

In The Matter Of:
STATE OF INDIANA
ENVIRONMENTAL RULES BOARD

November 14, 2018

WILLIAM F. DANIELS, D/B/A ACCURATE REPORTING OF INDIANA
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BEFORE THE STATE OF INDIANA
ENVIRONMENTAL RULES BOARD

- - -

PUBLIC MEETING OF NOVEMBER 14, 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, November 14, 2018 at
1:31 o'clock p.m.

- - -

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

1 APPEARANCES:

2 BOARD MEMBERS:

3 Beverly Gard, Chairman
4 Ken Rulon
5 Karen Valiquett
6 Dr. Ted Niemiec
7 Joanne Alexandrovich
8 Angelique Collier
9 R. T. Green
10 William Etzler
11 Chris Horn
12 Paul Gibson
13 Calvin Davidson
14 Mike Mettler, Proxy, Department of
15 Health
16 Chris Smith, Proxy, Department of
17 Natural Resources
18 Bruno Pigott (nonvoting)

19 IDEM STAFF MEMBERS:

20 Christine Pedersen
21 Nancy King
22 Krystal Hackney
23 Dan Watts
24 Doug Louks
25 Keelyn Walsh
26 Janet Pittman

27 PUBLIC SPEAKERS:

28 Curt Publow
29 Tim Bannister
30 Stephen Key

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1 1:31 o'clock p.m.
2 November 14, 2018

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4 CHAIRMAN GARD: The Chair sees a
5 quorum, so we will call the meeting of the
6 Indiana Environmental Rules Board for
7 November 14th, 2018 to order.

8 First of all, we have a new member,
9 sitting to my right. Paul Gibson from Lilly is
10 representing manufacturing. And so, for Paul's
11 benefit, let's go around and have everybody
12 introduce themselves and tell what sector you
13 represent.

14 MR. DAVIDSON: Calvin Davidson, Solid
15 Waste.

16 MS. VALIQUETT: Karen Valiquett,
17 Environmental.

18 DR. ALEXANDROVICH: Joanne
19 Alexandrovich, Local Government.

20 DR. NIEMIEC: Ted Niemiec, Medicine,
21 Health Care.

22 MR. RULON: Ken Rulon, Agriculture.

23 MS. COLLIER: Angelique Collier,
Public Utilities.

1 MR. ETZLER: Bill Etzler, Small
2 Business.

3 CHAIRMAN GARD: Beverly Gard, General
4 Public.

5 MR. HORN: Chris Horn, Labor.

6 MR. SMITH: Chris Smith, with the
7 Department of Natural Resources, proxy for
8 Director Clark.

9 MR. METTLER: Mike Mettler, proxy for
10 State Health Commissioner, Dr. Kris Box.

11 MR. GREEN: R. T. Green, citizen.

12 COMM. PIGOTT: Bruno Pigott,
13 Commissioner, Department of Environmental
14 Management, and I'm not a voting member of the
15 Board.

16 MR. GIBSON: Thank you.

17 CHAIRMAN GARD: He's kind of a Board
18 member, but he can't vote.

19 COMM. PIGOTT: That's correct.

20 CHAIRMAN GARD: Thank you all.

21 The first order of business today is the
22 approval of the summary of the August 8th, 2018
23 Board meeting. Are there any additions or

1 corrections to the summary as presented?

2 DR. NIEMIEC: I have a quick question
3 about this. If you look at the back of the last
4 page, under LSA No. 18-169, in the first
5 paragraph, second line from the bottom, where it
6 says, "This year a notice for each affected rule
7 of the Indiana Administrative Code was limited to
8 Titles 327 and 327." Is that intentional?

9 CHAIRMAN GARD: Is that, Nancy?

10 MS. KING: I'm looking at it now.

11 (Pause in proceedings.)

12 MS. KING: No, that should be -- what
13 was the other one that we -- do you remember?

14 MS. PEDERSEN: 326.

15 MS. KING: That is a typo, you are
16 correct. Thank you.

17 DR. NIEMIEC: All right. Thank you.

18 MS. PEDERSEN: 326.

19 MS. KING: 326 is what that should --
20 it should be Title 326 and 327.

21 DR. NIEMIEC: Thank you.

22 CHAIRMAN GARD: Do you want to make a
23 motion to correct that?

1 DR. NIEMIEC: I'd move that we make
2 that correction.

3 CHAIRMAN GARD: Can we take that back
4 into it? Okay. Any other corrections or
5 additions to the minutes? Is there a motion to
6 approve them as amended?

7 DR. NIEMIEC: So moved.

8 DR. ALEXANDROVICH: Second.

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

11 MR. HORN: Aye.

12 DR. NIEMIEC: Aye.

13 DR. ALEXANDROVICH: Aye.

14 MS. VALIQUETT: Aye.

15 MR. RULON: Aye.

16 MR. ETZLER: Aye.

17 MR. GREEN: Aye.

18 MR. GIBSON: Aye.

19 MS. COLLIER: Aye.

20 MR. METTLER: Aye.

21 MR. DAVIDSON: Aye.

22 MR. SMITH: Aye.

23 CHAIRMAN GARD: Aye.

1 Opposed, nay.

2 (No response.)

3 CHAIRMAN GARD: The minutes from the
4 previous meeting are approved.

5 Commissioner?

6 COMM. PIGOTT: Thank you, Chairman.
7 I've got a couple of things. First off, I
8 wanted to note that one of our senior staff
9 members is leaving IDEM, and we're sorry to say
10 that Amy Smith, who's the Deputy Assistant
11 Commissioner in our Office of Land Quality, who
12 is in charge of our efforts regarding tanks,
13 whether it's the Excess Liability Trust Fund,
14 Leaking Underground Storage Tank Compliance, as
15 well as efforts like Science Services and
16 Emergency Response, will be leaving in December,
17 and we will miss her.

18 She's got a very strong staff. We will
19 seek to replace her. It'll be difficult, because
20 she's come into that position and made a great
21 effort to ensure that that fund is sustainable
22 for the future, and that involves putting
23 together legislative packages, rule packages, and

1 reviewing claims that come into our office for
2 payment through the Excess Liability Trust Fund.

3 She's done a terrific job. She's been a
4 real leader in the Office of Land Quality, and I
5 just want you all to know that any success that
6 comes out of there is directly attributable to
7 the work she's done here, and we will miss her
8 greatly. I know that there are people that will
9 pick up the work in that position. So, that's
10 the first thing I wanted to tell you.

11 Secondly, you may have read that there was
12 a public meeting in Northern Indiana last night
13 at -- regarding a CFO permit. It was for Natural
14 Prairie Dairy, and residents in the area were
15 concerned about placement of the dairy. It was a
16 lively public meeting, as many are, and I think
17 we had a good chance to talk about the
18 authority -- the areas where we have authority
19 and where we don't for placement of agricultural
20 facilities around the state, explained how we go
21 through our permitting processes.

22 And while people may or may not have
23 agreed with what we're doing, ultimately I think

1 they left with a better understanding of the work
2 we're doing as a result of this public meeting.
3 And I think oftentimes it may not change opinions
4 in these, but we do end up informing the public,
5 and that's pretty useful.

6 As you've probably been aware, we've been
7 working in Franklin, Indiana, and there has been
8 great concern, just to remind you, of cancer
9 clusters in Franklin, Indiana, because of cancer
10 that has occurred in some children in the city.
11 And residents, mothers in particular of those
12 children, raised concerns that there was a cancer
13 cluster and that cluster was attributable to
14 environmental issues.

15 We continue to work in that area on a
16 daily basis. We've recently tested a couple of
17 homes that had been tested initially by Mundell &
18 Associates and found to have levels of TCE and
19 PCE that were slightly concerning. They
20 didn't -- and we decided to go in and retest to
21 determine whether or not that -- to confirm their
22 samples, and when we did test, we found that
23 those homes were clean.

1 We've conducted activities in the
2 community involving testing drinking water wells,
3 testing a creek that runs through the city,
4 testing facilities that residents in the area
5 have expressed concern over, and looking for
6 other sources of contaminants. While the
7 Department of Health is in charge of the
8 determinations regarding cancer clusters, we
9 certainly are responsible for ensuring that the
10 environment is clean and safe, and we'll continue
11 to do our work there.

12 And I think a big part of the work we do
13 is ensuring that the public is aware that we're
14 out there on a regular basis doing the work we're
15 supposed to do to ensure that if there is
16 contamination, we get it cleaned up. And we'll
17 be continuing to work in that area, and I wanted
18 to let you know that that was the case.

19 And lastly, I'll just mention that
20 we're -- the Department of Corrections in the
21 State of Indiana is, I think, doing some really
22 fascinating work. They're working to train up
23 inmates that are in jail currently, but may be

1 released in the near future, because they
2 recognize that many of the inmates in the
3 facility, once they're released, have a golden
4 window of opportunity to succeed, and if they
5 don't have a job and if they don't have proper
6 training to get a job, they could end up back in
7 as a recidivist case.

8 And so, they've done some really
9 interesting things. They've trained up women
10 through software development, and some of those
11 women have gotten work before they actually leave
12 jail, and by the time they're out of jail they're
13 actually -- they've been full-scale working and
14 become productive members after leaving jail.
15 And men have been in welding classes.

16 We thought this was such a good idea, and
17 given our knowledge of the wastewater and
18 drinking water industry, the fact that some
19 wastewater operators are getting older and are
20 retiring, we thought that maybe another avenue
21 for training people in these facilities is
22 wastewater operator certification. So, we've
23 been working with the department of corrections

1 to train people up there to see that they are
2 licensed, so that when they leave jail, they can
3 be certified operators and have a productive job.

4 There are some facilities in the state
5 that find it difficult to hire a wastewater or
6 drinking water operator. We hope that this does
7 something to help alleviate that issue, and we're
8 willing to do more, but those are some of the
9 things that we're working on.

10 And finally, finally, I wanted to indicate
11 that we've issued a press release indicating that
12 the VMT, the plan that the Volkswagen Committee
13 has put together for how money should be
14 distributed from the Volkswagen Mitigation Trust,
15 which Sen. Gard is chairing, had a press release
16 issued today by the agency indicating that that
17 plan has been sent to the Trustee, and all we'll
18 be looking for next is the okay from the Trustee.
19 And that's been a great deal of work by the
20 people that serve on that board, and I think that
21 the work that has been done is work that was
22 necessary, and I'm just proud to be a part of it.

23 And finally, finally, finally, I want to

1 say Happy Thanksgiving to everybody. I don't
2 think we'll see each other until after
3 Thanksgiving.

4 So, that's my report.

5 CHAIRMAN GARD: Okay. Thank you.

6 Any questions for the Commissioner?

7 (No response.)

8 CHAIRMAN GARD: Thank you.

9 COMM. PIGOTT: You're welcome.

10 CHAIRMAN GARD: Chris Pedersen will
11 have a report on rulemaking and information about
12 the Air Permitting Program Annual Report, which
13 you have a copy of.

14 MS. PEDERSEN: Hello. I'm Chris
15 Pedersen, in the Rules Development Branch of the
16 Office of Legal Counsel.

17 First, a couple of administrative items.
18 In your folders you should have found a list of
19 the reserve dates for the 2019 Board meetings,
20 which are, as traditional, on the second
21 Wednesday of each month. All meetings are
22 scheduled to start at 1:30 in this room, and the
23 actual meeting dates will be recommended as we go

1 along based on which rules are ready for
2 adoption. The current frequency is roughly every
3 three months, and I assume they'll probably be
4 similar to that next year.

5 Also, there's updated list of Board
6 members and contact information. We also
7 maintain some of the contact information on our
8 Web site, so that's been updated, too.

9 As far as the rules, rules that will
10 hopefully be ready for presentation at the next
11 meeting, we're tentatively expecting that to be
12 February 13th of 2019. First, the two emergency
13 rules that are going to be presented to you
14 today, we expect that those will need to be
15 adopted again to maintain the provisions until
16 the regular rulemakings are done.

17 So, that is the Emergency Rule for the
18 Clark and Floyd Counties 2015 Eight-Hour Ozone
19 Designations and the one for the Underground
20 Storage Tank Compliance Dates. If preliminarily
21 adopted today, the Asbestos Management Program
22 Revisions may also be ready for final adoption at
23 the next meeting.

1 In addition to those rules, we have some
2 others that could be ready. First, the Hazardous
3 Waste Updates Rule. This is a Section 8
4 rulemaking, which means it only has one comment
5 period and one hearing. This rule is to maintain
6 state authorization of the Hazardous Waste
7 Program. It will update references to the Code
8 of Federal Regulations in our state rules from
9 2015 to 2017.

10 It also incorporates by reference several
11 recent federal rules that are required to
12 maintain equivalency and consistency with the
13 federal requirements, and this includes the
14 Hazardous Waste Generator Improvements Rule,
15 which has generated quite a bit of interest. A
16 lot of people have been asking when we're
17 planning on starting it, and that will be
18 included in that rulemaking. It also includes
19 the technical amendments and corrections.

20 Three other rules that could be ready for
21 preliminary adoption at the next meeting, the
22 first one is Short-Term Backup Units. This
23 rulemaking addresses situations in which an

1 existing permitted emission unit needs repair or
2 maintenance, and by allowing the operation of a
3 temporary backup unit under certain circumstances
4 without first seeking a permit modification. The
5 rule would require notification to IDEM and
6 compliance with specific requirements to ensure
7 that the emissions would not exceed the existing
8 permit limits.

9 Another one -- another one is the Great
10 Lakes Basin Combined Sewer Overflow Public
11 Notification Rule. This rulemaking would adopt
12 federal public noticing requirements for National
13 Pollutant Discharge Elimination Systems, or
14 NPDES, permittees that are currently authorized
15 to discharge combined sewer overflow to the Great
16 Lakes Basin. Indiana has a similar statewide
17 rule in effect right now that will remain in
18 effect for those that are not subject to the new
19 federal rule.

20 And lastly, the Portland Cement Monitoring
21 Rule. IDEM is proposing to allow the use of a
22 continuous barometric monitoring system in place
23 of a continuous opacity monitoring requirement

1 for the Portland Cement plants, and this is based
2 on similar updates to a federal rule that were
3 made in 2017.

4 I'd be happy to answer any questions about
5 rulemakings before I move on to the last item.
6 Any questions?

7 (No response.)

8 MS. PEDERSEN: All right. The Air
9 Permitting Report. This report is in your Board
10 packet. It should have been in the folders, and
11 was sent to you electronically. Hopefully you've
12 had time to take a look at that. Jenny Acker,
13 the Branch Chief of the Air Permitting Program,
14 is here to answer any questions you have on that
15 report. Any questions?

16 CHAIRMAN GARD: Any questions about
17 the report?

18 (No response.)

19 MS. PEDERSEN: Okay.

20 CHAIRMAN GARD: Thank you.

21 As Chris said, today we have two Emergency
22 Rules that the Board is being asked to adopt,
23 Clark and Floyd Counties 2015 Ozone Designation,

1 and UST Compliance Date Corrections. In addition
2 to the Emergency Rule adoption, we will have a
3 hearing and Board action to adopt the UST
4 Compliance Date Corrections rule. We will also
5 have hearings for the following Board actions:
6 Preliminary adoption of Asbestos Management
7 Revisions; and final adoption of Air Permit Legal
8 Notices.

9 Please fill out a comment card and give
10 them to Janet Pittman at the sign-in table if you
11 wish to testify on today's hearings, and I have a
12 couple already.

13 The rules are being considered -- that are
14 being considered at today's meeting were included
15 in Board packets and are available for public
16 inspection at the Office of Legal Counsel, 13th
17 Floor, Indiana Government Center North. The
18 entire Board packet is also available on IDEM's
19 Web site at least one week prior to each Board
20 meeting.

21 A written transcript of today's meeting
22 will be made. The transcript and any written
23 submissions will be open for public inspection at

1 the Office of Legal Counsel. A copy of the
2 transcript will be posted on the Rules page of
3 the agency Web site when it becomes available.

4 Will the official reporter for the cause
5 please stand, raise your right hand and state
6 your name?

7 (Reporter sworn.)

8 CHAIRMAN GARD: Thank you.

9 The Board will now consider adoption of
10 the Emergency Rule to adopt the 2015 Ozone
11 Designations for Clark and Floyd Counties. This
12 Emergency Rule temporarily incorporates the
13 current federal designation.

14 I will enter Exhibit A, the draft
15 Emergency Rule, into the record of the meeting.

16 Krystal Hackney will present the rule.

17 MS. HACKNEY: Good afternoon, members
18 of the Board. My name is Krystal Hackney, and I
19 am a rule writer in the Rules Development Branch.
20 I am here to present the Emergency Rule to
21 designate Clark and Floyd County to nonattainment
22 for the 2015 Eight-Hour Ozone Standard.

23 This rule temporarily revises

1 326 IAC 1-4-11 and 326 IAC 1-4-23 to designate
2 Clark County and Floyd County to nonattainment
3 for the 2015 Eight-Hour Ozone Standard until the
4 regular rulemaking is completed. On June 4th,
5 2018, the U.S. EPA published a final rule to
6 establish air quality designations for the 2015
7 Eight-Hour Ozone Standard.

8 In Indiana, Clark, Floyd, and a part of
9 Lake County have been designated nonattainment,
10 while the remainder of the state has been
11 classified attainment/unclassifiable. IDEM is
12 proposing the temporary nonattainment
13 designations to Clark and Floyd Counties so that
14 affected sources in that area can be permitted
15 under the appropriate state permitting rules.

16 Because of all -- excuse me. Because all
17 of Lake County is currently designated
18 nonattainment for the 2008 Eight-Hour Ozone
19 Standard, action through this Emergency Rule is
20 not necessary, because affected sources are
21 already being permitted under the Emission Offset
22 Rule in 326 IAC 2-3, rather than the Prevention
23 of Significant Deterioration Rule in 326 IAC 2-2.

1 The format -- the formal rulemaking for
2 designations under a 2015 Eight-Hour Ozone
3 Standard will include the designations for all
4 Indiana counties. This Emergency Rule will allow
5 affected sources to be permitted under the
6 appropriate air permitting rule until the formal
7 rulemaking is completed.

8 This Emergency Rule was originally adopted
9 on August 8th, 2018. If readopted, this
10 Emergency Rule will be filed and become effective
11 immediately for 90 days, at which time the
12 Emergency Rule will be brought to you for
13 readoption again, since the regular rulemaking
14 will not be completed at that time.

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

19 CHAIRMAN GARD: Thank you.

20 Are there any questions for Krystal?

21 (No response.)

22 CHAIRMAN GARD: Is there Board
23 discussion?

1 (No response.)

2 CHAIRMAN GARD: Is there a motion to
3 adopt the Emergency Rule?

4 MR. RULON: So moved.

5 CHAIRMAN GARD: Is there a second?

6 DR. ALEXANDROVICH: Second.

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

9 MR. HORN: Aye.

10 DR. NIEMIEC: Aye.

11 DR. ALEXANDROVICH: Aye.

12 MS. VALIQUETT: Aye.

13 MR. RULON: Aye.

14 MR. ETZLER: Aye.

15 MR. GREEN: Aye.

16 MR. GIBSON: Aye.

17 MS. COLLIER: Aye.

18 MR. METTLER: Aye.

19 MR. DAVIDSON: Aye.

20 MR. SMITH: Aye.

21 CHAIRMAN GARD: Aye.

22 Opposed, nay.

23 (No response.)

1 CHAIRMAN GARD: The Emergency Rule is
2 adopted.

3 The Board will now consider adoption of an
4 Emergency Rule to adopt the UST Compliance Date
5 Corrections. This Emergency Rule temporarily
6 corrects compliance dates for the state rule.

7 I will enter Exhibit B, the draft
8 Emergency Rule, into the record of the meeting.

9 Dan Watts will present the rule.

10 MR. WATTS: Good afternoon,
11 Chairwoman Gard, members of the Board. I'm Dan
12 Watts, a rule writer for IDEM, and I'm presenting
13 an Emergency Rule for adoption that proposes
14 temporary amendments in 329 IAC 9 to the
15 compliance dates for underground storage tanks.

16 IDEM is proposing to immediately adopt an
17 extension of compliance dates for UST
18 requirements because some of the compliance dates
19 occur before the anticipated effective date of
20 LSA Document 18-281 that will be effective in
21 March 2019. This rulemaking also is being
22 presented for adoption at this Board meeting.
23 The Emergency Rule will enable the compliance

1 dates to be effective and enforceable as soon as
2 possible, rather than a few months from now.

3 The proposed amendments in the Emergency
4 Rule will extend the compliance dates for UST
5 requirements that were adopted earlier this year
6 in an earlier UST rulemaking, in which federal
7 UST standards were incorporated by reference and
8 became effective on June 28th.

9 The incorporated federal UST standards
10 included compliance dates that were linked to the
11 effective date of the U.S. EPA's final rule that
12 was published on July 15th, 2015. Because these
13 compliance dates were linked to the 2015
14 effective date of the EPA rule, many of the dates
15 have passed or were too soon in the future when
16 the recently adopted UST rule became effective
17 earlier this year.

18 In order to allow adequate compliance time
19 for regulated entities and enable IDEM to enforce
20 the compliance dates, IDEM is proposing this
21 Emergency Rule to extend these compliance dates
22 and align them with the effective date of the
23 recently adopted UST rulemaking.

1 The amendments in this Emergency Rule will
2 be effective for 90 days until the rule expires
3 or is superseded by another emergency rule or
4 rulemaking, and myself and other representatives
5 from IDEM are available to answer questions you
6 may have for this rulemaking.

7 The Department respectfully requests that
8 the Board adopt this rule as presented.

9 Thank you.

10 CHAIRMAN GARD: Thank you.

11 Are there any questions for Dan about the
12 Emergency Rule?

13 (No response.)

14 CHAIRMAN GARD: Is there Board
15 discussion?

16 (No response.)

17 CHAIRMAN GARD: If not, do I hear a
18 motion to adopt the Emergency Rule?

19 MR. DAVIDSON: So moved.

20 CHAIRMAN GARD: Is there a second?

21 MR. HORN: Second.

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

1 MR. HORN: Aye.

2 DR. NIEMIEC: Aye.

3 DR. ALEXANDROVICH: Aye.

4 MS. VALIQUETT: Aye.

5 MR. RULON: Aye.

6 MR. ETZLER: Aye.

7 MR. GREEN: Aye.

8 MR. GIBSON: Aye.

9 MS. COLLIER: Aye.

10 MR. METTLER: Aye.

11 MR. DAVIDSON: Aye.

12 MR. SMITH: Aye.

13 CHAIRMAN GARD: Aye.

14 Opposed, nay.

15 (No response.)

16 CHAIRMAN GARD: The Emergency Rule is
17 adopted.

18 This is a public hearing before the
19 Environmental Rules Board of the State of Indiana
20 concerning adoption of amendments to rules at
21 329 IAC 9-1-1 and 9-1-8 regarding Corrections to
22 the UST Compliance Dates.

23 I will now introduce Exhibit C, the

1 proposed rule, into the record of the hearing.

2 Dan Watts will present the rule.

3 MR. WATTS: Good afternoon, members
4 of the Board. I'm back for another rule, and I'm
5 going to present 18-281 for adoption.

6 IDEM is proposing amendments to 329 IAC 9
7 that extend the compliance dates for underground
8 storage tanks, and also other related UST
9 amendments. This rulemaking is similar to the
10 Emergency Rule I just presented, and I'm not
11 going to go over the reason for changing the
12 compliance dates. I just did that. I don't
13 think we need to hear that again.

14 And so, in addition to the main goal of
15 extending the compliance dates, the rulemaking
16 clarifies the applicability of the financial
17 assurance requirements and removes outdated
18 compliance dates for financial assurance
19 requirements. These are all in the past and are
20 no longer applicable.

21 IDEM is proceeding with this rulemaking
22 using the abbreviated rulemaking process
23 authorized under IC 13-14-9-8 because the

1 proposed amendments only clarify existing Indiana
2 rules and will not have a substantive effect on
3 the application of the existing rules, and makes
4 the rulemaking limited in scope and nature.
5 Therefore, we're able to use this abbreviated
6 rulemaking process.

7 There is one change since the publication
8 of the initial notice of rulemaking that IDEM
9 would like to highlight, at 329 IAC 9-1-1(d)(10).
10 The incorporated federal requirements at
11 40 CFR 280, Subpart J concerning UST operator
12 training are excluded from the extended
13 compliance dates.

14 And these particular compliance dates for
15 these requirements do not need to be extended
16 because regulated entities were subject to very
17 similar UST operator training requirements before
18 the repeal of 329 IAC 9-9 in the recently adopted
19 UST rulemaking, and owners and operators should
20 not experience difficulty complying with the
21 updated requirements by the current deadline.

22 If the compliance deadlines for these
23 requirements are extended, IDEM will have --

1 potentially have a multiyear gap in required UST
2 operator training, which could increase potential
3 risks from UST operation and maintenance.

4 Myself and other representatives from IDEM
5 are available to answer questions you may have
6 for this rulemaking, and the Department
7 respectfully requests that the Board adopt this
8 rule as presented.

9 Thank you.

10 CHAIRMAN GARD: Are there any
11 questions? Yes.

12 DR. NIEMIEC: Yes. Could you briefly
13 resummarize examples of those portions which have
14 the compliance dates of 2024 and 2025 now?

15 MR. WATTS: Let's see. 2024 and
16 2025. Are you talking about the sections adopted
17 in the federal rules?

18 DR. NIEMIEC: Right. Which of those
19 have those later compliance dates? Just a few
20 examples.

21 MR. WATTS: Let's see. I know -- I
22 can't think of it off the top of my -- all of
23 them off the top of my head, but I know there are

1 some related to previously deferred UST's, and
2 any time there is a compliance date related to --
3 well, that's sort of inferred -- any compliance
4 date related to 2021 or 2022. I don't know.

5 Doug, is there anything that you can think
6 of in particular related to those compliance
7 dates?

8 MR. LOUKS: Yes. So, like some
9 testing that's going to be deferred with the UST
10 systems is going to have some of that as well,
11 but the big one is going to be the hydrostatic
12 sump testing.

13 DR. NIEMIEC: Okay. Thank you.

14 CHAIRMAN GARD: Any other questions?

15 MS. COLLIER: Yes, I have a question.

16 MR. WATTS: Yes.

17 MS. COLLIER: The October 13th, 2018
18 deadline for the training, I know there was some
19 communication sent out to the regulated entities
20 regarding what the compliance dates were. Will
21 the October 13th, 2018 deadline for training
22 contradict any of that communication that was
23 sent out previously to the regulated entities?

1 MR. WATTS: I was not -- I'm not
2 aware of all of the communication that was sent
3 out.

4 MR. LOUKS: Are you referring to
5 operator training?

6 MS. COLLIER: Yes.

7 MR. LOUKS: So, operator training was
8 already in our rule that came in, and we amended
9 the rule in 2009, I believe, to bring in the
10 Environmental Protection Act -- or the Energy
11 Policy Act -- I'm sorry -- Energy Policy Act
12 of 2005 that EPA put forward. So, we already
13 have the requirement for operator training, so
14 that's -- it's been required since 2009, so there
15 shouldn't be any change there.

16 The only difference is once these go
17 effective, we're going to change what's in the
18 actual operator training, but the requirement
19 persists throughout the entire time.

20 MS. COLLIER: Okay. Thank you.

21 CHAIRMAN GARD: Any other questions?

22 (No response.)

23 CHAIRMAN GARD: Okay. Thank you.

1 Now we need a motion to adopt -- final
2 adopt the rule.

3 MR. RULON: So moved.

4 CHAIRMAN GARD: Is there a second?

5 MS. COLLIER: Second.

6 CHAIRMAN GARD: This is roll-call
7 vote.

8 Dr. Alexandrovich?

9 DR. ALEXANDROVICH: Yes.

10 CHAIRMAN GARD: Mr. Horn?

11 MR. HORN: Yes.

12 CHAIRMAN GARD: Mr. Hillsdon-Smith?
13 He's not here.

14 Dr. Niemiec?

15 DR. NIEMIEC: Aye.

16 CHAIRMAN GARD: Mr. Rulon?

17 MR. RULON: Yes.

18 CHAIRMAN GARD: Mr. Etzler?

19 MR. ETZLER: Yes.

20 CHAIRMAN GARD: Mr. Mettler?

21 MR. METTLER: Yes.

22 CHAIRMAN GARD: Mr. Davidson?

23 MR. DAVIDSON: Yes.

1 CHAIRMAN GARD: Ms. Valiquett?

2 MS. VALIQUETT: Yes.

3 CHAIRMAN GARD: Ms. Collier?

4 MS. COLLIER: Yes.

5 CHAIRMAN GARD: Mr. Smith?

6 MR. SMITH: Yes.

7 CHAIRMAN GARD: Mr. Green?

8 MR. GREEN: Yes.

9 CHAIRMAN GARD: Mr. Gilson [sic]?

10 MR. GIBSON: Yes.

11 CHAIRMAN GARD: And the Chairman
12 votes aye, so the rule passes 13 to 0.

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 rules 326 IAC 14-10 and 328 IAC 18 regarding
17 Asbestos Management.

18 I will now consider -- I will now
19 introduce Exhibit D, the draft rules, into the
20 record of the hearing.

21 And Chris Pedersen will present the rule.

22 MS. PEDERSEN: I'm Chris Pedersen
23 with the Rules Development Branch of the Office

1 of Legal Counsel, and I'm here to present the
2 rule on Asbestos Management Program Updates for
3 your consideration.

4 This rulemaking revises existing
5 provisions in two areas of Indiana's Asbestos
6 Management Program. The first, the Emission
7 Standards for Asbestos Demolition and Removal
8 Operations, in 326 IAC 14-10, are based on the
9 asbestos National Emission Standards for
10 Hazardous Air Pollutants, or NESHAP in 40 CFR 61,
11 Subpart M, for which Indiana was granted
12 delegation authority in 1976.

13 The existing state requirements are
14 required to maintain the authority to operate the
15 delegated program. This rule applies to
16 demolition and renovation activities and includes
17 requirements for notifications to IDEM and
18 controlling emissions during demolition and
19 renovation activities.

20 The second portion is the Asbestos
21 Licensing and Training Requirements that are in
22 326 IAC 18. They're based on various federal
23 laws and regulations related to asbestos hazards

1 in schools and the training and licensing of
2 persons performing asbestos-related work in
3 schools, as well as public and commercial
4 buildings.

5 The federal requirements are required for
6 Indiana to continue to operate the asbestos
7 training and licensing programs. Article 18
8 includes requirements for individuals to obtain
9 the training and licensing necessary to work with
10 asbestos, and also includes the requirements for
11 approval of training course providers in Indiana.

12 The current rule -- the current status of
13 the rule. This rulemaking was initiated with a
14 First Notice of Comment Period that was published
15 on June 3rd of 2009 in the Indiana Register. A
16 Continuation of Notice -- a Continuation of
17 Notice of First Comment period was published on
18 October 4th of 2017, to provide interested
19 stakeholders an opportunity to submit additional
20 comments on the subject matter and basic purpose
21 of the rulemaking, including issues that may have
22 emerged since the original notice.

23 There are several reasons for the delay in

1 bringing this rulemaking to you for
2 consideration. When the rule was started, there
3 were lengthy internal discussions, because the
4 overall requirements had not been significantly
5 revised since 1998.

6 In addition to that, there's been much
7 turnover of staff since then. We've actually had
8 five rule writers working on this project over
9 time. The primary asbestos program staff have
10 left also, and there's also been complete
11 turnover of the legal staff that had been working
12 on the original rule.

13 So, each time we had new staff coming in,
14 essentially those people were starting over from
15 scratch trying to learn the subject matter, see
16 what the policy decisions were at the time, so it
17 was taking some time to keep things moving.

18 In addition to that, generally this
19 rulemaking has not been considered as high a
20 priority as some of the other rulemakings, and
21 so, when many others rules would come out, this
22 rule would tend to be put on hold. So, that's
23 the reason why this has taken so long.

1 IDEM provided an opportunity for written
2 comments during the initial First Notice of
3 Comment Period in 2009. We receive one comment
4 at that time. The Continuation of Notice of
5 First Comment Period, which was late last year,
6 we received one comment at that time, and the
7 Second Notice of Comment Period that ended in
8 September of this year, there were two comments
9 at that time.

10 IDEM sent information electronically to
11 over 130 asbestos abatement companies,
12 consultants, training course providers and other
13 interested parties at the time of the two most
14 recent written comment periods in 2017 and 2018,
15 to let them know about the opportunity to comment
16 and where to find notices with further
17 information.

18 As far as the rule revisions themselves,
19 as I mentioned, the asbestos management rule
20 language in both 326 IAC 14-10 and 326 IAC 18
21 have not really been significantly changed in the
22 past 20 years. The revisions in both of those
23 areas are primarily administrative.

1 There's the addition and the revision of
2 definitions for consistency with federal
3 requirements, state statutes, or the other state
4 rule; clarification of confusing language;
5 removal of redundant language; and administrative
6 updates for conformity with the rule drafting
7 standards.

8 Also in both of those rules we've added
9 the option to submit notifications electronically
10 and other information electronically, so that was
11 one of the updates we made to both of those
12 areas.

13 In 326 IAC 18 specifically, this is the
14 training and licensing part of the program. The
15 draft rule has been restructured for clarity.
16 The asbestos licensing and training course
17 requirements have been split into separate rules,
18 326 IAC 18-2.1 and 326 IAC 3.1 respectively, and
19 the training course content requirements have
20 been moved to a separate rule, 326 IAC 18-4.

21 And that's why when you look at that
22 portion of the rule, you'll see an awful lot of
23 bold language as if it's all new language. In

1 reality, it is mostly the same language, it's
2 just been moved, so the LSA drafting requirements
3 require us to show that as new language.

4 This rule, in 326 IAC 18, actually has
5 three changes that would be considered
6 substantive that will simplify the training and
7 licensing process for both regulated entities and
8 IDEM staff that process the documentation, and
9 provides a modest cost savings to the regulated
10 individuals or the company for which they work.

11 The first, a person that applies for an
12 asbestos license will no longer be required to
13 submit a photograph with the application. This
14 appears in 326 IAC 18-2.1-3(a), which is on
15 page 32. I wanted to point these out just
16 because you can't easily see that, as I said,
17 because everything shows as new language.

18 The second item, a person seeking an
19 initial asbestos license who has passed a
20 training course outside of Indiana, but that is
21 approved by U.S. EPA, will no longer be required
22 to attend an initial training -- Indiana training
23 course, but still must pass the Indiana refresher

1 training course.

2 The initial training courses, in general,
3 are longer, taking often multi days, depending on
4 the discipline. The refresher course is usually
5 only a day, so there's a cost savings if they
6 don't have to go back and take the initial course
7 in Indiana. This appears in
8 326 IAC 18-2.1-2(a)(2) on page 30.

9 The third item, the period of time that a
10 person with an expired license has to take a
11 refresher training course for license renewal has
12 been increased from 18 to 24 months, and this is
13 another case where if they're up to 24 months and
14 they need to take the course or to get their
15 license, they can take the refresher course,
16 which is only a day. Otherwise, if they're
17 beyond the 24 months, they would go back and take
18 an initial course, which, again, is in multiple
19 days and at more cost. That is at
20 326 IAC 18-2.1-4(e) on page 35.

21 The amendments in this rulemaking will
22 clarify and update Indiana's existing Asbestos
23 Management Program Rules, provide a cost savings

1 for certain licensing functions, and ensure
2 consistency within the program and with federal
3 requirements.

4 IDEM requests that the Board preliminarily
5 adopt this rule as presented. If you have any
6 questions, Asbestos Program staff are available.

7 CHAIRMAN GARD: Are there any
8 questions from Board members?

9 DR. ALEXANDROVICH: I do, Madam
10 Chair.

11 In both Article 14 and 18 in the
12 definitions about electronic submissions on
13 page 7 of 63, I'm just wondering if that
14 definition would cover things like flash drives,
15 thumb drives.

16 MS. PEDERSEN: It is, I believe,
17 meant to.

18 DR. ALEXANDROVICH: It wasn't totally
19 clear to me, so I'm wondering if "electronic
20 submission" means, "A submission of information
21 to the Department via electronic media,
22 including," but could you add, "but not limited
23 to"?

1 MS. PEDERSEN: I'll take a look at
2 making sure that we incorporate those other ones.
3 I'm not sure what language we will use, but I
4 will check and see about making sure that it
5 includes those. Okay.

6 DR. ALEXANDROVICH: Okay. It's also
7 in 18 as well.

8 MS. PEDERSEN: Yeah. Okay.

9 CHAIRMAN GARD: Any other questions?

10 (No response.)

11 CHAIRMAN GARD: You all are making it
12 easy today.

13 Is there anyone -- I don't have any
14 speaker cards concerning this rule. Is there
15 anyone out there that wants to speak on the rule?

16 (No response.)

17 CHAIRMAN GARD: Then the public
18 hearing is closed. The Board will now consider
19 preliminary adoption of amendments to rules
20 326 IAC 14-10 and 326 IAC 18 regarding Asbestos
21 Management. Any further Board discussion?

22 (No response.)

23 CHAIRMAN GARD: Is there a motion to

1 preliminarily adopt the rules?

2 MR. DAVIDSON: So moved.

3 CHAIRMAN GARD: Is there a second?

4 MR. RULON: Second.

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

7 MR. HORN: Aye.

8 DR. NIEMIEC: Aye.

9 DR. ALEXANDROVICH: Aye.

10 MS. VALIQUETT: Aye.

11 MR. RULON: Aye.

12 MR. ETZLER: Aye.

13 MR. GREEN: Aye.

14 MR. GIBSON: Aye.

15 MS. COLLIER: Aye.

16 MR. METTLER: Aye.

17 MR. DAVIDSON: Aye.

18 MR. SMITH: Aye.

19 CHAIRMAN GARD: Aye.

20 Opposed, nay.

21 (No response.)

22 CHAIRMAN GARD: The preliminary rule
23 is adopted.

1 This is a public hearing before the
2 Environmental Rules Board of the State of Indiana
3 concerning final adoption of amendments to
4 326 IAC 2-1.1, 2-7, 2-8, and 2-12 regarding Air
5 Permit Legal Notices.

6 I will now introduce Exhibit E, the
7 preliminarily adopted rule with IDEM's suggested
8 changes, into the record of the hearing.

9 Keelyn Welch -- Walsh -- will present the
10 rule.

11 MS. WALSH: Good afternoon, members
12 of the Board. I'm Keelyn Walsh, with the Rules
13 Development Section of the Office of Legal
14 Counsel, and I'm here to present Rule No. 17-395,
15 Electronic Notice for Air Permits, for your
16 consideration.

17 On October 18th, 2016, U.S. EPA published
18 a final rule in the Federal Register that revised
19 the requirement to provide public notice of
20 certain draft air permits under the New Source
21 Review and Title V permit programs through
22 publication in the newspaper. The final rule
23 allows permitting authorities implementing a

1 U.S. EPA-approved program to change the
2 consistent method of providing public notice for
3 publication in a local newspaper to electronic
4 publication on the agency Web site.

5 Indiana implements a U.S. EPA-approved
6 program that meets the federal requirements of
7 40 CFR 51 and 40 CFR 70. Because Indiana has an
8 approved program, the state has the option of
9 adopting either electronic notice or newspaper
10 publication as the primary method of public
11 notice.

12 The federal rule states that whichever
13 method the permitting authority uses to adopt
14 must be -- sorry -- chooses to adopt must be
15 indicated to the public as the consistent
16 noticing method used and must provide reasonable
17 access to other materials that support the permit
18 decision, including the draft permit.

19 Revising the public notice requirement in
20 this rulemaking to electronic notification on
21 IDEM's Web site indicates to the public that
22 posting notices to the agency Web site, with
23 links to the permit documents, will be the

1 primary and consistent noticing method used by
2 IDEM. The federal rule does not prevent
3 permitting authorities from supplementing an
4 electronic notice with a newspaper notice or
5 additional means of notification to the public.

6 In addition to changing the consistent
7 method of noticing New Source Review and Title V
8 permit actions, IDEM is proposing to change the
9 method of noticing to electronic notices posted
10 on IDEM's Web site for all other air permit
11 actions that currently require newspaper notice
12 by IDEM, for consistency across the program.

13 Air permitting actions affected include
14 Title V permits, Federally Enforceable State
15 Operating Permits, Source Specific Operating
16 Agreements, and Minor State Operating Permits,
17 and any modification or revision issued to these
18 permits under 326 IAC 2-6.1, 2-7, 2-8 and 2-9.
19 This will result in one location for all air
20 permit notices that's available to the public.

21 As newspaper circulation continues to
22 decline and Internet use becomes increasingly
23 widespread, agencies are using electronic notices

1 as a more convenient, cost-effective, and
2 expedient method of communicating important
3 agency notices and actions to a wider segment of
4 the population.

5 Several of IDEM's program areas already
6 publish public notices electronically on the
7 Department Web page, and IDEM's Air Permitting
8 Program has a searchable on-line database for the
9 public that links directly to the public notices.

10 For individuals that do not have
11 convenient computer or Internet access, they can
12 request to receive notice through the mail about
13 air quality permit actions in their area or
14 related to specific sources. Individuals on this
15 list received a mailed notice any time a permit
16 action in their area goes to public notice, and
17 again when the permit is issued.

18 The public can choose to have their names
19 added for permit actions in a specific county or
20 multiple counties or for permit actions
21 pertaining to one or multiple sources.

22 Individuals may also subscribe to the agency
23 e-mail notification system to receive e-mail

1 notifications for public notices based on
2 geographic region.

3 With the assistance of the Hoosier State
4 Press Association, information about being added
5 to the distribution list concerning air permits
6 was sent to local newspapers across the state.
7 With this information sent directly to them at
8 the time a public notice is posted on the Web
9 site, local newspapers can determine if the
10 action is of interest to their readers and either
11 publish the notice information, or prepare an
12 article on the subject for more in-depth
13 information. At this time, about 17 newspapers
14 have contacted IDEM to be added to the list.

15 Converting to electronic notice will also
16 allow IDEM to reduce the costs associated with
17 newspaper publications of approximately \$59,600
18 per year, which includes the cost of the notice
19 and the staff time needed to place the newspaper
20 notices, check them for accuracy, and work with
21 the newspapers to resolve problems. IDEM
22 anticipates that converting to electronic notice
23 as the primary method of public notice will

1 eliminate publishing delays and enable IDEM to
2 communicate permitting and other affected actions
3 to the public more quickly and efficiently.

4 With the continuing trends in how the
5 public accesses information, IDEM believes that
6 the consistent method to meet federal
7 requirements for public noticing of air permit
8 actions should be changed to electronic notices
9 on the agency Web site.

10 IDEM requests that the Board final adopt
11 this rule as presented, and program staff is
12 available to answer any further questions you may
13 have.

14 Thanks.

15 MR. RULON: I had a quick question
16 for you. So, the -- did you write up the brief
17 about the economic impact of the rule part of
18 this, or was it somebody else in the --

19 MS. WALSH: Yeah, I wrote it.

20 MR. RULON: I'm pretty sure that the
21 intention of that statute is the economic impact
22 on the State of Indiana and its citizens, not on
23 IDEM or the state budget, and while I understand

1 that it reduces the IDEM budget by \$59,600,
2 there's a direct negative impact on the state
3 economy by the same number, so the bottom line is
4 there's no impact.

5 And it just seemed to me like the way that
6 was worded, it was written by the state
7 bureaucracy about the state bureaucracy, and I'm
8 pretty sure that the legislative intent was how
9 this impacts the state and its citizens, not
10 state government. So, I just wanted to point
11 that out. It seemed to me -- and I think it's a
12 tough issue, especially for people like us in
13 rural areas that don't have broadband and such,
14 so that's just -- I just wanted to point that out
15 to you, so that the next time you can think about
16 that --

17 MS. WALSH: Sure. Sure.

18 MR. RULON: -- it's about the impact
19 on the state, not on the state bureaucracy.

20 Thank you.

21 MS. WALSH: Thanks.

22 CHAIRMAN GARD: Is there any further
23 discussion by Board Members, any questions for

1 Keelyn?

2 (No response.)

3 CHAIRMAN GARD: I have some speaker
4 cards.

5 Curt Publow.

6 MR. PUBLLOW: Good afternoon, members
7 of the Board. My name is Curt Publow. I'm
8 here -- I'm the current President of the Hoosier
9 Chapter of the Solid Waste Association of North
10 America, SWANA.

11 And I would like to just say that we're
12 definitely in support of this proposal, this
13 change in the legal notice requirements. But I
14 would also like to -- in addition to voicing our
15 support for this change, I'd like to just make
16 some suggestions for how those changes are
17 actually implemented in the on-line resources
18 that IDEM has available.

19 I use those resources a lot and I really
20 appreciate that they're there, but the -- some of
21 the e-mail notifications that we get, it's not
22 entirely clear exactly what's changed. It just
23 leads you to a page that lists today, for

1 example, 185 public notices that -- you're kind
2 of on your own to figure out what's a new public
3 notice that may be applicable to what you are
4 particularly interested in.

5 And so, if there was a way that in
6 their -- in their notification system or in their
7 publication, like in the home page of that
8 publication, they can make it clear, "This is
9 this new thing," not the one from two weeks ago
10 or three weeks ago, I think it would more useful.

11 And it would help people who -- I know in
12 some of the previous comments, there were people
13 who were concerned that this may be a way for an
14 agency to try to hide action from the public, and
15 I think that if they could make it clear what the
16 new actions are and what the new things are, it
17 would be really helpful to people to actually get
18 engaged and be informed as these things come
19 about.

20 So, I do support the changes, and I think
21 it's a great thing, and I think it's great that
22 the agency's moving things forward and moving
23 them to a modern, you know, method of

1 communication.

2 CHAIRMAN GARD: Okay. Thank you.

3 MR. PUBLLOW: Thank you.

4 CHAIRMAN GARD: And some of the
5 people are here that'll be working to implement
6 this.

7 MR. PUBLLOW: Exactly. That's why I
8 wanted to take this opportunity, and I --

9 CHAIRMAN GARD: We appreciate that.

10 MR. PUBLLOW: -- appreciate the time.

11 Thank you very much.

12 CHAIRMAN GARD: Does the council have
13 any questions for the witness?

14 (No response.)

15 CHAIRMAN GARD: Thank you.

16 MR. PUBLLOW: All right. Thank you.

17 CHAIRMAN GARD: Tim Bannister.

18 MR. BANNISTER: Good afternoon,
19 Board. My name is Tim Bannister. I am the
20 Facilities Chair for the Indiana Chapter of the
21 National Waste and Recycling Association, that is
22 the NWRA.

23 What I'm going to say is pretty

1 straightforward. It's just, you know, we really
2 encourage IDEM's efforts to modernize and
3 streamline the permitting process, and NWRA
4 definitely approves the move to on-line legal
5 notices.

6 I'd like to echo a little bit what
7 Mr. Publow said. The only other thing that I
8 would like to add is just suggesting making it
9 clear when those changes are made, either in the
10 permits or the rules or the NRPD's, for example,
11 the nonrule policy documents.

12 So, going to on-line is a great advantage,
13 and I think it's just -- again, it's in line with
14 what IDEM wants to do in terms of modernization,
15 and the industry supports that.

16 CHAIRMAN GARD: Thank you.

17 Any questions for the witness?

18 MR. SMITH: Madam Chair?

19 CHAIRMAN GARD: Yes.

20 MR. SMITH: How would you best see
21 that organized? Would you want to see it
22 organized by date posted? By location? By
23 permitting time? What would you, I guess, find

1 most useful?

2 MR. BANNISTER: Well, apart from a
3 Web site that --

4 MR. SMITH: Assuming all of those
5 could be done, what would you --

6 MR. BANNISTER: Yeah. You know, to
7 be honest with you, I haven't really put a lot of
8 thought into that. Certainly when you get on the
9 Web site and you see what's -- you know, maybe
10 highlights by color, or in terms of when they
11 were changed, and certainly on the documents
12 themselves, you know, using the similar type of,
13 you know, functions, strikeouts or in bold where
14 things have been changed. You know, there could
15 be a variety of tools. And, you know, Web site
16 design, of course, is very complicated, as most
17 of you probably know, but it's -- certainly I
18 think it's a good way to go.

19 MR. SMITH: Thank you.

20 MR. BANNISTER: Uh-huh.

21 CHAIRMAN GARD: Any further questions
22 for the witness?

23 (No response.)

1 CHAIRMAN GARD: Thank you.

2 Steve Key.

3 MR. KEY: Chairman Gard, members of
4 the Board, Steve Key. I'm the Executive Director
5 and General Counsel for the Hoosier State Press
6 Association. We're back again to reiterate our
7 opposition to this proposal.

8 I want to point out that this is not a
9 modernization effort. The IDEM is already
10 posting the notices electronically, so this is
11 not anything new that's occurring. What they're
12 doing is eliminating the publication of these
13 notices in local newspapers in the communities of
14 the people who would be directly impacted by
15 those individual applications. So, it's not
16 modernization, it's a cutback.

17 I also want to remind you that there were
18 two comment periods on this rule, and more than
19 600 comments were received by IDEM, and of those
20 more than 600 comments, there were only a total
21 of four comments that were in favor of this rule;
22 the other 600-plus comments all were in
23 opposition. So, we believe the public spoke

1 quite loudly that they still preferred to have
2 that opportunity to know what's happening in
3 their community in their local newspaper placed
4 by IDEM.

5 The General Assembly, for years and years,
6 has supported public notices in newspapers as the
7 most effective way to let people know what
8 government agencies are doing. Even most
9 recently this was illustrated by the Interim
10 Committee on Government, which this summer
11 unanimously voted to continue the practice of
12 having cities and towns as a recommendation of
13 the legislature, the continued recommendation,
14 that they continue to publish their financial
15 reports in their local newspaper.

16 I also want to remind you that when it
17 comes to readership, despite the comments of the
18 report, 2.9 million Hoosiers read a newspaper at
19 least once a week. That's 2.9 million once a
20 week, compared to the unique visitors that have
21 gone to the Web site where these notices have
22 been posted for the last two years.

23 And for a year's period, there were only

1 2,009 unique visitors. So, if you divide that by
2 the 185 notices that are on there, you're
3 averaging less than a half a person per notice
4 per week, compared to readership in your
5 newspaper, where the citizens have said, "We want
6 to have that notice."

7 So, we believe that overwhelmingly, if you
8 are looking to get the notice into the hands of
9 the public, the way to go today is still with
10 newspapers. I can't tell you that that won't
11 change in the future, but as it stands now,
12 newspapers still stand as the most effective way.

13 For those of you who may be on the fence
14 on whether or not to support this rule or not --
15 and understand that the public will take a hit as
16 far as their ability to know what's going on, but
17 you may be concerned about the cost. And while I
18 understand, after discussion with Matt Stuckey of
19 IDEM, that the 12.8-million-dollar budget that
20 the Air Quality Division has, they are not that
21 flexible in how they can spend some of that
22 money.

23 So, maybe \$60,000 is more of a concern for

1 them, and that's why -- and I want to make sure
2 that everybody on the Board understands -- that
3 the Hoosier State Press Association stands ready
4 to work with IDEM to take the bulk of that burden
5 off their hands. We can offer a service where,
6 if IDEM just gives us the copy of the notices and
7 tells us which county it needs to go into, we can
8 reach out, place that notice, collect that tear
9 sheet that approves the notice, make sure that
10 the service issues are taken care of.

11 IDEM, instead of having to write 200
12 separate checks over the year for 200 notices,
13 could basically write a check to us on a monthly
14 basis, and where we would then pay the newspapers
15 for that.

16 With 200 notices, we think that would cost
17 us about \$2,000, and I really believe that of
18 that, once you take the actual cost of the
19 publication, the remaining \$43,000 is manpower
20 costs that IDEM says it's now using to place
21 these notices. I wouldn't be surprised if we
22 didn't eliminate that by 20, 30, maybe even more,
23 as far as their cost in man hours, administrative

1 costs, which they can then apply to other more
2 useful means.

3 If you have any doubts on whether or not
4 we can do what we've done, we are already doing a
5 similar service for the State Alcohol and Tobacco
6 Commission, which his county notices that go out
7 to all 92 counties on a monthly basis, if not
8 twice a month on some counties.

9 We've been doing that for -- I think we're
10 into our third year, and they've been very happy
11 with the service we provide, because they were
12 having some of the same issues that IDEM recorded
13 here as far as service issues and frustrations
14 there. So, we think that ATC's been very
15 satisfied.

16 For more than a decade we have been
17 placing for the Attorney General the unclaimed
18 property list that they have to publish on a
19 yearly basis, and I know that they've been happy
20 in the past with our service.

21 They also -- you can also look at the
22 effectiveness of the newspapers' publication in
23 that they had to change how many flights that

1 they would put out, those unclaimed property
2 lists across the state, because when those lists
3 hit the newspapers, they get a spike in how many
4 people are calling in, you know, to try to claim
5 money.

6 And when they first did it in three
7 flights, they actually had to bring in extra
8 operators to work overtime because of the
9 response that they were getting. So, now they
10 spread it out over six different flights.

11 So, we think that you have the opportunity
12 for a win-win. You can continue to give the
13 public the best notice possible through their
14 local newspaper, but we can also save IDEM
15 thousands of dollars by us -- allowing us to work
16 with them on this project.

17 I'd be glad to answer any questions you
18 might have as far as the effectiveness of the
19 newspaper notice or the possibility of working
20 with IDEM.

21 CHAIRMAN GARD: Any questions for
22 Steve?

23 MR. GIBSON: Do the e-mail

1 notifications -- is that -- what's your view on
2 the e-mail notifications to newspapers?

3 MR. KEY: Well, it helps the
4 newspaper, news gathering. I did notice that she
5 said, I think, 17 have signed up. There are
6 160-plus page circulation newspapers across the
7 state, so we don't have full participation there.

8 The other thing to keep in mind, public
9 notice is designed to give notice to the public.
10 E-mails to the newspaper doesn't necessarily make
11 that connection, and that's why the legislature,
12 for years they've had notices required under the
13 Open Door Law, and then they have notices that
14 are required under the Public Notice Advertising
15 Law.

16 And in those Public Notice Advertising Law
17 notices, those are notices that the government
18 said, "It's really important to make sure that
19 this gets into the hands of as many Hoosiers as
20 possible, so we're going to make you as a city,
21 town, whatever the agency, place an ad in the
22 newspaper to ensure that it's published."

23 It's not edited, it's not twisted in any

1 way, but this is the information that the
2 government is getting out to the public. So, I
3 would argue that just e-mailing notification to
4 newspapers doesn't really fit what the
5 requirement is and what's the intent of public
6 notice advertising.

7 MR. GIBSON: Okay. Thank you.

8 CHAIRMAN GARD: Are there other
9 questions for Steve?

10 MR. DAVIDSON: When you refer to your
11 readership, do you mean the hard copy, or are you
12 on-line and hard copy?

13 MR. KEY: That is just hard copy. If
14 you add the on-line readership, then it goes up
15 to 3.6 million, and so, I didn't include that
16 because we're talking about the notice going into
17 the print, and some news -- most of the
18 newspapers will actually put up a copy of their
19 print copy, so they would also get to see those
20 notices, but I can't say that with certainty that
21 all newspapers will put up a kind of a virtual
22 copy of the print version. But regardless
23 whether it's 2.9 million or 3.6 million, that's a

1 far cry from 2,009 total unique visitors over the
2 entire year.

3 MR. DAVIDSON: Thank you.

4 CHAIRMAN GARD: Steve, you said that
5 there was about 600 comments to -- I gather
6 that's total, not just one public comment period.

7 MR. KEY: Right. It was five hundred
8 and fifty, I think, four the first comment period
9 and fifty-three or five or something on the
10 second comment period.

11 CHAIRMAN GARD: Were most of those
12 that wanted to keep newspaper notices, were most
13 of those from the newspaper industry?

14 MR. KEY: No, no. The Public Notice
15 Resource Center placed a comment, Hoosier State
16 Press Association put in comments on both comment
17 periods, but I don't remember -- I didn't go
18 through exactly. There may have been one or two
19 other newspaper publishers that commented, but I
20 don't recall exactly. I do recall that two state
21 legislators put comments in, both opposed to the
22 rule. But no, the overwhelming number of
23 comments were just coming from citizens.

1 CHAIRMAN GARD: Okay.

2 Any further comments, questions?

3 (No response.)

4 CHAIRMAN GARD: Thank you.

5 MR. KEY: Thank you.

6 CHAIRMAN GARD: Is there anybody else
7 that wants to speak on the proposed rule who
8 didn't sign up?

9 (No response.)

10 CHAIRMAN GARD: Then the hearing is
11 closed. The Board will now consider final
12 adoption of amendments to 326 IAC 2-1.1, 2.7, 2.8
13 and 2.12 [sic] regarding Air Permit Legal
14 Notices. Is there further Board discussion?

15 DR. NIEMIEC: Yes, just a few points
16 to suggest to consider, but ultimately
17 implementation will depend upon the commitment of
18 IDEM to working on it, but one option that can be
19 done, if it's feasible for the page, is to set --
20 have the person who's looking up the -- on the
21 Web site for the documents, select a date range
22 that they want to have, and then choose whether
23 they want it sorted alphabetically, by date, if

1 they want it sorted by county, things like that,
2 and then they can look basically alphabetically
3 by the county that they're interested in and
4 adjacent counties as well --

5 CHAIRMAN GARD: Uh-huh.

6 DR. NIEMIEC: -- or the date range
7 that they're interested in.

8 CHAIRMAN GARD: Just a suggestion.

9 DR. NIEMIEC: It's just something to
10 consider.

11 CHAIRMAN GARD: Is that -- is that
12 possible?

13 COMM. PIGOTT: We'll look. I
14 can't -- as the nontechy person in the agency, I
15 can vouch for the fact that I'll talk to our tech
16 people to think about, "How can we best do as
17 Chris and Ted indicated? What kind of search
18 mechanisms can we put in place that would make it
19 easy for people to get the information that
20 they're searching for?"

21 CHAIRMAN GARD: Okay.

22 And Nancy, do you want to take a minute
23 and just quickly review the ways that you all

1 have said you could notify the people if they --
2 you know, if they give their name to you and
3 those sorts of things?

4 MS. KING: Yes. I believe I remember
5 all of them. If I don't, they have been
6 mentioned. We do have -- on the Web site, people
7 can sign up to be notified. We've had that for a
8 number of years. There are specific
9 notifications, and I believe there are ways where
10 you can do it geographically or by program.
11 There are various ways that those can be broken
12 down.

13 That's something that we do have that's
14 available so that we provide notification to you,
15 send that to you electronically. In addition,
16 all of the information related to our permit
17 actions are on our Web site for people to come
18 and look at any time they want, not just when
19 these things occur. So, we do have that ability.

20 And again, these notices under this, as
21 was pointed out during the testimony, are being
22 sent to papers. Papers can publish them if they
23 want. They can do stories on them if they want

1 as well. We have had certain -- just recently
2 there was something, and I think you all probably
3 saw, where the whiskey barrels all fell down, I
4 think it was down in Southern Indiana. It was
5 very tragic hearing about that, for the whiskey.

6 (Laughter.)

7 MS. KING: But that was one where
8 there was something that was discussed about the
9 fact that in the newspaper there was a notice,
10 but until people saw the actual article in the
11 paper, they didn't know anything about it. It
12 was actually -- there were some comments within
13 that article.

14 And so, for those papers who get this
15 information, for them to say, "This is something
16 that's happening in my area, it might be valuable
17 for a story," it provides them with that ability
18 to do that, and that does give a more in-depth
19 discussion of what it's about.

20 So, we are reaching out to those
21 newspapers and offering to provide that. We're
22 just -- as for -- to be able to satisfy the
23 federal requirement of having a certain time

1 frame, which is a 30-day time frame, such that we
2 have that time frame built in so that that public
3 notice is there, that's really the major point
4 here is that we want to be able to satisfy the
5 federal requirements without limiting how we can
6 provide those notices.

7 So, there's nothing to say that we can't
8 put a newspaper notice in anyway, because we can
9 under this. This doesn't take that away. It
10 just won't be the preferred and federally
11 authorized way for us to do that. So, there are
12 a number of ways.

13 And I think that the search functions
14 about -- on our Web site, I think that those
15 probably could be improved, and to do it in a
16 number of ways, by geography, by date, all kinds
17 of things those would make it easier. And
18 highlighting changes, that has been mentioned, I
19 don't think that exists now, and I think it could
20 be more robust.

21 CHAIRMAN GARD: Thank you.

22 MR. DAVIDSON: A quick question,
23 Nancy. It sounds cool, but a guy my age, and I'm

1 aging fast, who knows when I hear something
2 rumbling, I better pick up the paper and look.
3 How will we inform the readers, "This is the new
4 place to look"? Has that been talked about? How
5 will it become known that this is the new place
6 to find that public notice?

7 COMM. PIGOTT: Calvin, for those
8 people who are most directly affected by an
9 action, we keep a list of interested parties, and
10 so, they are contacted directly, currently and in
11 the future. So, the ones that are most directly
12 impacted already know, and we can indicate to
13 those folks every time we send out a notice to
14 them that they can find this information on our
15 Web site.

16 But furthermore, this is not a new
17 procedure, as Nancy said. This has been -- we've
18 been doing electronic notification for some time.
19 So, rolling it out, it's not that there's a gap
20 or that something's really different. The idea
21 that you can find stuff at our Web site, it has
22 been in existence and will continue to be.

23 And for those that are more particularly

1 controversial, we generally put those at the
2 front of our Web site, so even an aging guy like
3 me can go straight to the front page of the Web
4 site and see what we're doing on a particular
5 permit, again, directly with a click of a button.

6 Nancy, was there something else that you
7 wanted to --

8 MS. KING: Yeah, I actually had
9 someone who doesn't want me telling something
10 that is not part of the rulemaking. For the next
11 six months -- at the point of which -- if this
12 rule is to pass, the process going forward is
13 that for the next six months, newspaper notices
14 will still be occurring, and within those
15 newspaper notices there will be, in bold print,
16 information that if you want notices like this at
17 some point, they'll have the date, depending on
18 promulgation of the rule, if that goes through,
19 that you'll be able to find them on the Web site.

20 So, within the newspaper, for notices,
21 we're not just going to cut them off immediately.
22 There will be information in there about how we
23 will proceed in terms of their ability to find

1 that, how they can contact the agency to get on
2 the sites, or anything like that.

3 So, we will try to use the forum of the
4 newspaper for those people who are used to seeing
5 it there, to say, "This is what's happening, and
6 this is where you'll be able to find that
7 information, or how you can contact us to find
8 out about information in your area."

9 MR. DAVIDSON: Thanks.

10 CHAIRMAN GARD: Is there --

11 DR. ALEXANDROVICH: Oh, yeah, I just
12 wanted to like pile on with the ideas of
13 Dr. Niemiec, et al. The e-mails could be
14 improved, too. You know, if you get e-mail
15 notices that there have been updates for the
16 whole state, "It's been updated," so it would be
17 nice if you said which county or what company or
18 something, just a little bit more than just "It's
19 been updated."

20 COMM. PIGOTT: Absolutely. Thank you
21 for that.

22 CHAIRMAN GARD: Any other comments or
23 questions?

1 MR. RULON: Just a quick question.

2 CHAIRMAN GARD: Yes.

3 MR. RULON: So, Web sites get hacked
4 and they go down, so if there's a public
5 notice -- you're going to start counting public
6 notifications from the day the Web site is up;
7 right?

8 MS. KING: For purposes -- for
9 purposes of meeting the federal requirement --
10 and please remember that the point of this is,
11 under EPA's regulations, it specifically used to
12 say, "You have to have a notice of your permit
13 action in the newspaper 30 days before you can do
14 anything with those."

15 MR. RULON: Uh-huh.

16 MS. KING: And over the years things
17 happened with those, they didn't get in the paper
18 for one reason or another, so that created
19 problems over the years. So, the point of this
20 is EPA changed their regulation to say federal --
21 under the federal regs, electronic notification
22 will meet the requirements for you as a delegated
23 program.

1 It doesn't say you can no longer put it in
2 the paper. It just says, "This is -- you are
3 meeting the minimum requirements if you have a
4 30-day notice electronically." So, that being
5 the case, it is not that we're saying that's the
6 only way anyone's ever going to get notification.
7 So, again, these multiple avenues for people are
8 important.

9 COMM. PIGOTT: Ken, and in terms of
10 what happens if the Web site crashes, let's say
11 we're supposed to post this in the -- our public
12 notification on a Tuesday.

13 MR. RULON: That's what I was getting
14 at. I was --

15 COMM. PIGOTT: And what happens when
16 it crashes Tuesday and the public doesn't get
17 notified, or when do we start the clock is one of
18 your questions.

19 MR. RULON: Well, what is the legal
20 ramification if you haven't thought about that?

21 COMM. PIGOTT: Right. And we do --
22 we do that even today. Hiccups occur, whether
23 it's a public notice in the hard-copy newspaper

1 and it doesn't come out the week we thought it
2 would, we can extend the time --

3 MR. RULON: Right.

4 COMM. PIGOTT: -- we can adjust. So,
5 that adjustment, it is in place today for
6 newspaper notices, and it will continue to be in
7 place with electronic glitches that could happen
8 as well.

9 MR. RULON: Thank you.

10 COMM. PIGOTT: I appreciate that.

11 That's a legitimate point.

12 MS. KING: And again, the thing is
13 when those 30-day notices go on the Web site,
14 they're on the Web site for 30 days, so if the
15 Web site goes down -- you know, when it's
16 published in the newspaper, it's published once.
17 So, if you don't get the paper that day, you
18 don't know.

19 MR. RULON: Right.

20 MS. KING: You know, some people get
21 it on the weekends and not during the week,
22 whatever. There is a time frame it's there for
23 people to look at.

1 CHAIRMAN GARD: Any other questions?

2 (No response.)

3 CHAIRMAN GARD: Thank you. I think
4 we need a motion to adopt IDEM's suggested
5 changes.

6 MR. ETZLER: So moved.

7 DR. ALEXANDROVICH: Second.

8 CHAIRMAN GARD: Is there -- all in
9 favor, say aye.

10 MR. HORN: Aye.

11 DR. NIEMIEC: Aye.

12 DR. ALEXANDROVICH: Aye.

13 MS. VALIQUETT: Aye.

14 MR. RULON: Aye.

15 MR. ETZLER: Aye.

16 MR. GREEN: Aye.

17 MR. GIBSON: Aye.

18 MS. COLLIER: Aye.

19 MR. METTLER: Aye.

20 MR. DAVIDSON: Aye.

21 MR. SMITH: Aye.

22 CHAIRMAN GARD: Aye.

23 Opposed, nay.

1 (No response.)

2 CHAIRMAN GARD: Now, could we have a
3 motion to adopt the rules as amended, final
4 adopts the rules as amended?

5 MR. SMITH: Madam Chair, I'll make a
6 motion that we adopt the rules as amended.

7 CHAIRMAN GARD: Is there a second?

8 MR. GREEN: Second.

9 CHAIRMAN GARD: This is a roll-call
10 vote.

11 Dr. Alexandrovich?

12 DR. ALEXANDROVICH: Yes.

13 CHAIRMAN GARD: Mr. Horn?

14 MR. HORN: Yes.

15 CHAIRMAN GARD: Mr. Hillsdon-Smith is
16 not here.

17 Dr. Niemiec?

18 DR. NIEMIEC: Aye.

19 CHAIRMAN GARD: Mr. Rulon?

20 MR. RULON: Yes.

21 CHAIRMAN GARD: Mr. Etzler?

22 MR. ETZLER: Aye.

23 CHAIRMAN GARD: Mr. Mettler?

1 MR. METTLER: Yes.

2 CHAIRMAN GARD: Mr. Davidson?

3 MR. DAVIDSON: Yes.

4 CHAIRMAN GARD: Ms. Valiquett?

5 MS. VALIQUETT: Yes.

6 CHAIRMAN GARD: Ms. Collier?

7 MS. COLLIER: Yes.

8 CHAIRMAN GARD: Mr. Smith?

9 MR. SMITH: Yes.

10 CHAIRMAN GARD: Mr. Green?

11 MR. GREEN: Yes.

12 CHAIRMAN GARD: Mr. Gilson [sic]?

13 MR. GIBSON: Yes.

14 CHAIRMAN GARD: The Chair votes aye.

15 The amended rule passes 13 to 0.

16 This is an Open Forum. Is there anyone
17 that wants to address the --

18 MS. KING: I hate to bother you
19 again. This is just a point of process, and I
20 may have missed it, and if I did, I apologize,
21 but I believe for our hearing on the Underground
22 Storage Tank Compliance Dates, the Section 8
23 rulemaking, the second one, not the Emergency

1 Rule that you spoke about, it's LSA Document
2 No. 18-281, you guys got to talking about
3 everything, and I don't think you closed the
4 hearing --

5 CHAIRMAN GARD: I think you're right.

6 MS. KING: -- before you took a Board
7 vote. So, I would ask if -- for purposes of our
8 promulgation packet, if we could reopen that
9 hearing and then give anyone else a chance to
10 speak, and then possibly take that vote again,
11 just as a belt-and-suspenders thing so I don't
12 have to come back to you and redo all of this --

13 CHAIRMAN GARD: Yes.

14 MS. KING: -- because the A.G. will
15 make me do it. I like to blame them when stuff
16 happens, so they're not here, so they won't know,
17 unless they read the transcript, which, of
18 course, now they have to, so --

19 CHAIRMAN GARD: The hearing for the
20 Underground Storage Tank Compliance Date
21 Correction Emergency Rule is open for comment.
22 Is there anyone that wants to comment?

23 MS. KING: It's not the Emergency

1 Rule.

2 CHAIRMAN GARD: Okay. This is the
3 final adoption rule?

4 MS. KING: This was the -- yeah, this
5 was the Section 8. It was Section -- I'm
6 sorry -- it's LSA document 18-281. The Emergency
7 Rule was the -- this one is no. 3 on your agenda.
8 The Emergency Rule was no. 2 on our agenda.

9 CHAIRMAN GARD: Okay. The public
10 hearing is open for 329 IAC 9-1-1.

11 Is that right?

12 MS. KING: Yes. Thank you.

13 CHAIRMAN GARD: And 329 IAC 9-8-1,
14 LSA document 18-281. Any -- any public comment?

15 (No response.)

16 CHAIRMAN GARD: Okay. The hearing is
17 closed. Do you want -- do we need to revote?

18 MS. KING: I don't necessarily know
19 that we have to. If you want to for sort of a
20 belt-and-suspenders approach, it'll only take you
21 a couple of minutes, and then I won't bother you
22 anymore. So, thank you.

23 CHAIRMAN GARD: Let's revote, and

1 this is a roll-call vote. Is there a motion to
2 adopt the final rules?

3 MR. RULON: So moved.

4 CHAIRMAN GARD: Second.

5 Dr. Alexandrovich?

6 DR. ALEXANDROVICH: Yes.

7 CHAIRMAN GARD: Mr. Horn?

8 MR. HORN: Yes.

9 CHAIRMAN GARD: Dr. Niemiec?

10 DR. NIEMIEC: Aye.

11 CHAIRMAN GARD: Mr. Rulon?

12 MR. RULON: Yes.

13 CHAIRMAN GARD: Mr. Etzler?

14 MR. ETZLER: Aye.

15 CHAIRMAN GARD: Mr. Mettler?

16 MR. METTLER: Yes.

17 CHAIRMAN GARD: Mr. Davidson?

18 MR. DAVIDSON: Yes.

19 CHAIRMAN GARD: Ms. Valiquett?

20 MS. VALIQUETT: Yes.

21 CHAIRMAN GARD: Ms. Collier?

22 MS. COLLIER: Yes.

23 CHAIRMAN GARD: Mr. Smith?

1 MR. SMITH: Yes.

2 CHAIRMAN GARD: Mr. Green?

3 MR. GREEN: Yes.

4 CHAIRMAN GARD: Mr. Gilson [sic]?

5 MR. GIBSON: Yes.

6 CHAIRMAN GARD: The Chair votes aye.

7 The rules passes 13 to 0. And I apologize; I did
8 skip that.

9 The next meeting of the Environmental
10 Rules Board is tentatively set for February
11 the 13th at 1:30 p.m. in Conference Room A,
12 Indiana Government Center South. This, as you
13 know, is tentative, in particular, subject to the
14 weather. We'll keep everyone updated when that
15 is confirmed, and if there should be really bad
16 weather close to immediately, IDEM will keep you
17 informed as to what we're going to do about that.

18 So, is there a motion to adjourn?

19 DR. NIEMIEC: So moved.

20 CHAIRMAN GARD: Is there a second?

21 MR. DAVIDSON: Second.

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

1 MR. HORN: Aye.
2 DR. NIEMIEC: Aye.
3 DR. ALEXANDROVICH: Aye.
4 MS. VALIQUETT: Aye.
5 MR. RULON: Aye.
6 MR. ETZLER: Aye.
7 MR. GREEN: Aye.
8 MR. GIBSON: Aye.
9 MS. COLLIER: Aye.
10 MR. METTLER: Aye.
11 MR. DAVIDSON: Aye.
12 MR. SMITH: Aye.
13 CHAIRMAN GARD: Aye.

14 Opposed, no.

15 (No response.)

16 CHAIRMAN GARD: We are adjourned.

17 - - -
18 Thereupon, the proceedings of
19 November 14, 2018 were concluded
20 at 2:51 o'clock p.m.
21 - - -

22

23

1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned
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, November 14, 2018 in this matter
8 and 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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23

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