals from

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1 the coal-fired power process.

2 And U.S. EPA passed regulations that
3 required these ponds to be closed, and there are
4 a number of different ways to do that. This
5 particular article highlighted the potential
6 problems from these ponds, and highlighted some
7 here in Indianapolis, and I just want you to know
8 that we are working with U.S. EPA to assume
9 authority over that program. We've submitted

10 documentation. This Board has taken action to
11 help us assume authority, and we'll be doing that
12 and working through that process and developing
13 rules to help us regulate those facilities. So,
14 those are the big news items that you may have
15 read about and may have some concern about that I
16 thought I should address.

17 The three other thing -- or one other
18 quick thing, three new staff joined the
19 Department of Environmental Management recently.
20 Laura Dresen, who I don't think is here, but
21 Laura's our new Health and Safety Director. For
22 some time now, we've been without a Health and
23 Safety Director.



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1 And we're very committed to ensuring that
2 the folks who work at the agency who go out,
3 whether they're climbing a stack or whether
4 they're sampling the water or working with
5 contaminated land, have the proper equipment,
6 know the proper training, and are able to go out
7 and work safely. Laura's coming to us from the

8 Department of Homeland Security. She did work at
9 IDEM for a little while, and we're excited to
10 have her back with us. She's got a great deal of
11 experience in this area.

12 Secondly, John Erickson is come to our
13 agency. John, again, is from the Department of
14 Homeland Security. He's our External Relations
15 Director. He's going to deal with all media
16 requests. Ryan Clem, who you may know, is our
17 overall media person, deals with both media
18 inquiries and many of the creative stuff that we
19 work on in the agency, from pamphlets to posters
20 to GPS stuff. He continues to be in this role,
21 but John will be working to assist him to help us
22 with our relationships with our external media
23 partners.



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1 And then Erin Moorhouse.

2 Erin, can you stand up for me, please?

3 Erin just joined the agency. Erin has
4 served as a legislative assistant for

5 Rep. Wolkins, and she is joining us at the
6 Department of Environmental Management. We're
7 very excited to have her on board. As you know,
8 Brian Rockensuess has worked both in the Senate
9 and at IDEM, and he has a great knowledge of the
10 system in terms of our legislature. Erin -- but
11 Brian's experience is really in the Senate, and
12 so bringing Erin over has been a really good
13 addition, because she's going to help us with the
14 House, and so we're excited for the work she'll
15 be doing with us.

16 And I just want to say, "Welcome aboard.
17 I'm sure you're going to do a great job.

18 And we're excited to get started. We're
19 going to already work on legislative proposals
20 for 2019 just to keep her busy.

21 Right, Erin?

22 MS. MOORHOUSE: That's right.

23 COMM. PIGOTT: Okay. Good.



1 And that's my report. Thank you,
2 Sen. Gard.

3 CHAIRMAN GARD: Are there any
4 questions for the Commissioner?

5 (No response.)

6 CHAIRMAN GARD: Thank you. You've
7 been busy.

8 Chris Pedersen?

9 MS. PEDERSEN: Okay. Can everybody
10 hear me okay? Can everybody in the back hear me
11 okay?

12 (No response.)

13 MS. PEDERSEN: Okay.

14 All right. I'm Chris Peterson, of the
15 Rules Development Branch of the Office of Legal
16 Counsel. First, I wanted to touch on some
17 administrative items. In the Board member
18 folders that are on your table today, there's a
19 few things I wanted to mention.

20 First, there's a new Board member roster
21 with updates to some of the contact information,
22 so it's more recent information for some of the
23 Board members. There's also a copy of the Notice



1 of Review for Water Quality Standards that is
2 related to a presentation that Martha Clark
3 Mettler will be giving you a little later today,
4 and also a copy of the presentation on the 2018
5 Draft List of Impaired Waters, which will also be
6 presented to you later today.

7 As far as rules, tentatively we have been
8 looking at July for the next meeting. If we have
9 a July meeting, we have a couple of things that
10 will be ready. The first would be the Cross
11 Connections Reference Updates. If it is
12 preliminarily adopted today, then it should be
13 ready for final adoption in July. And second is
14 the nonexpiring rules hearings. Each year we
15 have do hearings for those rules. This year we
16 will have two of them for the air and water
17 rules. Those should also be ready in July.

18 In addition to that, we have two other
19 rules that may be ready. The first one is permit
20 legal notices, and this is a rulemaking that is
21 in response to a final EPA rule that allows the
22 states with an approved Title V permitting
23 program to establish electronic notices as the



1 primary and consistent means of notifying the
2 public for certain permit actions, air permit
3 action. The notices must be -- must provide
4 reasonable access to the materials related to the
5 permit decision, including a copy of the draft
6 permit.

7 Anyone without Internet access can still
8 ask to receive notice through the Postal Service
9 about air actions that are in their area or
10 related to specific sources. The second notice
11 for this rulemaking is going to be published a
12 week from today, and depending on the volume of
13 comments we get on that will determine whether it
14 could be ready by July.

15 And then second is our Asbestos Management
16 Rule. These are revisions that are to clarify an
17 update in Indiana's existing asbestos management
18 program rules to ensure consistency within the
19 program as well as with federal requirements. It
20 affects both the emission standards for the
21 asbestos demolition and renovation operations and

22 the licensing and training requirements for the
23 asbestos handling activities.

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1 The second notice for this rule is
2 currently in review, and depending on the timing
3 of the finishing the review and getting it sent
4 to LSA, there is a possibility it would be ready
5 for a July meeting.

6 I'd be happy to answer any questions about
7 the rulemaking schedule.

8 CHAIRMAN GARD: Are there any
9 questions for Chris?

10 (No response.)

11 CHAIRMAN GARD: Thank you.

12 COMM. PIGOTT: Sen. Gard, could I
13 just mention one more thing?

14 CHAIRMAN GARD: Sure.

15 COMM. PIGOTT: So, for the last,
16 what, four or five years the Department of
17 Environmental Management, in conjunction with the
18 Department of Natural Resources and the

19 Department of Transportation, have been working
20 really hard to implement a great idea, and that
21 great idea was: For wetlands that are being
22 constructed, oftentimes -- and you may remember
23 some our staff coming here and talking about how,

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1 when we put in place mitigation requirements for
2 wetlands, they fail often, about half of the
3 time. You know, when someone's going to impact a
4 wetland, they're required to do mitigation, they
5 do the mitigation, and it just doesn't work out.

6 Well, one of the ideas in order to do a
7 better job was to implement a program that we
8 call the in lieu fee program. The in lieu fee
9 program is interesting because instead of the
10 person who wants to impact this land literally
11 just submitting a mitigation plan and not doing a
12 very good job, there is now an option under the
13 in lieu fee program to write a check and say,
14 "Instead of me doing the mitigation, we will
15 write a check to the Department of Natural
16 Resources, and the Department of Natural

17 Resources will manage the process of creating new
18 wetlands to offset the impacts that were created
19 by the development."

20 And we've been working for years on this
21 thing, and it has been -- it's been a lot of
22 heavy lifting. I know there's some people in the
23 audience, Martha has been in here, Nancy's been

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1 working on it, I know Brian's been involved.
2 There are just a number of folks, and a number of
3 former IDEM people.

4 We just literally heard a minute ago that
5 this program has been approved by U.S. EPA, and I
6 think it'll make a huge difference. It'll help
7 us more efficiently process mitigation
8 requirements and it will protect our wetlands,
9 and the businesses that are trying to develop in
10 the state will be able to do that in a way that's
11 much more efficient.

12 I think of it as a win-win-win scenario,
13 and I'm very excited about it. I literally just

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14 found out about it, and I just want to say thanks
15 to all of the people who worked on it. We're
16 looking forward now to getting this thing
17 implemented, and it's a big victory, I think, for
18 the state.

19 CHAIRMAN GARD: Thank you.

20 Any questions for the Commissioner about
21 that?

22 (No response.)

23 CHAIRMAN GARD: Thank you.

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1 Today we have several rulemaking actions
2 and two nonrule actions. Rulemakings today
3 include one Emergency Rule that the Board will be
4 asked to readopt, the Lawrenceburg Township,
5 Dearborn County Ozone Redesignation. There will
6 be a hearing prior to preliminary adoption of the
7 Cross Connection Reference Updates.

8 There will also be hearings prior to final
9 adoption of the following rules: Attainment
10 Status Updates, Volatile Organic Liquid Storage
11 Tanks, and NOx Emissions from Large Affected Units

12 and repeal of the NOx Budget Trading Program.

13 In addition to our rulemaking actions, we
14 have the presentation on the 2018 303(d) List of
15 Impaired Waters and Consolidated Assessment under
16 the Clean Water Act; and two, the presentation on
17 current activities related to Indiana's Water
18 Quality Standards, followed by a public hearing
19 regarding the current Water Quality Standards.

20 Please fill out a contact card and give it
21 to Janet Pittman at the sign-in table if you wish
22 to testify at any of the today's hearings.

23 The rules being considered today at



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1 today's meeting are included in Board packets and
2 are available for public inspection at the Office
3 of Legal Counsel, 13th floor, Indiana Government
4 Center North. The entire Board packet is also
5 available on IDEM's Web site at least one week
6 prior to each Board meeting.

7 A written transcript of today's meeting
8 will be made. The transcript and any written

9 submissions will be open for public inspection at
10 the Office of Legal Counsel. A copy of the
11 transcript will be posted on the Rules page of
12 the agency Web site when it becomes available.

13 Will the official reporter for the cause
14 please stand, raise your right hand and state
15 your name?

16 (Reporter sworn.)

17 CHAIRMAN GARD: Thank you.

18 The Board will now consider adoption of an
19 Emergency Rule to redesignate Lawrenceburg
20 Township in Dearborn County to attainment for the
21 2008 Eight-Hour Ozone Standard. This Emergency
22 Rule temporarily incorporated the current federal
23 designation.

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1 I will enter Exhibit A, the draft
2 Emergency Rule, into the record of the meeting.

3 And Kathleen [sic] Walsh will present the
4 rule.

5 MS. WALSH: Good afternoon, members
6 of the Board. I'm Keelyn Walsh, with the Rules

7 Development Section of the Office of Legal
8 Counsel, and I'm here to present the Emergency
9 Rule to redesignate Lawrenceburg Township in
10 Dearborn County to attainment for the 2008
11 Eight-Hour Ozone Standard for readoption.

12 This rule temporarily revises
13 326 IAC 1-4-16 to redesignate Lawrenceburg
14 Township to attainment for the 2008 Eight-Hour
15 Ozone Standard until the regular rulemaking is
16 completed. On April 7th, 2017, U.S. EPA
17 published a final rule to redesignate
18 Lawrenceburg Township in Dearborn County to
19 attainment for the 2008 Eight-Hour Ozone
20 Standard. This Emergency Rule will allow
21 affected sources to be permitted under the
22 Prevention of Significant Deterioration Program
23 under 326 IAC 2-2, instead of the more



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1 restrictive Emission Offset Program under
2 326 IAC 2-3.

3 Being permitted under the PSD Program

4 instead of the Emissions Offset Program will have
5 a positive impact on Dearborn County's economy
6 and contribute greater economic benefits to the
7 redesignated area. Redesignating Lawrenceburg
8 Township to attainment for the 2008 Eight-Hour
9 Ozone Standard will not establish any new
10 requirements to which the regulated sources are
11 not already subject.

12 This Emergency Rule was originally adopted
13 on April 12th, 2017, and then readopted on
14 January 10th 2018. If readopted today, this
15 Emergency Rule will be filed and be effective
16 for 90 days, or until the regular rulemaking
17 becomes effective.

18 IDEM requests that the Board adopt this
19 Emergency Rule as presented, and program staff
20 are available to answer any further questions you
21 may have.

22 Thank you.

23 CHAIRMAN GARD: Does the Board have



1 any questions for Kathleen?

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2 (No response.)

3 CHAIRMAN GARD: Thank you.

4 Is there a motion to adopt the Emergency
5 Rule?

6 MR. ETZLER: So moved.

7 CHAIRMAN GARD: Is there a second?

8 MR. CUMMINS: Second.

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

11 MR. HORN: Aye.

12 DR. NIEMIEC: Aye.

13 MS. COLLIER: Aye.

14 MS. BOYDSTON: Aye.

15 DR. ALEXANDROVICH: Aye.

16 MR. RULON: Aye.

17 MR. ETZLER: Aye.

18 MR. CUMMINS: Aye.

19 MR. METTLER: Aye.

20 MR. DAVIDSON: Aye.

21 MR. HILLSDON-SMITH: Aye.

22 CHAIRMAN GARD: Aye.

23 Opposed, nay.



1 (No response.)

2 CHAIRMAN GARD: The Emergency Rule is
3 adopted.

4 This is a public hearing before the
5 Environmental Rules Board of the State of Indiana
6 concerning final adoption of amendments to rules
7 at 326 IAC 1-4, Indiana's Attainment Status
8 Tables for All Counties for Criteria Pollutants.

9 I will now introduce Exhibit B, the draft
10 rules, into the record of the hearing. Keelyn
11 Walsh will present the rule.

12 MS. WALSH: Good afternoon once
13 again. I'm Keelyn Walsh, and I'm here to present
14 Rule No. 18-1, Attainment Status Updates, for
15 your consideration.

16 The Clean Air Act requires that U.S. EPA
17 set National Ambient Air Quality Standards for
18 the six criteria pollutants that cause or
19 contribute to air pollution. These pollutants
20 are carbon monoxide, lead, nitrogen dioxide,
21 ozone, particulate matter, and sulfur dioxide.
22 Each county in Indiana is classified or

23 designated as being in attainment if air quality



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1 monitoring or modeling indicate that the area is
2 meeting the NAAQS.

3 Indiana's attainment status tables at
4 326 IAC 1-4 are periodically updated to reflect
5 each county's attainment status. As most of
6 Indiana's attainment status tables have not been
7 updated recently, this rulemaking updates the
8 specific language in the attainment status tables
9 to ensure consistency with the federal language.

10 This rulemaking does not change the status
11 of any county for any pollutant; it only updates
12 the terminology used in the tables to accurately
13 reflect the language used in the federal rule at
14 40 CFR 81.315. The status updates in this rule
15 for all counties include the 2006 24-hour
16 and 2012 annual particulate matter standards,
17 the 2010 nitrogen dioxide standard, the 2008 lead
18 standard, and the 2008 8-hour ozone standard for
19 Lake and Porter Counties. This rulemaking does
20 not make any substantive changes beyond those

21 already federally required.

22 IDEM requests that the Board adopt this

23 rule as presented, and program staff are



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1 available to answer any further questions you may
2 have.

3 CHAIRMAN GARD: Do Board members have
4 any questions? Yes.

5 DR. ALEXANDROVICH: I'm not sure if
6 this is the right time to talk about it, but the
7 rule information sheet says that the purpose of
8 this is to be consistent with the federal rules.

9 MS. WALSH: Uh-huh.

10 DR. ALEXANDROVICH: What's in here is
11 already inconsistent, because it doesn't include
12 the 2010 SO2 and the 2015 ozone standard. Is
13 there some way that could be updated before we
14 finalize it?

15 MS. WALSH: Yes. The SO2 standard is
16 actually being dealt with in a separate
17 rulemaking from this one. I don't know the exact

18 specifics for that rulemaking, but I know that
19 it's in process, and so we've decided to include
20 that designation in particular with the updates
21 being dealt with in the overall SO2 designation.

22 DR. ALEXANDROVICH: The ozone?

23 MS. WALSH: The SO2.



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1 DR. ALEXANDROVICH: And there's also
2 the ozone?

3 MS. WALSH: And we're developing --
4 yeah, that -- excuse me. It would be handled --

5 MR. BAUGUES: EPA will not designate
6 it until April 30th, so we don't know.

7 MS. WALSH: So, it's not --

8 DR. ALEXANDROVICH: It's not
9 effective yet?

10 MR. BAUGUES: Right.

11 DR. ALEXANDROVICH: Okay.

12 CHAIRMAN GARD: Any other questions?

13 MS. BOYDSTON: I have just one
14 question, just to make sure I'm clear.

15 MS. WALSH: Uh-huh.

16 MS. BOYDSTON: It looks like you've
17 also put into place modifications that
18 will eliminate the need to continue on emergency
19 rules, save for the one we just approved; right?

20 MS. WALSH: (Nodded head yes.)

21 MS. BOYDSTON: So, your Dearborn
22 County change for Lawrenceburg Township, that's
23 incorporated in here, too, so --

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1 MS. WALSH: Right, right.

2 MS. BOYDSTON: -- so, we're including
3 elimination of some emergency rules with updates;
4 is that right?

5 MS. WALSH: Right.

6 MS. BOYDSTON: Okay. I just wanted
7 to make sure I understood, because I saw several
8 other changes, and I wanted to make sure that was
9 clear.

10 CHAIRMAN GARD: Any other questions?

11 (No response.)

12 CHAIRMAN GARD: Thank you.

13 No one has signed a presenters card. Is
14 there anyone that wishes to speak?

15 (No response.)

16 CHAIRMAN GARD: The hearing is
17 concluded.

18 The Board will now consider final adoption
19 of amendments to rules at 326 IAC 1-4, Attainment
20 Status Tables for All Counties for Criteria
21 Pollutants. Is there any Board discussion?

22 (No response.)

23 CHAIRMAN GARD: Is there a motion to



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1 final adopt the rules?

2 MR. CUMMINS: So moved.

3 CHAIRMAN GARD: Is there a second?

4 MR. HILLSDON-SMITH: Second.

5 CHAIRMAN GARD: This is a roll-call
6 vote.

7 Dr. Alexandrovich?

8 DR. ALEXANDROVICH: Yes.

9 CHAIRMAN GARD: Ms. Boydston?

10 MS. BOYDSTON: Yes.

11 CHAIRMAN GARD: Mr. Horn?
12 MR. HORN: Yes.
13 CHAIRMAN GARD: Mr. Hillsdon-Smith?
14 MR. HILLSDON-SMITH: Aye.
15 CHAIRMAN GARD: Dr. Niemiec?
16 DR. NIEMIEC: Yes.
17 CHAIRMAN GARD: Mr. Rulon?
18 MR. RULON: Yes.
19 CHAIRMAN GARD: Mr. Etzler?
20 MR. ETZLER: Yes.
21 CHAIRMAN GARD: Mr. Cummins?
22 MR. CUMMINS: Aye.
23 CHAIRMAN GARD: Mr. Davidson?



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1 MR. DAVIDSON: Yes.
2 CHAIRMAN GARD: Ms. Valiquett?
3 (No response.)
4 CHAIRMAN GARD: Ms. Collier?
5 MS. COLLIER: Yes.
6 CHAIRMAN GARD: Mr. Mettler?
7 MR. METTLER: Yes.

8 CHAIRMAN GARD: And the Chair votes
9 aye. Did I miss anybody?

10 (No response.)

11 CHAIRMAN GARD: The vote is 12 ayes,
12 zero nays. The rule is adopted.

13 This is a public hearing before the
14 Environmental Rules Board of the State of Indiana
15 concerning preliminary adoption of amendments to
16 327 IAC 8-1 [sic], Cross Connection Reference
17 Updates.

18 I will now introduce Exhibit C, the draft
19 rules, into the record of the hearing.

20 Is there someone from the Department to
21 present the rule? MaryAnn Stevens.

22 MS. STEVENS: Good afternoon, members
23 of the Board. I'm MaryAnn Stevens, a rule writer

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1 in the Office of Legal Counsel, Rules Development
2 Branch.

3 Unprotected cross connection and backflow
4 contamination could be responsible for creating a
5 public health risk and causing a public water

6 system's failure to maintain the federal Safe
7 Drinking Water Act standards. Indiana has a
8 backflow prevention and cross control program
9 under 327 IAC 8-10 that is based on federal
10 requirements most recently updated under the
11 Revised Total Coliform Rule and according to
12 IC 13-18-16-6 that requires a public water system
13 to be operated to ensure safe drinking water for
14 the public.

15 This rulemaking specifically is to update
16 information in 327 IAC 8-10 regarding where to
17 find reference documents for cross connection
18 control and to make administrative and formatting
19 changes to conform to current rule drafting
20 standards.

21 This rulemaking is being conducted under
22 IC 13-14-9-7 that allows for an abbreviated
23 rulemaking process when the Commissioner of IDEM



1 makes a determination that the rulemaking policy
2 alternatives available to IDEM are so limited

3 that the first notice of public comment period
4 would provide no substantial benefit to the
5 environment or persons to be regulated or
6 otherwise affected by the proposed rule. Under
7 IC 13-14-9-7, the first notice of comment period
8 is eliminated and the second notice of comment
9 period with the draft rule is the first posting
10 in the Indiana Register.

11 The findings and determination of the
12 Commissioner, along with its comment period and
13 draft rule, was posed in the Indiana Register on
14 December 16th, 2017. No comments were submitted.

15 IDEM believes the draft rule proposed for
16 preliminary adoption makes the necessary updates
17 to the information concerning where to find
18 reference documents for cross connection. IDEM
19 asks for the Board's vote for preliminary
20 adoption. If there are any questions, I can
21 provide answers as well as the IDEM staff members
22 from the Office of Water Quality, drinking water
23 branch, who can provide more detailed answers.



1 Thank you.

2 CHAIRMAN GARD: Are there any
3 questions for MaryAnn Stevens?

4 (No response.)

5 CHAIRMAN GARD: Thank you.

6 No one's signed up to speak. Is there
7 anyone that would -- wishes to speak on the
8 proposed rule?

9 (No response.)

10 CHAIRMAN GARD: The hearing is
11 concluded.

12 This Board will now consider preliminary
13 adoption of amendments to 327 IAC 8-10. Any
14 Board discussion?

15 (No response.)

16 CHAIRMAN GARD: Is there a motion to
17 preliminarily adopt the rules?

18 MR. RULON: So moved.

19 CHAIRMAN GARD: Second?

20 MR. ETZLER: Second.

21 CHAIRMAN GARD: All in favor, say
22 aye.

23 MR. HORN: Aye.



1 DR. NIEMIEC: Aye.

2 MS. COLLIER: Aye.

3 MS. BOYDSTON: Aye.

4 DR. ALEXANDROVICH: Aye.

5 MR. RULON: Aye.

6 MR. ETZLER: Aye.

7 MR. CUMMINS: Aye.

8 MR. METTLER: Aye.

9 MR. DAVIDSON: Aye.

10 MR. HILLSDON-SMITH: Aye.

11 CHAIRMAN GARD: Aye.

12 Opposed, nay.

13 (No response.)

14 CHAIRMAN GARD: The rule is

15 preliminarily adopted.

16 This is a public hearing before the
17 Environmental Rules Board of the State of Indiana
18 concerning final adoption of amendments to rules
19 at 326 IAC 8-9, Volatile Organic Liquid Storage
20 Tank Rules.

21 I will now introduce Exhibit D, the

22 proposed rules with IDEM's suggested changes,
23 into the record of the hearing.

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1 Jack Harmon will present the rule.

2 MR. HARMON: Good afternoon,
3 Chairwoman Gard, members of the Board. I'm Jack
4 Harmon, with IDEM's Office of Legal Counsel, Rule
5 Development Branch. Today the Department
6 presents to you the Volatile Organic Liquid
7 Storage Tank Units Emissions Rule for final
8 adoption.

9 This rulemaking affects owners and
10 operators of large storage vessels that contain
11 volatile organic liquids, or VOL, in Clark,
12 Floyd, Lake and Porter Counties. This rulemaking
13 is applicable only in these four counties because
14 these areas were formerly designated as
15 nonattainment areas for ozone formation by the
16 U.S. EPA. To reduce the potential for future
17 violations, federal law mandates that these
18 requirements must remain in the state rules.

19 This rulemaking addresses inspection

20 methods used in performing routine inspections
21 required for each VOL tank. Currently, if a tank
22 is in use when it is time for a required
23 inspection, the tank must be taken off-line,

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1 emptied, degassed, inspected, and then refilled
2 before it can be put back into service. This
3 process is very costly in that it wastes product,
4 causes excessive downtime, and increase VOC
5 emissions into the atmosphere that contribute to
6 ozone formation.

7 This rulemaking allows for an affected
8 source to request an alternative inspection
9 method to change rigging, work standards, and
10 methods in order to perform an inspection while
11 the tank is in service, thereby eliminating or
12 reducing the downtime, materials and emissions.
13 IDEM has discussed this proposed alternative
14 method with U.S. EPA, and U.S. EPA agrees that
15 there would be fewer emissions by using this
16 alternative method.

17 Just prior to IDEM's presentation to this
18 Board for preliminary adoption in January, it was
19 brought to our attention that the applicability
20 section of the rule at 329 -- I'm sorry --
21 326 IAC 8-9-1 may have been incorrect, and at
22 that meeting, IDEM proposed to review and correct
23 the language prior to final adoption of this



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1 rule.

2 Therefore, this rulemaking was
3 preliminarily adopted on January 10th, 2018 by
4 the ERB. Since that time, IDEM has clarified the
5 language in the applicability section of the rule
6 at 326 IAC 8-9-1 concerning applicability to VOL
7 tanks, based on the maximum true vapor pressure.

8 IDEM has also modified the language at
9 326 IAC 8-9-3 to remove the Reid Vapor Pressure
10 definition that is no longer needed in the rule
11 due to rule changes made prior to preliminary
12 adoption. Language at 326 IAC 8-9-6 has also
13 been changed to update reference methods and to
14 clarify the approval language for reasonably

15 equivalent testing methods. In the development
16 of these suggested changes, IDEM has consulted
17 with U.S. EPA and also with the Office of the
18 Indiana Attorney General.

19 To summarize, this rulemaking proposes to
20 amend 326 IAC 8-9 to modify the VOL Rules in
21 Clark, Floyd, Lake and Porter Counties for VOC
22 emissions from large VOL storage tanks, to allow
23 for an alternative inspection method when



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1 performing periodic required inspections on these
2 tanks, and in doing so, reduce downtime of the
3 operation of the tanks, reduce wasted raw
4 materials, reduce air pollution by reducing VOC
5 emissions. IDEM will sub -- excuse me. IDEM
6 will submit the completed rule to U.S. EPA for
7 approval into Indiana's State Implementation
8 Plan.

9 The Department respectfully requests that
10 the Board approve the proposed rule for final
11 adoption, and additional IDEM staff are here

12 available should you have any questions that I
13 cannot answer.

14 Thank you.

15 CHAIRMAN GARD: Thank you.

16 Does the Board have any questions?

17 (No response.)

18 CHAIRMAN GARD: Thank you.

19 MR. HARMON: Thank you.

20 CHAIRMAN GARD: Again, I have no
21 speaker cards for this proposed rule. Does
22 anybody wish to speak?

23 (No response.)

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1 CHAIRMAN GARD: This hearing is
2 concluded.

3 The Board will now consider final adoption
4 of the Volatile Organic Liquid Storage Tank Rules
5 at 326 IAC 8-9. Is there any Board discussion?

6 (No response.)

7 CHAIRMAN GARD: Is there a motion to
8 adopt IDEM's suggested changes?

9 MR. CUMMINS: So moved.

10 CHAIRMAN GARD: Is there a second?
11 MR. DAVIDSON: Second.
12 CHAIRMAN GARD: All in favor, say
13 aye.
14 MR. HORN: Aye.
15 DR. NIEMIEC: Aye.
16 MS. COLLIER: Aye.
17 MS. BOYDSTON: Aye.
18 DR. ALEXANDROVICH: Aye.
19 MR. RULON: Aye.
20 MR. ETZLER: Aye.
21 MR. CUMMINS: Aye.
22 MR. METTLER: Aye.
23 MR. DAVIDSON: Aye.



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1 MR. HILLSDON-SMITH: Aye.
2 CHAIRMAN GARD: Aye.
3 Opposed, nay.
4 (No response.)
5 CHAIRMAN GARD: A motion needs to be
6 made to final adopt the rules as amended.

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7 MR. DAVIDSON: So moved.
8 CHAIRMAN GARD: Is there a second?
9 MR. HILLSDON-SMITH: Second.
10 CHAIRMAN GARD: This is a roll-call
11 vote.
12 Dr. Alexandrovich?
13 DR. ALEXANDROVICH: Yes.
14 CHAIRMAN GARD: Ms. Boydston?
15 MS. BOYDSTON: Yes.
16 CHAIRMAN GARD: Mr. Horn?
17 MR. HORN: Yes.
18 CHAIRMAN GARD: Mr. Hillsdon-Smith?
19 MR. HILLSDON-SMITH: Aye.
20 CHAIRMAN GARD: Dr. Niemiec?
21 DR. NIEMIEC: Aye.
22 CHAIRMAN GARD: Mr. Rulon?
23 MR. RULON: Yes.



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1 CHAIRMAN GARD: Mr. Etzler?
2 MR. ETZLER: Yes.
3 CHAIRMAN GARD: Mr. Cummins?
4 MR. CUMMINS: Aye.

5 CHAIRMAN GARD: Mr. Davidson?

6 MR. DAVIDSON: Yes.

7 CHAIRMAN GARD: Ms. Collier?

8 MS. COLLIER: Yes.

9 CHAIRMAN GARD: Mr. Mettler.

10 MR. METTLER: Yes.

11 CHAIRMAN GARD: The Chair votes aye.

12 The vote is 12 to zero. The rule is final

13 adopted.

14 This is a public hearing before the
15 Environmental Rules Board of the State of Indiana
16 concerning final adoption of amendments to
17 326 IAC 10 and 24 regarding NOx Emissions from
18 Large Affected Units and repeal of NOx Budget
19 Trading Program.

20 I will now introduce Exhibit E, the
21 preliminarily adopted rules with IDEM's suggested
22 changes into the record of the hearing.

23 Jack Harmon will present the rule.

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1 MR. HARMON: Thank you. Good

2 afternoon, Chairwoman Gard and members of the
3 Board. I'm Jack Harmon, with IDEM's Office of
4 Legal Counsel, Rule Development Branch. Today
5 the Department presents the NOx Emissions from
6 Large Affected Units Rule for final adoption.

7 This rulemaking affects owners and
8 operators of large affected units that were
9 formerly regulated under the NOx Budget Trading
10 Program and the Clean Air Interstate Rule, or
11 CAIR. In general, large affected units are
12 fossil-fuel-fired boilers with a maximum design
13 heat input capacity of greater than 250 million
14 British thermal units per hour, or cogeneration
15 units serving a generator that do not sell
16 electricity to the grid.

17 The U.S. EPA published the Cross State Air
18 Pollution Rule, or CSAPR, in the Federal Register
19 on August the 8th, 2011, in order to reduce the
20 interstate transport of fine particulate matter
21 and ozone. Excuse me. The rule replaces
22 U.S. EPA's CAIR, which was remand by a
23 December 2008 court decision that kept CAIR in



1 place temporarily while directing U.S. EPA to
2 issue a replacement rule.

3 The electric generating units, or EGU's,
4 at power plants under CAIR have been replaced by
5 CSAPR and were addressed through the separate
6 rulemaking, LSA 16-209, approved by this Board
7 last fall. The large affected units, however,
8 could not be included in the recently adopted
9 CSAPR. Therefore, federal law requires Indiana
10 to adopt a rule so that these large affected
11 units can continue to comply with federal NOx SIP
12 Call rules under 40 CFR 51.121. Federal law also
13 requires Indiana to submit this rule to U.S. EPA
14 for approval into the Indiana State
15 Implementation Plan.

16 During the first public comment period in
17 this rulemaking process, several affected sources
18 expressed concerns for several of the elements in
19 the draft. During the development of draft
20 language, IDEM consulted with U.S. EPA to discuss
21 the concerns of the affected sources and to
22 ensure that the rule as drafted can be approved
23 into the Indiana SIP.



1 U.S. EPA commented that since IDEM did not
2 use emissions from the blast furnace gas units,
3 or BFG's, to count toward emissions reductions
4 toward the NOx SIP Call, Indiana could likewise
5 exclude blast furnace gas units from monitoring
6 requirements required under the NOx SIP Call now.

7 Although Part 75 is not required for these
8 units, blast furnace gas units are still subject
9 to other requirements. Therefore, they must
10 be -- still be considered in this rulemaking.
11 Therefore, the blast furnace gas units were
12 removed from IAC -- 326 IAC 10-2 prior to
13 preliminary adoption in January.

14 There were no comments during the second
15 notice of public comment period or the first
16 public hearing on January 10th, 2018. But
17 because of a change in the blast furnace gas
18 language, IDEM held a third public comment period
19 after preliminary adoption. There were no
20 comments received during the third notice of

21 public comment period.

22 Since the preliminary adoption on

23 January 18 [sic], 2018, IDEM has added language



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1 that had inadvertently been omitted from the
2 draft rule in the record keeping and reporting
3 section, and also modified language to clarify
4 the requirements in other areas to provide a more
5 clear description of the requirements. No
6 requirements have been added or changed as a
7 result of these clarifications to the proposed
8 rule.

9 326 IAC 10-2-8 contains record keeping
10 and reporting requirements for large affected
11 units. These requirements are applicable to the
12 affected units under 40 CFR 75 monitoring.
13 During the internal review process, this language
14 had been inadvertently omitted. IDEM has added
15 language back into the proposed rule at
16 326 IAC 10-2-8(b)(4).

17 Two. 326 IAC 3-3 contains specific
18 requirements for certain boiler units and cement

19 kilns. IDEM, (a), has clarified the reporting
20 date at 326 IAC 10-3-3(e) for submitting
21 compliance plans for new affected units when they
22 become subject to the rule; (b), has clarified
23 that certain requirements are applicable only to

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1 the cement kilns at 326 IAC 10-3-3(f); and
2 lastly, (c), has deleted a reference in
3 326 IAC 10-3-3(f)(2) that was erroneously listed.
4 40 CFR 75 does not apply to the cement kilns.

5 To summarize, this rulemaking proposed to
6 add 326 IAC 10-2 to establish rules in Indiana
7 for NOx emissions from large affected units and to
8 amend 326 IAC 10-3-1 and 326 IAC 10-3-3 to
9 clarify Indiana requirements for blast furnace
10 gas units, and to repeal the CAIR rules found at
11 326 IAC 24-3-1, 24-3-3, 24-3-4, and 24-3-11 that
12 U.S. EPA is no longer implementing.

13 IDEM will submit the completed rule to
14 U.S. EPA for approval into Indiana's SIP, and it
15 is important to move forward with a rule to

16 address Indiana's NOx SIP Call obligations.
17 Without this rulemaking, there would not be a
18 clear -- not be clear requirements for these
19 sources, as the CAIR trading program is no longer
20 in place and the current requirements for these
21 sources would remain federally enforceable in the
22 SIP as part of the CAIR rules.

23 The Department respectfully requests the

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1 Board adopt -- final adopt the proposed rule with
2 changes explained above. Additional IDEM staff,
3 including Susan Bem and Jessica Reiss, are
4 available should you have any questions that I
5 cannot answer.

6 Thank you.

7 CHAIRMAN GARD: Are there any
8 questions?

9 (No response.)

10 CHAIRMAN GARD: Thank you.

11 MR. HARMON: Thank you.

12 CHAIRMAN GARD: Again, there are no
13 speaker cards. Does anyone want to speak on the

14 proposed rule?

15 (No response.)

16 CHAIRMAN GARD: The hearing is
17 concluded.

18 The Board will now consider final adoption
19 of amendments to 326 IAC 10 and 24. Is there
20 Board discussion?

21 (No response.)

22 CHAIRMAN GARD: A motion needs to be
23 made to adopt IDEM's suggested changes.



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1 MR. CUMMINS: So moved.

2 CHAIRMAN GARD: Is there a second?

3 MR. DAVIDSON: Second.

4 CHAIRMAN GARD: All in favor, say
5 aye.

6 MR. HORN: Aye.

7 DR. NIEMIEC: Aye.

8 MS. COLLIER: Aye.

9 MS. BOYDSTON: Aye.

10 DR. ALEXANDROVICH: Aye.

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11 MR. RULON: Aye.
12 MR. ETZLER: Aye.
13 MR. CUMMINS: Aye.
14 MR. METTLER: Aye.
15 MR. DAVIDSON: Aye.
16 MR. HILLSDON-SMITH: Aye.
17 CHAIRMAN GARD: Aye.

18 Opposed, nay.

19 (No response.)

20 CHAIRMAN GARD: The changes are
21 adopted. A motion needs to be made to final
22 adopt the rules as amended.

23 MR. DAVIDSON: So moved.

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1 MR. CUMMINS: Second.

2 CHAIRMAN GARD: Is there a second?

3 This is a roll-call vote.

4 Dr. Alexandrovich?

5 DR. ALEXANDROVICH: Yes.

6 CHAIRMAN GARD: Ms. Boydston?

7 MS. BOYDSTON: Yes.

8 CHAIRMAN GARD: Mr. Horn?

9 MR. HORN: Yes.
10 CHAIRMAN GARD: Mr. Hillsdon-Smith?
11 MR. HILLSDON-SMITH: Aye.
12 CHAIRMAN GARD: Dr. Niemiec?
13 DR. NIEMIEC: Aye.
14 CHAIRMAN GARD: Mr. Rulon?
15 MR. RULON: Yes.
16 CHAIRMAN GARD: Mr. Etzler?
17 MR. ETZLER: Yes.
18 CHAIRMAN GARD: Mr. Cummins?
19 MR. CUMMINS: Aye.
20 CHAIRMAN GARD: Mr. Davidson?
21 MR. DAVIDSON: Yes.
22 CHAIRMAN GARD: Ms. Collier?
23 MS. COLLIER: Yes.

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1 CHAIRMAN GARD: Mr. Mettler?
2 MR. METTLER: Yes.
3 CHAIRMAN GARD: And the Chair votes
4 aye. The rule is adopted by a vote of 12 ayes,
5 zero nays.

6 Today we have a presentation by Jody
7 Arthur of IDEM's Office of Water Quality on
8 Indiana's Draft Impaired Waters under
9 Section 303(d) of the Clean Water Act.

10 MS. ARTHUR: Good afternoon, members
11 of the Board. My name is Jody Arthur, and I work
12 in the Watershed Assessment and Planning Branch
13 at IDEM's Office of Water Quality. I'm here
14 today to present the Draft 2018 303(d) List of
15 Impaired Waters. I will try to be brief.

16 What I will do today is I'll talk to you a
17 little bit about -- give you a little bit of
18 context about the 303(d) List, I'll provide some
19 summarized data about what the Draft 2018 List is
20 and how it has changed since 2016, when we
21 published our last 303(d) List, and I will give
22 you a few key takeaways from that.

23 I apologize I have to go a little bit back



1 and forth here. The Clean Water Act -- the Clean
2 Water Act, Section 303(d), is why we developed
3 the 303(d) List. The 303(d) List identifies all

4 of the water bodies that we know to be impaired
5 in Indiana. We submit that list every two years
6 in the even-numbered years, with our Integrated
7 Water Monitoring and Assessment report to
8 U.S. EPA.

9 That process includes a 90-day public
10 comment period, which is currently underway as of
11 today, I believe. I think we got it published in
12 the Indiana Register starting today. The
13 public -- the notice of comment document
14 describes the changes that we've made since 2016,
15 and it also includes our consolidated assessment
16 listing methodology, which helps the public
17 understand how we make our decisions, the data we
18 base them on, what gets put on the list, what
19 gets taken off, those sorts of things.

20 So, in order to understand the 303(d)
21 List, you have to understand the larger picture
22 within which it fits. The consolidated list is
23 the list of all of the things we know about all



1 of the water bodies in Indiana, and that is a
2 list where all of the waters are, and we put
3 every water body in the state into one of these
4 five categories based on what we know about its
5 water quality.

6 Category 1 is where all of the designated
7 uses have been assessed and they are all fully
8 supported. So, a designated use is articulated
9 in our Water Quality Standards. These are best
10 thought of as the things that we as a society
11 want to be able to use our water bodies for, such
12 as recreational use.

13 We want to be able to fish, and eat the
14 fish out -- that we catch in our waters. Aquatic
15 life use, we want to have healthy fish and bug
16 communities there. So, when I say that those
17 designated uses are fully supported, I mean that
18 they are meeting the water quality criteria in
19 our standards necessary to meet those designated
20 uses, to support those uses.

21 So, Category 1, all of the designated uses
22 have been assessed and are all fully supported.
23 Indiana does not have any Category 1 waters. The



1 reason for that is as much due to how many waters
2 we have, about sixty -- more than sixty-five
3 thousand miles of stream in Indiana. We have a
4 lot of lakes. Indiana currently tracks about 500
5 lakes, so as you can imagine, to monitor every
6 mile of stream for every designated use, it takes
7 some time, so monitoring and assessment is an
8 ongoing process. So, to -- that's going to take
9 some time.

10 Category 2 is where we have monitored and
11 assessed at least one designated use, and we know
12 is that none of the designated uses we've
13 assessed on a water body are impaired, so that's
14 actually -- that's a good category, and we do
15 have Category 2 waters that look pretty good here
16 in Indiana.

17 Category 3, there's a lot of waters here.
18 That's where we do not have enough data or
19 information to make an assessment, so we really
20 can't say what the water quality is on those yet.
21 I say "yet," because we continue to monitor every
22 year and make assessments.

23 Category 4 is where our water body -- a



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1 water body is found to be impaired for one or
2 more of its designated uses, but a total maximum
3 daily load -- that's that TMDL -- is not
4 required. Typically that's because the TMDL has
5 already been completed and has been approved by
6 EPA.

7 A total maximum daily load is basically a
8 plan that describes the amount of a pollutant,
9 the amount of a pollutant that a water body can
10 receive, and still meet those water quality
11 standards. We develop our TMDL's, and then we
12 often hand those off to local-level watershed
13 restoration groups to do the restoration work
14 necessary in those waters, and we have a lot of
15 that going on in the state.

16 Category 4 is where we've found that one
17 or more designated uses are impaired and a TMDL
18 is required. Or I'm sorry; Category 5, rather.
19 That's that last category. That is the 303(d)

20 List. So, the 303(d) List is actually a subset
21 of the consolidated list.

22 So, here's that summary data I promised.

23 The 2018 303(d) List, the draft, we have a total



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1 of 6,736 individual impairments. An individual
2 water body can have more than one impairment, so
3 in terms of the actual number of water bodies
4 impaired, that's 4,391.

5 You break that out into streams and lakes.
6 In terms of the number of -- the vast majority is
7 on streams. That's where IDEM does most -- much
8 of its monitoring, most of it. So, the number of
9 impairments there are 6,563 individual
10 impairments on 4,254 individual water bodies.

11 In terms of mileages, that is 21,423 miles
12 impaired. So, you're thinking 65,000-plus miles,
13 roughly a third of our waters have been --
14 streams have been found to be -- have one or more
15 impairments.

16 So, in terms of lakes, the number of
17 impairments we have found is 173, on a total

18 of 137 of our lakes. Right now we track
19 about 500 lakes in our assessment data base, so
20 you're looking at a little over 20 percent.

21 I put this map in here just to give you an
22 idea of where the impairments are in Indiana, and
23 I think it illustrates well the fact that there's



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1 no one place in Indiana that's really horrible or
2 particularly more impaired than another. We
3 monitor throughout the state and we find
4 impairments throughout the state.

5 Category 5 is there on the left. Those
6 are the waters that still require a TMDL.
7 Category 4 are impairments where we have
8 completed the TMDL. Together, those sort of
9 present the full picture of impairments in
10 Indiana as we know it today.

11 The top causes of impairment haven't
12 changed in the 15 years that I've been in this
13 position. They're pretty much the same actors,
14 nothing crazy or scary popping out at us these

15 days. It's -- E. Coli continues to be the top.

16 That is a recreational use impairment.

17 We are finding impaired biotic

18 communities. That's where either the fish

19 community the macro invertebrates, the bug

20 communities, aquatic insects, are not as healthy

21 as we would like them to be.

22 Poly -- the PCB's in fish tissue and the

23 total mercury in fish tissue, those are things we

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1 care about because we worry about people being

2 able to eat the fish that they catch. Those are

3 contaminants found in the flesh of fish, and so

4 we watch those to see where our waters might be

5 having problems in that regard.

6 And then dissolved oxygen and nutrients,

7 and we worry about those for a variety of

8 reasons, aquatic health and also nuisance to

9 algae, things like that. So, we watch those

10 sorts of impairments.

11 If you'll notice, from 2016 to 2018, none

12 of them have shifted positions; it's basically

13 the same story we see every cycle.

14 So, what I want to do now is give you a
15 summary of the changes that we've made
16 since 2016, and this is going to require a little
17 bit of explanation, because it looks like we've
18 had a lot more impairment. That top section --
19 let's see. This section here are the things we
20 took off the 303(d) List, and then this section
21 here are the things we added back on.

22 So, we started out with 3,780 impairments,
23 and we removed -- we got TMDL's approved for 261.

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1 We found water quality improvements in 20 waters,
2 and then we're also watching our 303(d) List for
3 errors and trying to keep it as accurate as
4 possible, so we took three off, three impairments
5 off the list that shouldn't been listed for one
6 reason or another. And then we made a lot of
7 changes to our segmentation, which resulted in
8 1374 impairments being removed.

9 In terms of adding impairments, we

10 identified -- through our normal monitoring
11 programs, we identified 233 additional
12 impairments, and we added back 4,383 impairments
13 that were previously identified and listed, but
14 they were the result of changes in segmentation.

15 So, if you look at what we had before,
16 3,780, and then you look at 6,738 that we have
17 now, you're thinking, "Wow, what happened?" So,
18 I need to explain that. And basically what has
19 happened is we're making changes to what I would
20 refer to as our Assessment Infrastructure.

21 Every water body in Indiana, we assign a
22 unique assessment unit ID. It's like an address;
23 right? And the reason we do that is so that we



1 can track the assessment information on that
2 water body, it gives us a way to track that, and
3 it also allows us to put it on a map. Much like
4 you'd need an address for a hou -- a unique
5 address to find a house on a map, you need a
6 unique address to find the streams on a map. And
7 so, we've assigned all of these assessment units.

8 Now, in 2008 we began reindexing our
9 assessment units. Basically we were changing all
10 of the addresses on every stream, and the reason
11 we did that is because the underlying data that
12 we used to make our original Reach Index became
13 available at a much higher resolution, and what
14 that means basically, if you kind of think about
15 it like you've got a Rand McNally Atlas here, and
16 when you open that up, you're going to see state
17 highways and interstates, but that's about as
18 much as you're going to see, the big cities.

19 Going to this higher-resolution data is
20 like pulling out a city map, where you can see
21 the streets right down to the block level. You
22 see so much more detail, and from a water quality
23 perspective, understanding and being able to



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1 track and assess those very small streams that
2 don't show up at that other data set is
3 enormously important, because it helps us
4 understand our watersheds better, the

5 contaminations that we might be dealing with, it
6 helps restoration.

7 So, the drawback is that it has this
8 effect of multiplying our list, but it's really
9 rather artificial, and I'll show you why.
10 This -- I included this table to kind of
11 illustrate what happens.

12 What you have to understand in terms of
13 the Reach Indexing process is that EPA doesn't
14 allow us to just drop impairments. We have rules
15 that we have to follow before we take a water
16 body off the 303(d) List. So, when we split a
17 single water body that has an impairment or two,
18 when we split that in half, every impairment on
19 that original water body has to carry over to
20 each new assessment unit.

21 So, here -- I've tried to illustrate that
22 here in this table. Hopefully I don't blind
23 anyone. Here's Stream Reach A; okay? It's three



1 and a half miles long and it has two impairments.
2 So, we decided we need to reindex that, so we

3 turned that into two Stream Reaches, B and C.

4 You'll notice that the miles, it's still
5 three and a half miles between them. Nothing
6 changed in terms of how long the stream is. But
7 now, because we have to carry those impairments
8 over, we now have four impairments instead of
9 two.

10 So, reindexing has the effect of kind of
11 blowing up our list, but it doesn't really say
12 anything about the water quality that we're
13 dealing with. There's no more miles impaired
14 just because we have four listings where we once
15 had two. It's a function -- it's kind of an
16 administrative, kind of cataloging function.

17 And this slide kind of illustrates that.
18 Here we have -- these are the new impairments.
19 On the left-hand side, you'll see those are the
20 new impairments that we found this year. I mean
21 to look at those numbers, you would think we've
22 almost doubled the number of impairments on our
23 303(d) List, and we have not.



1 On the left there you see the new
2 impairments that we've added, that's those 233 I
3 mentioned earlier. Those are from our new
4 assessments that we -- where we found new
5 impairments. And on the left, although you can't
6 see it very well on this slide, that shows you
7 where we have found water quality improvements.

8 So, this is really the reality. Even
9 though the numbers can be deceiving, the reality
10 is this is pretty standard for what we see on a
11 given cycle. We monitor more every year, and we
12 find more impairments and improvements as well.

13 So, the key takeaways are that even though
14 the 303(d) List appears to have grown
15 significantly, the number of stream miles listed
16 really haven't. There are no major changes in
17 the type of impairments we're finding, the same
18 impairments, and we continue to do our monitoring
19 assessment and TMDL development.

20 To date, we've completed over 2000 TMDL's
21 that -- many of which are now in the hands of
22 watershed groups that are actively implementing
23 watershed management plans, and we monitor -- we



1 continue to monitor every year. We monitor about
2 200 sites each year.

3 So, as I said, the 303(d) List, I think,
4 is published in the Indiana Register today. You
5 can find all of the information at this Web site
6 here in an easier format, where you can search
7 and download pieces of it and sort and filter and
8 that sort of thing. I believe that's gone live
9 today, but I still have to check it.

10 So, you can ask questions now or contact
11 me later about it. And that's it.

12 CHAIRMAN GARD: Questions?

13 DR. ALEXANDROVICH: Yeah, I have a
14 few, which I don't know what they are. How are
15 these Stream Reaches -- and I guess lakes are
16 included in this as well --

17 MS. ARTHUR: Uh-huh.

18 DR. ALEXANDROVICH: -- related to the
19 wetlands the Commissioner was talking about
20 earlier?

21 MS. ARTHUR: We don't currently track

22 wetlands, for a number of reasons. One is that
23 we don't have wetland water quality standards.

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1 Secondly, it's kind of hard to -- in order to do
2 that, we would have to first delineate them, and
3 while there is a national wetlands inventory,
4 which is kind of -- the same sort of data that we
5 use for streams to create our maps, there's a
6 wetlands inventory, but we'd have to go out and
7 do a lot of verification, so we just don't do
8 that yet. Does that make sense?

9 DR. ALEXANDROVICH: Yes. So, my
10 other question is: You mentioned you have
11 watershed groups working on trying to improve the
12 quality, and while we haven't doubled in worse
13 water quality, that all makes sense, there's been
14 some shown in the newly found problems, it seems
15 like, to me, anyway, it's not good enough. We
16 need to improve our waters more. So, is there
17 something that, you know, citizens or communities
18 should be thinking about to impact this more?

19 MS. ARTHUR: Well, one of the things
20 that I know, much of our water quality
21 improvements and restoration activities are
22 funded through our nonpoint source program. It's
23 called the Clean Water Act, Section 319, and that

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1 provides -- I don't want to say the number. It's
2 in the millions, but I don't know how much as
3 it's not my program, but we issue -- a lot of
4 that money is pass-through grants to local
5 organizations.

6 IDEM employs five watershed specialists
7 whose job it is to actually go out into the
8 community and help groups that are starting up a
9 watershed management plan or a watershed group.
10 It can be a group of like six people who care
11 about their water bodies and found out, "Oh, my
12 water body's listed. I want to do something
13 about it."

14 So, their job is to go out and help that
15 group become sustainable such that they can
16 effectively use the funds that we can offer, and

17 then after they get to a certain point in their
18 maturity in terms of an active grass-roots
19 organization, then we can sometimes give them
20 grant funding, they can apply for grant funding.

21 So, in answer to your question about
22 how -- what more can we do, we struggle, like all
23 states, with funding, but if I were going to



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1 recommend anything to anybody, is I would say,
2 "Get involved in a group." There are a lot of
3 groups out there working on water quality, more
4 than what -- I mean most of them are just kind of
5 working in their locality. All of the watershed
6 restoration work, most of it's occurring on the
7 local level.

8 So, I would tell people, if they're
9 interested, to contact IDEM and we'll put you in
10 touch with a watershed specialist, who can tell
11 you who's in your watershed and doing good work.
12 And if they're not, they can help you be that
13 person.

14 DR. ALEXANDROVICH: And how does all
15 of that work relate to the River Watch Program?

16 MS. ARTHUR: Uh-huh, yeah. The River
17 Watch Program --

18 DR. ALEXANDROVICH: That's DNR, isn't
19 it?

20 MS. ARTHUR: It used to be DNR. It
21 has come in-house, and it actually --

22 DR. ALEXANDROVICH: Has it?

23 MS. ARTHUR: -- is housed in the

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1 Watershed Assessment and Planning Branch.

2 DR. ALEXANDROVICH: Okay.

3 MS. ARTHUR: And so, that's kind of
4 cool, because the Hoosier River Watch Program, a
5 lot of people who are interested in water quality
6 and doing monitoring, they come in -- that's kind
7 of the door they come in, and with -- when they
8 do that, we can connect them with other efforts
9 that are going on.

10 We have what we call the external data
11 framework, where if organizations are collecting

12 data of different quality, they can submit that
13 to IDEM, where we can possibly use that for our
14 water quality decision making.

15 So, we're really working hard to connect
16 all of the dots to bring -- to bring the
17 watershed work that is happening on the ground
18 together and make it more comprehensive and, you
19 know, get more value for the dollar, frankly,
20 than what we're doing.

21 DR. ALEXANDROVICH: Thank you.

22 MS. ARTHUR: Uh-huh.

23 CHAIRMAN GARD: Any more questions?

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1 MR. CUMMINS: Yeah, Sen. Gard.

2 Does EPA do any monitoring on these
3 waters, or is it strictly IDEM doing the
4 monitoring and able to report back?

5 MS. ARTHUR: Yeah, it's typically
6 IDEM, most of the water monitoring, IDEM, through
7 our grants or through direct -- our staff doing
8 it directly. EPA does have a national monitoring

9 program, which is kind of their effort to
10 understand on a national scale what's going on
11 with different water bodies. They monitor
12 streams, and then they do lakes on a national
13 level. Typically when they come through, they do
14 it in a rotating sort of way. When they come
15 through Indiana, there's typically maybe two or
16 three sites in Indiana.

17 MR. CUMMINS: Okay.

18 MS. ARTHUR: So, we did it --
19 sometimes we pick those up and do it ourselves
20 for them, or they just do it themselves, but most
21 of the water quality monitoring in Indiana is --
22 well, there's actually a lot occurring in
23 different agencies, and we're doing a lot there

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1 to try and connect the dots through the Indiana
2 Water Monitoring Counsel.

3 MR. CUMMINS: Okay. In the decision
4 on whether a body needs a TMDL, is that also just
5 IDEM, or is EPA -- a joint decision, or --

6 MS. ARTHUR: No, no. When we find --

7 when we get water quality data and we find,
8 through our assessment process, that the water
9 body is impaired, we put it on the 303(d) List,
10 and once it's there, that's the requirement. And
11 all of those processes are outlined in our
12 Consolidated Assessment and Listing Methodology,
13 which is on the public notice today.

14 MR. CUMMINS: Thank you.

15 CHAIRMAN GARD: Any other questions?

16 Yes.

17 MR. DAVIDSON: Yes.

18 Is the Ohio River ours, theirs, or clean?

19 (Laughter.)

20 MS. ARTHUR: Well, it's ours and it's
21 theirs, and it's clean in some ways and not in
22 others. We do assess the Ohio River. What we
23 do, we defer mostly to ORSANCO for those

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1 assessments. They conduct most of the monitoring
2 on the Mainstem Ohio, but -- and typically we
3 look at -- we look at their data. I participate

4 as assessment coordinator. I go down to
5 Cincinnati and we talk about their assessments
6 and we decide whether we agree or not and, "Okay.
7 What should be on the 303(d) List?" Each state
8 makes its own decisions with regard to the 303(d)
9 List, but they produce the 305(b), Integrated
10 Report.

11 MR. DAVIDSON: Thank you.

12 CHAIRMAN GARD: Any other questions?

13 Yes.

14 MR. RULON: Jody, I'm just wondering.
15 So, for the assessment unit ID numbers, is that
16 stuff publicly accessible if we go to the -- this
17 link, like --

18 MS. ARTHUR: Yeah. Well --

19 MR. RULON: -- kind of like for
20 rivers close to us?

21 MS. ARTHUR: -- are you looking --
22 are you wanting the know is it mappable, like can
23 you map it on-line, or --

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1 MR. RULON: I actually would like to

2 familiarize myself with the Upper Cicero Creek
3 numbers, for example.

4 MS. ARTHUR: Yeah, it's -- those
5 numbers, I will tell you, are very arcane.

6 MR. RULON: Okay.

7 MS. ARTHUR: I've got sort of a cheat
8 sheet that I'm considering cleaning up and making
9 it nice and publishing it for anyone who's kind
10 of really interested in that stuff, but there
11 is -- there are lists, and we can provide those.
12 They're geospatial files, but if you have mapping
13 software, we can provide --

14 MR. RULON: Okay.

15 MS. ARTHUR: -- those files to you.

16 MR. RULON: Okay.

17 MS. ARTHUR: Does that address your
18 question?

19 MR. RULON: Yeah, that's addresses my
20 question.

21 CHAIRMAN GARD: Any other questions?

22 (No response.)

23 CHAIRMAN GARD: Thank you. Good

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1 report.

2 We will now have a presentation by Martha
3 Clark Mettler, Assistant Commissioner for IDEM's
4 Office of Water Quality, on current and planned
5 activities that will affect Indiana's Water
6 Quality Standards.

7 MS. METTLER: Thank you, Chairwoman
8 Gard and members of the Board. I am Martha Clark
9 Mettler. I'm the Assistant Commissioner of the
10 Office of Water Quality, and I just wanted to
11 briefly introduce this agenda item to you. I
12 understand you all got a copy of the Notice, as
13 Chris mentioned earlier, of our request for
14 comments on our Water Quality Standards that was
15 published in the February 28th Register, and
16 we're soliciting comments to April 26th.

17 And so, simply put, federal regulations
18 require that we periodically go out and ask for
19 comment on our Water Quality Standards, and so
20 that's the intent of that Notice. In the Notice,
21 we tried to outline some of the standards issues
22 that we are currently working on in the Office of

23 Water Quality, so that they would have better



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1 context of maybe what we're not prioritizing or
2 we are prioritizing, so they can give more
3 informed comments.

4 The federal requirements also require that
5 we do a public hearing, and so this meeting will
6 satisfy that. But we also thought it would be
7 important for you all to hear any of the comments
8 that might be presented today.

9 So, I'm happy to answer any questions.

10 CHAIRMAN GARD: Any questions for
11 Martha?

12 (No response.)

13 CHAIRMAN GARD: Thank you.

14 This is a public hearing before the
15 Environmental Rules Board of the State of Indiana
16 concerning Indiana's Water Quality Standards. A
17 Notice of Review of Water Quality Standards and
18 the public hearing was published in the
19 March 1st, 2018 Indiana Register, seeking public
20 input on any aspect of current Water Quality

21 Standards.

22 I have no speaker cards. Is there anybody
23 else out there that wishes to testify?



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1 Yes, Mr. Beranek -- Dr. Beranek.

2 DR. BERANEK: Thank you. My name is
3 Bill Beranek, and I'm testifying on behalf of 750
4 people in the 1980's who worked on the Great Lake
5 Initiative, and I'm concerned just about one
6 sentence in this Notice that says, "A priority
7 for IDEM is to make standards consistent for all
8 waters across the State of Indiana," and I like
9 that "where appropriate."

10 There's a lot of things that could be made
11 more consistent if it's appropriate. There's a
12 lot of technical wording in the Downstate Rules
13 that could be made much more sophisticated and
14 much clearer. That wording is much better in the
15 Great Lakes Initiative.

16 But if "more consistent" means use the
17 same numbers, I want to remind people that the

18 Great Lake Initiative, the Great Lake Basin
19 numbers were established as the result of a
20 federal law that required the Federal Government
21 to set out a set of numbers so that all states
22 that share the waters in the Great Lakes would
23 have the same numbers, and then they mandated



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1 that each state adopt those numbers or they would
2 have a federal regulation for those numbers.

3 And in particular, I was a part of the
4 group that tried to establish those numbers.
5 What we were aiming for was the notion -- and the
6 law says that the Great Lakes are unique as a
7 sedative body, allowing chemicals that have
8 bioaccumulatory capacity, chemicals that can move
9 up the food chain, chemicals that can absorb in
10 fat, move up the food chain to the top levels
11 of -- the tropic levels of like salmon at the
12 top, that those be protected, because the Great
13 Lakes has a propensity to create a much greater
14 hazard for people eating fish than other waters
15 would otherwise.

16 And the Great Lakes, because it doesn't
17 move fast -- there are currents in the Great
18 Lakes. Lake Michigan, once every hundred years,
19 on average, will flow down over the Niagara
20 Falls. The water does move down to the Atlantic
21 Ocean. It moves very slowly, and in most of
22 those lakes, you can -- are better characterized
23 as a bathtub, so it's like you're discharging

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1 chemicals into a bathtub as opposed to a river.

2 And so, for those reasons, some of those
3 standards, especially the ones that relate to
4 DDT, PCB, dioxin, mercury, some of those that can
5 accumulate in fish up a food chain, those were
6 intended to be tighter for the Great Lakes Basin
7 than elsewhere.

8 So, when we say, "make it consistent,"
9 make it consistent scientifically and
10 appropriately. Now, I'm not testifying that all
11 of them shouldn't be made tighter or looser,
12 I'm -- not that, just be scientific about it.

13 That's what I'm pleading as we move through.

14 CHAIRMAN GARD: Any questions for
15 Dr. Beranek?

16 (No response.)

17 CHAIRMAN GARD: Thank you.

18 Anyone else wish to speak to Indiana's
19 Water Quality Standards?

20 Yes.

21 MR. RULON: I would just like to ask
22 Bruno if he understands that, and --

23 COMM. PIGOTT: Yes.



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1 MR. RULON: -- the wording in this
2 was not intended to imply we were going to soften
3 that, was it?

4 COMM. PIGOTT: It wasn't -- so, I
5 think Dr. Beranek's point is that there was a
6 reason that the Great Lakes Water Quality
7 Standards are different from Downstate, and he
8 just wants us to be careful and to use sound
9 science in determining what Water Quality
10 Standards -- if they should be made consistent

11 with the Great Lakes Standards.

12 Correct?

13 DR. BERANEK: Yes.

14 COMM. PIGOTT: And that as long as
15 it's done with a scientific basis and it's done
16 with the purposes that were in mind, that that's
17 fine, but you want a scientific approach, one
18 that's consistent in terms of appropriateness and
19 for the same reasons --

20 DR. BERANEK: Right.

21 COMM. PIGOTT: -- to adjust those
22 standards.

23 DR. BERANEK: That's it.

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1 COMM. PIGOTT: And so, yes.

2 MR. RULON: Okay.

3 CHAIRMAN GARD: Okay. Any other
4 questions or comments?

5 (No response.)

6 CHAIRMAN GARD: Thank you.

7 The hearing is concluded, and there is no

8 Board action related to this hearing.

9 Now this is an Open Forum. Is there
10 anyone that wishes to address the Board today?

11 (No response.)

12 CHAIRMAN GARD: No? The next meeting
13 of the Environmental Rules Board is tentatively
14 set for July the 11th, 2018 at 1:30 in this
15 conference room, Conference Room A, Indiana
16 Government Center South. The meeting date is
17 tentative and subject to change. We'll keep
18 everyone updated when it's confirmed or another
19 date is picked.

20 Is there a motion to adjourn?

21 MR. METTLER: So moved.

22 MR. CUMMINS: Second.

23 CHAIRMAN GARD: All in favor, say

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1 aye.

2 MR. HORN: Aye.

3 DR. NIEMIEC: Aye.

4 MS. COLLIER: Aye.

5 MS. BOYDSTON: Aye.

6 DR. ALEXANDROVICH: Aye.
7 MR. RULON: Aye.
8 MR. ETZLER: Aye.
9 MR. CUMMINS: Aye.
10 MR. METTLER: Aye.
11 MR. DAVIDSON: Aye.
12 MR. HILLSDON-SMITH: Aye.
13 CHAIRMAN GARD: Aye.

14 Okay. Thank you for coming.

15 - - -
16 Thereupon, the proceedings of
17 April 11, 2018 were concluded
18 at 2:50 o'clock p.m.
19 - - -
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22
23



1 CERTIFICATE
2 I, Lindy L. Meyer, Jr., the undersigned

IERB 4-11-18

3 Court Reporter and Notary Public residing in the
4 City of Shelbyville, Shelby County, Indiana, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings taken by me
7 on Wednesday, April 11, 2018 in this matter and
8 transcribed by me.

9

10

11

Lindy L. Meyer, Jr.,

12

Notary Public in and

13

for the State of Indiana.

14

15 My Commission expires August 26, 2024.

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