

## 1 ENVIRONMENTAL RULES BOARD MEETING

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11 Transcript of the proceedings held on the 13th  
12 day of February, 2019, at 402 West Washington Street,  
13 Conference Center Room A, Indianapolis, Indiana,  
14 before Heather S. Orbaugh, Notary Public in and for  
15 the County of Boone, State of Indiana, CCR: LA.

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ACCURATE REPORTING OF INDIANA  
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1 A P P E A R A N C E S

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3 Members

4 Sen. Beverly Gard, Chair, General Public

5 William Etzler, Small Business

6 Dr. Joanne Alexandrovich, Local Government

7 Ken Rulon, Agriculture

8 Cal Davidson, Solid Waste

9 Chris Horn, Labor

10 RT Green, Citizens

11 Dr. Ted Niemiec, Medical

12 Jeffrey Cummins, Proxy, Lt. Governor

13 Cameron Clark, IDNR

14 Devin Hillsdon-Smith, Proxy, IEDC

15 Brian Rockensuess, IDEM

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1:30 PM

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FEBRUARY 13, 2019

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SENATOR GARD: I will call the meeting of February 13, 2019, of the Indiana Environmental Rules Board to order. There is a quorum present. We do have a new member but he is not here so we will introduce him the next time. I would like for the Board to each introduce themselves. We will start down here and tell who you represent.

11

MR. ROCKENSUESS: Brian Rockensuess, chief of staff of the Department of Environmental Management.

14

MR. CLARK: Cameron Clark, Director of the Indiana Department of Natural Resources.

16

MR. HORN: Chris Horn representing Labor.

18

MR. CUMMINS: Counsel, Indiana State Department of Agriculture, proxy for Lt. Governor Crouch.

21

SENATOR GARD: Beverly Gard, general public.

23

MR. ETZLER: Bill Etzler, small

1 business.

2 MR. DAVIDSON: Calvin Davidson, solid  
3 waste.

4 MR. RULON: Ken Rulon, agriculture. a

5 DR. NIEMI EC: Ted Niemi ec, health.

6 DR. ALEXANDROVI CH: Joanne

7 Alexandrovi ch, local government.

8 MR. GREEN: R.T. Green, general public.

9 SENATOR GARD: Thank you all. Our first  
10 order of business today is the approval of the summary  
11 of the November 14, 2018, board meeting. Are there  
12 any additions or corrections to the summary as  
13 presented? If not, is there a motion to approve?

14 DR. NIEMI EC: So moved.

15 DR. ALEXANDROVI CH: Second.

16 SENATOR GARD: All in favor, say aye.

17 (All responded aye.)

18 SENATOR GARD: Opposed, nay.

19 (No response.)

20 SENATOR GARD: Motion is approved.

21 Brian Rockensuess, Commissioner's Report.

22 MR. ROCKENSUESS: Thank you, Chairman  
23 Gard. So my report today is going to be focused on

1 the legislative things we are dealing with this year,  
2 basically what we have been working on since the last  
3 time the board had met. We have three bills moving  
4 forward from the General Assembly, soon there will  
5 probably be two because one is getting evolved into  
6 the other.

7           The first one I want to talk about is our fee  
8 situation. Currently our fees are set by statute and  
9 they have not been raised or done anything with them  
10 since they were set in statute in 1994. So this  
11 biennium we are fully funded. Coming up in the future  
12 biennium we are going to have some financial struggles  
13 making ends meet with the current staffing and current  
14 level of activity that we have had.

15           So we worked with the Office of Management and  
16 Budget, the Governor's Office, and then have been  
17 working over at the State House to propose an idea  
18 that we do fees by rule, so this Board would be  
19 setting our fees. We feel you guys have all the  
20 expertise and knowledge to do so and you represent all  
21 the major industries that actually pay our fees.

22           SENATOR GARD: I don't know whether to  
23 thank you or not.

1                   MR. ROCKENSUESS:   So the way the  
2 language is currently set up is we would be able to do  
3 one, a one-time fee increase that would get us up to  
4 the level we need to be to operate at our current  
5 staffing and activity levels, and then every year,  
6 every time after that we could only increase fees once  
7 every five years and not more than 10 percent.

8                   So that's what the fee legislation would be.  
9 That is going to be likely amended into our omnibus  
10 bill. We have an omnibus bill every year. It looks  
11 at a lot of times technical corrections that we either  
12 goofed up, the legislature goofed up the year before.

13                  So some of those are last year we allowed or  
14 we made clear that steel mills and other places with  
15 incinerators could take drugs from police and put them  
16 in there and burn them. It is the easiest way to get  
17 rid of them. We cited the wrong federal code and so  
18 we are addressing that. We are continually finding  
19 the term "wastewater" in the statute and we changed  
20 that to septage in 2011. So as we find them we  
21 continually change those.

22                  We are changing the date for hazardous waste  
23 operation fees. The way it is currently done is we

1 have to have information by January to assess the  
2 fees, but then they don't have actual information  
3 until later in the year. So sometimes that  
4 information is off and then we have to give them money  
5 back or they may owe us more money. We are pushing  
6 that date back so that it is accurate reporting and we  
7 can accurately assess the fee.

8           We are requiring electronic submission of  
9 drinking water lab reports. So currently a water  
10 system has to do the different tests, they hire a lab to  
11 do so, the lab gives them back that information, and  
12 then they send it to us in paper format. And then we  
13 have to take that information and then type it back  
14 into our system. So what we are doing is saying,  
15 okay, utility or lab, whoever, send us that  
16 electronically and then it just frees up some activity  
17 on our end, redemptive activity.

18           We are getting rid of the quarterly report for  
19 solid waste haulers. One company in history has ever  
20 sent us that report, we do nothing with it, and if we  
21 need that information we go to the surrounding states  
22 and they have information should we need it.

23           And then we are simplifying solid waste

1 management fee. Currently it is 50 cents per car or  
2 50 cents per ton. It is hard for the solid waste  
3 management companies to rectify the two when they are  
4 submitting their report to IDEM and so we are just  
5 saying it is going to be 50 cents a ton and leave it  
6 at that.

7           And then our final bill we have has to do with  
8 Excess Liability Trust Fund. There is an alpha bill  
9 every year because we seem to find issues every year.  
10 We are hoping to clarify responsible party. We are  
11 restructuring the cap, how much can be spent per site.  
12 Currently in code it is 2.5 million per site, that's  
13 the highest in the country. And what I meant by  
14 restructuring is we are going to divide that cap from  
15 just 2.5 million to say 1.5 million for corrective  
16 action costs and then 1 million for third-party  
17 claims, like if the contamination went off site and  
18 somebody sues that operator, there is a pot of money  
19 that could be spent.

20           Because what we are seeing is sites don't  
21 close quickly, there is no incentive for the  
22 consultants to close out sites because they are  
23 getting money from the fund. So they will run it up

1 to two and a half million bucks and then there is no  
2 money left over should that responsible party get  
3 sued. So we are restructuring that.

4 It allows the agency to cost guidelines so  
5 that we can have caps on activities. We currently  
6 have rates in the rule for activity, we don't have a  
7 cap. Other states have a cap. And this goes to one  
8 of our issues where we are the highest in the country  
9 for claims paid out. We on average pay out between 4  
10 and \$500,000 per site, and on average for the rest of  
11 the country it is \$147,000 per site. So we are  
12 grossly over what the rest of the country is doing.

13 And then if individuals or business owners buy  
14 a property that has had a contamination on it and they  
15 would like to take over that clean-up effort, we set  
16 up a process in the bill that they can do that by  
17 submitting an agreed order. So that's our  
18 legislation. I am happy to answer any questions about  
19 this or anything else we are doing at the agency.

20 SENATOR GARD: Brian, on the fee  
21 legislation, would that go through the normal  
22 rulemaking process, the long rulemaking process.

23 MR. ROCKENSUESS: It is actually a

1 little more, I don't know if stringent is the right  
2 word, than the actual rulemaking process. So in order  
3 to even start a rulemaking, we have to come before the  
4 board.

5 We have to show the board a cost of service  
6 study that we have a third party do. We have to show  
7 the board comparisons of what other states charge for  
8 similar activities. And then after that the board can  
9 tell us to go ahead and start the process or not. And  
10 then we will go through the rulemaking process like  
11 usual, the usual 16-18 month rulemaking process.

12 SENATOR GARD: So during the time the  
13 fees stay as they were passed in 1994?

14 MR. ROCKENSUESS: That's correct.

15 SENATOR GARD: Okay.

16 MR. DAVIDSON: I have a question on the  
17 fund. You stated that we pay out more than any other  
18 state. Is like considering the size or the number of  
19 sites or gross payout is larger even than California  
20 or somebody?

21 MR. ROCKENSUESS: You know, we are 200  
22 percent more than California. We are 400 percent more  
23 than Ohio. We are 380 percent more than Illinois.

1 And gas station contamination is the same no matter  
2 what state you are in. The soils may be different,  
3 the way that petroleum travels may be a little  
4 different, the activities that you do are the same no  
5 matter what state you are in.

6 SENATOR GARD: Any other questions?

7 MR. RULON: So the legislature has been  
8 pretty receptive to these three?

9 MR. ROCKENSUESS: Yeah, so far. It has  
10 been -- fees by rule was a little contentious at  
11 first, but I have -- we have met with all the  
12 stakeholders, they understand the need, they  
13 understand how complicated our funding structures are  
14 and by setting it by statute you could be missing out  
15 or overcharging on activities to cover other  
16 activities that aren't necessarily given a fee number  
17 in the statute. And so they are comfortable with that  
18 number.

19 SENATOR GARD: I remember that 1994 fee  
20 legislation. That was really hard. It was really,  
21 really hard. So, you know, to really keep kind of  
22 politics out, I think this is probably a good idea.  
23 It will take a little time for this board but --

1                   MR. ROCKENSUESS: Well, we think that's  
2 a positive. The time it takes to do a rulemaking  
3 gives every stakeholder that wants to have a say-so  
4 the ability to have a say-so rather than a three- or  
5 four-month session which is quick.

6                   SENATOR GARD: Okay. I think it is  
7 probably a good idea. Any other questions?

8                   MR. RULON: So totally different topic,  
9 but I keep seeing Franklin on the news, that they are  
10 still testing and working with people. Any more  
11 developments on that?

12                  MR. ROCKENSUESS: So we committed to  
13 doing air testing at the homes that were tested by  
14 another environmental consultant. We have done all  
15 those. Those have shown nondetect or very low under  
16 limit levels, TCE or PCE.

17                  We have tested the air around Amphenol and the  
18 strippers to make sure that whatever they were  
19 emitting was okay. We tested Hurricane Creek to make  
20 sure contamination wasn't moving through creek. We  
21 have been testing everywhere and so far what we have  
22 been finding is the levels are nondetect or they are  
23 lower than what our action levels would be.

1           We are continually engaging with the community  
2 when needed and everything we do is on our website in  
3 chronological order to make sure everybody understands  
4 how involved we have been.

5           MR. RULON: Thank you.

6           SENATOR GARD: Any other questions?

7 Thank you.

8           MR. ROCKENSUESS: Thank you.

9           SENATOR GARD: Chris Peterson,  
10 rulemaking report.

11           MS. PETERSON: Can everyone hear me  
12 okay? I am Chris Peterson in the Rules Development  
13 Branch of the Office of Legal Counsel. Today's  
14 planned presentation of the hazardous waste updates  
15 rule is being postponed. The department received no  
16 comments on this rule during the comment period, but  
17 an issue with draft ruling which was brought to our  
18 attention this week.

19           As currently written the draft rule  
20 inadvertently pulls in vacated federal language  
21 related to the definition of solid waste for purposes  
22 of hazardous waste management. After considering the  
23 situation, staff determined that additional time is

1 needed to revise the draft rule language. IDEM plans  
2 to present the revised rule at the next board meeting.

3           As far as our next board meeting, right now we  
4 are anticipating May 8th as a likely time when we  
5 would be ready, and at that time one of the emergency  
6 rules will need to be adopted again to maintain  
7 certain provisions until the regular rulemaking is  
8 completed and that is the ozone designations for Clark  
9 and Floyd Counties. These designations are included  
10 in a Section 8 notice for the regular rulemaking that  
11 was going to be published today, and that's the 2015  
12 ozone standards designations. That regular rulemaking  
13 includes all the designations for all the counties  
14 including Clark and Floyd.

15           Also, if preliminary adopted today, three  
16 rules may be ready for final adoption at the next  
17 meeting. These are the Short Term Backup Units, Great  
18 Lakes Combined Sewer Overflow Public Notification, and  
19 the Portland Cement Monitoring Rule. In addition to  
20 those, we wouldn't anticipate preliminary adoption of  
21 the hazardous waste updates rulemaking that's been  
22 postponed from today.

23           That rule incorporates federal rules by

1 updating references to the code of federal regulations  
2 from 2015 to 2017. It is to maintain equivalency and  
3 consistency with the federal requirements for state  
4 authorization purposes. And there is also some  
5 technical amendments and corrections in that rule.

6 And then the other one is the adoption of the  
7 2015 ozone designations that I mentioned. That adds  
8 the 2015 eight-hour ozone designations for each county  
9 into the rule. For most counties the designation is  
10 the same as for the previous standard, so no change to  
11 permitting was necessary for sources in those  
12 counties. The non-attainment designations for Clark  
13 and Floyd Counties and part of Lake County will be  
14 included and those are different.

15 It will allow permits affected by the federal  
16 designations to continue to be issued by IDEM. Once  
17 this rule is effective the emergency rule for Clark  
18 and Floyd Counties can be discontinued. And I will be  
19 happy to answer any questions about upcoming rules.

20 SENATOR GARD: Any questions for Chris?  
21 Thank you. And if there was anyone here that wanted  
22 to speak on the hazardous waste issue, you still can  
23 under Open Forum at the end of the agenda.

1           Today we have two emergency rules that the  
2 board will be asked to adopt, Clark and Floyd Counties  
3 2015 Ozone Designation and UST Compliance Date  
4 Corrections. We will also have hearings for the  
5 following board actions: Preliminary adoption of  
6 Short Term Backup Units, Great Lakes Basin CSO Public  
7 Notice and Portland Cement Monitoring and final  
8 adoption Asbestos Management Revisions. Please fill  
9 out any comment cards and give them to Janet at the  
10 sign in table if you wish to testify on any of our  
11 agenda today.

12           The rules being considered in today's meeting  
13 were included in board packets and are available for  
14 public inspection at the Office of Legal Counsel, 13th  
15 Floor, Indiana Government Center North. The entire  
16 board packet is also available on IDEM's website at  
17 least one week prior to each board meeting. A written  
18 transcript of today's meeting will be made. The  
19 transcript and any written submissions will be open  
20 for public inspection at the Office of Legal Counsel.  
21 A copy of the transcript will be posted on the rules  
22 page of the agency website when it becomes available.

23           Will the official reporter for the cause

1 please stand and raise your right hand and state your  
2 name?

3 COURT REPORTER: Heather Orbaugh.

4 SENATOR GARD: Do you solemnly affirm  
5 that you will keep complete and true notes of all that  
6 transpires and prepare a transcript thereof and  
7 faithfully perform all duties imposed upon you as  
8 official reporter of the state of Indiana?

9 COURT REPORTER: I do.

10 SENATOR GARD: Thank you. The Board  
11 will now consider adoption of the emergency rules to  
12 adopt, the 2015 Ozone Designations for Clark and Floyd  
13 Counties. This emergency rule temporarily  
14 incorporates the current federal designation. I will  
15 enter Exhibit A, the draft emergency rule, into the  
16 record of the meeting. Krystal Hackney will present  
17 the rule.

18 MS. HACKNEY: Good afternoon members of  
19 the board. My name is Krystal Hackney and I am a rule  
20 writer in the rules development branch in the Office  
21 of Legal Counsel. I am here to present the emergency  
22 rule to designate Clark and Floyd County to  
23 nonattainment for the 2015 eight-hour ozone standard.

1           This rule temporarily revises 326 IAC 1-4-11  
2 and 326 IAC 1-4-23 designate Clark County and Floyd  
3 County to non-attainment for the 2015 8-hour ozone  
4 standard until the regular rulemaking is completed.  
5 On June 4 of 2018 the US EPA published a final rule to  
6 establish air quality designations for the 2015 8-hour  
7 ozone standard.

8           In Indiana, Clark, Floyd, and a part of Lake  
9 County have been designated nonattainment, while the  
10 remainder of the state has been classified  
11 attainment/unclassifiable. IDEM is proposing the  
12 temporary nonattainment designations to Clark and  
13 Floyd Counties so that affected sources in that area  
14 can be permitted under the appropriate state  
15 permitting rule. Because all of Lake County is  
16 currently designated nonattainment for the 2008 8-hour  
17 ozone standard, action through this emergency rule is  
18 not necessary.

19           The formal rulemaking for designations under  
20 the 2015 8-hour ozone standard includes designations  
21 for all Indiana counties and is scheduled to be  
22 presented for adoption at the next board meeting.  
23 This emergency rule was originally adopted on August

1 8, 2018, and adopted again on November 14th of 2018.

2 If readopted, this emergency rule will be  
3 filed and become effective immediately for 90 days, at  
4 which time the emergency rule will be brought to you  
5 for re-adoption again since the regular rulemaking  
6 will not be completed by that time. IDEM requests  
7 that the Board adopt this emergency rule as presented,  
8 and program staff are available to answer any further  
9 questions that you may have. Thank you.

10 SENATOR GARD: Are there any questions  
11 from the Board? Is there a motion to adopt the  
12 emergency rule?

13 DR. ALEXANDROVICH: So moved.

14 SENATOR GARD: Is there a second?

15 MR. CUMMINS: Second.

16 SENATOR GARD: All in favor, say aye.

17 (All responded aye.)

18 SENATOR GARD: Opposed, nay.

19 (No response.)

20 SENATOR GARD: The emergency rule is  
21 adopted. The Board will now consider adoption of the  
22 emergency rule to adopt the UST Compliance Date  
23 Corrections. This emergency rule temporarily directs

1 compliance dates for the State rule. I will enter  
2 Exhibit B, the draft emergency rule, into the record  
3 of the meeting. Dan Watts will present the rule.

4 MR. WATTS: Good afternoon, Chairwoman  
5 Gard, Members of the Board. I am Dan Watts of the  
6 Rules Development Branch and I am presenting for  
7 adoption an emergency rule that proposes temporary  
8 amendments in 329 IAC 9 to the compliance dates for  
9 underground storage tank requirements. This emergency  
10 rule is an extension of the amendments that were in a  
11 previous emergency rule adopted at the November 14,  
12 2018, ERB meeting.

13 IDEM is proposing to immediately adopt an  
14 extension of the compliance dates for UST requirements  
15 because some of the compliance dates occur before the  
16 anticipated effective date of April 2019 for LSA  
17 Document 18-281, a regular rulemaking which also was  
18 adopted at the November board meeting. This emergency  
19 rule will enable the compliance dates to be effective  
20 and enforceable as soon as possible rather than a few  
21 months from now.

22 The proposed amendments in the emergency rule  
23 extend these compliance dates for UST requirements

1 that were adopted in that more comprehensive UST  
2 rulemaking that incorporated federal UST standards and  
3 became effective on June 28th of last year. The  
4 incorporated federal UST standards included compliance  
5 dates that were linked to the effective date of  
6 USEPA's final rule which was published in July of  
7 2015. Because these compliance dates were linked to  
8 the 2015 effective date, many of the dates had passed  
9 or were too soon in the future when IDEM's UST  
10 rulemaking became effective last June.

11 In order to allow adequate compliance time to  
12 regulate entities and enable IDEM to enforce the  
13 compliance dates, IDEM is proposing this emergency  
14 rule to extend those compliance dates and align them  
15 with the effective date of the UST rulemaking adopted  
16 last year.

17 The amendments in this emergency rule will be  
18 effective for 90 days until the rule expires or is  
19 superseded by another rule. Myself and other  
20 representatives from IDEM are available to answer  
21 questions you may have for this rulemaking.

22 Hopefully this is the last time we do an  
23 emergency rule. We anticipate April as the effective

1 date of the other UST rulemaking. And the department  
2 respectfully requests that the board adopt this rule  
3 as presented. Thank you.

4 SENATOR GARD: Any questions? Any Board  
5 discussion? Is there a motion to adopt the emergency  
6 rule?

7 MR. RULON: So moved.

8 MR. CUMMINS: Second.

9 SENATOR GARD: All in favor, say aye.

10 (All responded aye.)

11 SENATOR GARD: Opposed, nay.

12 (No response.)

13 SENATOR GARD: The emergency rule is  
14 adopted. This is a public hearing before the  
15 Environmental Rules Board of the State of Indiana  
16 concerning final adoption of amendments to the rules  
17 at 326 IAC 14-10 and 326 IAC 18 regarding revisions to  
18 Asbestos Management. I will now introduce Exhibit C,  
19 the preliminarily adopted rule with suggested changes  
20 into the record of the hearing. Kris Peterson will  
21 present the rule.

22 MS. PETERSON: Kris Peterson with the  
23 Rules Development Branch of the Office of Legal

1 Counsel and I am here to present the asbestos  
2 management program updates rule for final adoption.  
3 This rulemaking revises the existing provisions in two  
4 areas of Indiana's Asbestos Management Program.

5 First, the requirements in 326 IAC 14-10 are  
6 for the delegated asbestos program that applies to  
7 demolition and renovation activities. This includes  
8 providing notifications to IDEM as well as controlling  
9 emissions during demolition and renovation activities.  
10 The second part is the asbestos licensing and training  
11 requirements in 326 IAC 18. They are based on various  
12 federal requirements and include procedures for  
13 obtaining a license to perform asbestos related work  
14 and application procedures for training course  
15 providers and course content requirements.

16 The majority of the revisions in this  
17 rulemaking are administrative in nature. They are to  
18 make corrections, increase clarity, and update  
19 obsolete language. The rule also in various places  
20 adds an option to submit notifications and information  
21 to IDEM electronically rather than just through paper.

22 The licensing and training requirements have  
23 been restructured for clarity and include three

1 substantive changes that will simplify existing  
2 processes and provide a modest cost savings to the  
3 regulated individuals or the company for which they  
4 work. These include removal of the requirement to  
5 submit a photograph with a license application, less  
6 burdensome training requirements for a person coming  
7 to Indiana to do asbestos work that has already passed  
8 a training course approved by USEPA, and an increased  
9 amount of time to retake a refresher course if you  
10 have an expired license rather than having to retake  
11 the initial training course.

12           A few revisions have been made to the proposed  
13 rule since it was preliminarily adopted. These are  
14 only minor clarifications and corrections for  
15 consistency within the rule. The amendments in this  
16 rulemaking will clarify and update Indiana's existing  
17 asbestos management program rules, provide a modest  
18 cost savings for certain licensing functions, and  
19 ensure consistency within the program and with federal  
20 requirements.

21           IDEM requests that the board final adopt this  
22 rule as presented. I will be happy to answer any  
23 questions.

1                   SENATOR GARD: Are there any questions  
2 for Kris? Thank you. I don't have any speaker cards  
3 but is there anyone out there that wanted to speak on  
4 this rule? Okay. The hearing is concluded. The  
5 Board will now consider final adoption of the  
6 amendments to 326 IAC 14-10 and 326 IAC 18 of the  
7 Asbestos Management Rules. Is there any Board  
8 discussion? Motion should be made to adopt IDEM'S  
9 suggested changes. Is there a motion?

10                   MR. DAVIDSON: So moved.

11                   SENATOR GARD: Second?

12                   MR. CUMMINS: Second.

13                   SENATOR GARD: All in favor, say aye.

14                                 (All responded aye.)

15                   SENATOR GARD: Opposed, nay.

16                                 (No response.)

17                   SENATOR GARD: The suggested changes are  
18 adopted. We need a motion to adopt the final rule as  
19 amended.

20                   MR. RULON: So moved.

21                   MR. CUMMINS: Second.

22                   SENATOR GARD: This is roll call vote.

23 Dr. Alexandrovich?

1 DR. ALEXANDROVICH: Yes.

2 SENATOR GARD: Mr. Horn.

3 MR. HORN: Yes.

4 SENATOR GARD: Mr. Hillson-Smith?

5 (No response.)

6 SENATOR GARD: Dr. Niemi ec?

7 DR. NIEMI EC: Aye.

8 SENATOR GARD: Mr. Rulon?

9 MR. RULON: Yes.

10 SENATOR GARD: Mr. Etzler?

11 MR. ETZLER: Yes.

12 SENATOR GARD: Mr. Davidson?

13 MR. DAVIDSON: Yes.

14 SENATOR GARD: Mr. Cummins?

15 MR. CUMMINS: Aye.

16 SENATOR GARD: Mr. Green?

17 MR. GREEN: Yes.

18 SENATOR GARD: Mr. Clark?

19 MR. CLARK: Yes.

20 SENATOR GARD: The chair votes aye. I

21 didn't miss anybody, did I? The final vote is 10

22 ayes, zero nays. The rule is final adopted.

23 This is the public hearing for the

1 Environmental Rules Board of the State of Indiana  
2 concerning preliminary adoption of amendments to the  
3 rules at 326 IAC 2-1.1-3 regarding short term backup  
4 units. I will now introduce Exhibit D, the draft  
5 rules into the record of the hearing. Keelyn Walsh  
6 will present the rule.

7 MS. WALSH: Good afternoon, Members of  
8 the Board. I am Keelyn Walsh with the rules  
9 development section of the Office of Legal Counsel and  
10 I am here to present Rule Number 16-309, Short Term  
11 Backup Units, for your consideration.

12 The provisions of 326 IAC 2-1.1-3 identify  
13 specific conditions under which emission units,  
14 operations, or processes are exempt from construction  
15 or modification requirements in Indiana's air  
16 permitting rules. This rulemaking proposes to change  
17 326 IAC 2-1.1-3 to add a provision to the list of  
18 exemptions that allows the operation of the short term  
19 backup unit for sources under certain circumstances  
20 without first requiring them to seek a permit  
21 modification.

22 When an existing permitted emission unit or  
23 its control device at a source needs to be taken

1 offline due to either a failure or a planned  
2 maintenance event to prevent an operational failure, a  
3 different emission unit or control device often needs  
4 to be inserted in its place in order for the process  
5 to continue operating while the repair or emission or  
6 maintenance event is complete.

7           The repairs to these permitted units often  
8 lasts longer than 30 days. Indiana's current rules do  
9 not allow an exemption for this scenario even though  
10 the short term backup unit is often nearly identical  
11 to the permitted emission unit taken offline for  
12 repair, and there would be no increase in emissions or  
13 decrease in control levels.

14           A source needing to obtain a short term backup  
15 unit for this purpose must currently submit a request  
16 for a modification of its registration or permit and  
17 get approval prior to bringing the short term backup  
18 unit on site or operating it. For the source, this  
19 can result in additional downtime, lost productivity,  
20 extra costs, and the risk of being in violation of the  
21 rule if a short term backup unit is used to continue  
22 operations.

23           By updating the state rule at 326 IAC 2-1.1-3

1 to allow for the operation of short term backup units  
2 in these circumstances, the units could be used as  
3 part of normal operations while repairs or maintenance  
4 are being completed on the original equipment without  
5 the loss of efficiency or extra administrative costs  
6 for IDEM or the source, and the source would still be  
7 required to comply with all existing permit terms,  
8 limits, and requirements imposed by the rule.

9           Additionally, this rulemaking would have a  
10 positive fiscal impact for each source operating a  
11 short term backup unit that would save on the cost and  
12 time of applying for a registration, permit  
13 modification, or variance for the repair or  
14 maintenance event each time there is an occurrence.

15           Without this rulemaking, sources would not be  
16 able to operate as efficiently and would continue  
17 experiencing lost productivity and extra costs.  
18 Therefore, IDEM requests that the board preliminarily  
19 adopt this rule as presented and program staff are  
20 available to answer any further questions you may  
21 have. Thank you.

22           SENATOR GARD: Are there any questions?

23           MR. ETZLER: I have some.

1                   SENATOR GARD: Yes, sir.

2                   MR. ETZLER: I was trying to understand  
3 the reason for the limitation of 180 days, first of  
4 all. So if someone could explain why that limitation  
5 is placed. And then secondly there is the limitation  
6 that once the unit is decommissioned, the temporary  
7 unit has to leave the premises within 14 days?

8                   MS. WALSH: Correct.

9                   MR. ETZLER: And I guess, again, the  
10 question is why would the unit have to be removed from  
11 the property?

12                  MS. WALSH: That might be something  
13 program staff is better able to answer.

14                  MR. PERRY: Hi. I am Phil Perry. I am  
15 with the compliance and enforcement branch and it is a  
16 combination of permitting and compliance activities  
17 and the rule is designed to actually help people get  
18 out of permitting requirements. And so the 180 days  
19 is designed to allow an operation for a short period  
20 of time for emergency purposes.

21                  For example, somebody may have a boiler like  
22 in a university or such, if it goes out at the last  
23 minute you can't have students that are getting cold

1 and if you have the Polar Vortex, you need to bring a  
2 temporary unit on site for a period of time. However,  
3 if the unit continues to remain on site for more than  
4 180 days, then you actually need to get a permit under  
5 the regular permit rules. And it depends on what  
6 level of permit, but that could take much longer than  
7 the period of time in which they just need to do  
8 short-term operations and such.

9           And then the 14 days is basically for the same  
10 purpose. The units need to be removed so that they  
11 don't have to get the permitting that would be  
12 required. The rest of the permitting rules require  
13 that you get a permit and this is just a provision  
14 similar to -- it is an exemption basically that you  
15 qualify for that if you operate under these  
16 circumstances you don't need to get a permit.

17           MR. ETZLER: Okay. So you cleared that  
18 piece up, but if that unit is not operating and let's  
19 say that there is concern that that unit that they  
20 repaired goes down again, I guess my question is why  
21 do you have to remove it when you potentially may have  
22 to bring it back?

23           MR. PERRY: Well, again, under the

1 permitting provisions you are required to permit all  
2 units that are on site.

3 MR. ETZLER: Operational or not?

4 MR. PERRY: Operational or not, right.

5 SENATOR GARD: Does that come from a  
6 federal rule or is that --

7 MR. PERRY: It comes from -- it is state  
8 and federal rules where our rules are federally  
9 approved.

10 SENATOR GARD: Okay.

11 MR. ETZLER: Is it a federal rule?

12 MR. PERRY: It is not a direct federal  
13 rule, it is part of the Clean Air Act. There are  
14 provisions in the Clean Air Act that require you to  
15 permit the units and then states seek approval of  
16 their permit program through EPA.

17 MR. ETZLER: So basically we are writing  
18 our rule to comply?

19 MR. PERRY: Correct.

20 MR. ETZLER: With the provision that is  
21 in the Clean Air Act?

22 MR. PERRY: Correct.

23 MR. ETZLER: But the EPA doesn't have a

1 rule that says thou shalt do it this way?

2 MR. PERRY: That is correct.

3 SENATOR GARD: Any other questions?

4 MR. RULON: If they wanted to keep an  
5 extra unit around, isn't there an additional permit?

6 MR. PERRY: Sources could do that and  
7 actually some companies have generators would be a  
8 good example where companies have several generators  
9 on site and they may have an extra generator that they  
10 keep on site as an emergency generator that is limited  
11 to operate say 500 hours per year and that's  
12 incorporated into their permit. They could do that,  
13 they could use that unit at any point in time.

14 The short term units are generally for  
15 emergency situations that are unforeseen where people  
16 are not planning an outage or something like that. It  
17 does include where people are doing same maintenance  
18 work and they may be doing maintenance on a boiler or  
19 something may go down once every five years or  
20 something like that, it is very short term if they  
21 don't want to get a permit to include a backup unit  
22 for that duration or that period of time.

23 MR. ETZLER: So another question, if I

1 wanted to have a backup unit available, can I have it  
2 on another piece of property across the street that if  
3 something happened I could bring it in because it is  
4 not on the site that --

5 MR. PERRY: Well, it would have to be --  
6 and we run into this with --

7 MR. ETZLER: And I will say it  
8 differently. If it was a -- if I were a rental  
9 company, do I have to have a permit for that unit?

10 MR. PERRY: Generally, no. There are  
11 certain situations companies do and this gets into the  
12 complexity of the permitting requirements. Generally  
13 a rental company would not need to have that because  
14 they are not the -- they don't operate the units per  
15 se and that's actually some short term units.

16 Many of the short term units come from rental  
17 companies, but once it is brought onto a site of a  
18 permitted facility, then it is obligated to be  
19 permitted. We run into this with say asphalt plants  
20 or something that may do certain type of operations  
21 that are short-term, but it needs to be included in  
22 their permit. So they may rotate a piece of equipment  
23 around to each of their facilities throughout the year

1 but it has to be permitted to be able to use it at  
2 each site.

3 MR. ETZLER: Okay. Thank you.

4 MR. PERRY: Okay. Other questions?

5 SENATOR GARD: Any other questions?

6 Okay. Thank you. Is there anyone that wants to speak  
7 on this? I don't have any speaker cards. Okay. This  
8 hearing is concluded. The board will now consider  
9 preliminary adoption of amendments to rules at 326 IAC  
10 2-1.1-3 regarding short-term backup units. Is there  
11 any board discussion? The motion should be made to  
12 preliminarily adopt the rule.

13 MR. CUMMINS: So moved.

14 SENATOR GARD: Second?

15 DR. ALEXANDROVICH: Second.

16 SENATOR GARD: All in favor, say aye.

17 (All responded aye.)

18 SENATOR GARD: Opposed, nay.

19 (No response.)

20 SENATOR GARD: Preliminary adoption of  
21 the rule is passed.

22 This is a public hearing before the  
23 Environmental Rules Board of the State of Indiana

1 concerning preliminary adoption of the amendments to  
2 the rules at 327 IAC 5-2.1-2 regarding public  
3 notification of Combined Sewer Overflow in the Great  
4 Lakes Basin. I will now introduce Exhibit E, the  
5 Draft Rules, into the record of the hearing. Mary Ann  
6 Stevens will present the rule.

7 MS. STEVENS: Good afternoon, members of  
8 the Board. I am Mary Ann Stevens, rulewriter in the  
9 Office of Legal Counsel, Rules Development Branch.

10 The United States Environmental Protection  
11 Agency published a new final rule at 40 CFR 122.38 in  
12 the Federal Register on January 8, 2018, regarding  
13 public notification for combined sewer overflow in the  
14 Great Lakes Basin.

15 The public notification requirements of this  
16 federal rule apply to NPDES permittees authorized to  
17 discharge combined sewer overflow to the Great Lakes  
18 Basin. To include the federal public notification  
19 requirements in our state rules, this rulemaking  
20 proposes a new rule at 327 IAC 5-2.2 to incorporate 40  
21 CFR 122.38 by reference. It also amends 327 IAC 5-2-3  
22 and 5-2-10, and amends one section and repeals another  
23 of 327 IAC 5-2.1, which is the existing state CSO

1 public notification rule.

2           The purpose of this new rule or proposed rule  
3 is to protect public health by ensuring that the  
4 affected Great Lakes Basin CSO communities with  
5 authorized CSO discharges for which there are  
6 currently 16 provide timely notification to the  
7 public, public health departments, public drinking  
8 water facilities, and other potentially affected  
9 public entities of the occurrence of combined sewer  
10 overflows into the communities' waterbodies so that  
11 the public can take steps to reduce its potential  
12 exposure to pathogens associated with human sewage.

13           The federal CSO public notification rule  
14 requires states with delegated NPDES programs to  
15 include the federal requirements in state rules, to  
16 implement the public notification program, and include  
17 the CSO public notification requirements in NPDES  
18 permits. The federal rule includes several dates for  
19 achieving the required milestones of the program and  
20 our Office of Water Quality, Permits Branch is  
21 monitoring and implementing the required milestones .

22           Overall, the federal CSO public notification  
23 rule closely matches the intention of the existing



1 many sources does this impact?

2 MS. STEVENS: Well, as I said, we  
3 currently have 16 CSO communities in the Great Lake  
4 Basin that would be required to comply with this rule.

5 DR. ALEXANDROVICH: Okay. Those  
6 communities are already reporting them, correct?

7 MS. STEVENS: Many of them -- well, the  
8 state requirements, and these are additional federal  
9 requirements for just the Great Lakes Basin so they  
10 have to do a few additional things, but they were  
11 already reporting.

12 DR. ALEXANDROVICH: And can you just  
13 explain the difference between authorized and  
14 unauthorized?

15 MS. STEVENS: I knew that question was  
16 coming. Shall I make an attempt at it? I will go to  
17 the end of the process. Once the CSO community has  
18 final completion of its long term control plan, which  
19 is a plan that they have been required for how many  
20 years back is it now for elimination of combined sewer  
21 overflows. Once they have completed their long term  
22 control plan full implementation, they are supposed to  
23 not have any more combined sewer overflows happening

1 during rain fall, snow melt. But the reality is they  
2 may. So apparently they are hanging onto these  
3 outfalls but they will not be considered authorized.  
4 An authorized permit is listed in the NPDES permit.  
5 Am I getting far afield or am I on track?

6 MS. METTLER: So during the  
7 implementation of the long term control plan and they  
8 are working towards eliminating, they are going to  
9 have some overflows that we would consider authorized.  
10 Correct, Jason? And so those would be authorized and  
11 others may be completely unexpected or from other  
12 facilities that would not be authorized. They still  
13 have to report them, though. They all have to be  
14 reported one way or another.

15 MS. KING: If I could just also add  
16 related to authorized discharges, each of these CSO  
17 communities is required to be under either a state  
18 judgment or a federal consent decree pertaining to  
19 these outfall control plans. And through the  
20 negotiation pertaining to what a community can achieve  
21 based on financials and a very sort of complex formula  
22 related to the Clean Water Act, these consent decrees  
23 essentially will allow for a community to have up to

1 stay, for example, four overflows per year coming down  
2 from many, many more to that.

3 So those would be considered authorized under  
4 whatever judgment or consent decree is in place for  
5 that community. So that's another aspect of an  
6 authorized overflow.

7 MS. STEVENS: Other questions?

8 MR. RULON: Another simple question. So  
9 just under the state rule or this rule, how do I find  
10 this state -- there is supposed to be public  
11 notification, right? How is the best way to find it?  
12 Because I have tried to find my local wastewater plant  
13 which I know has discharges and I haven't been able to  
14 find it. Is that on the IDEM website somewhere?

15 MS. METTLER: Do you want the actual  
16 existing -- do you want to see the language of the  
17 rule?

18 MR. RULON: No, I want to see --

19 MS. KING: He wants to see the reported  
20 overflows which is it required by newspaper or  
21 other --

22 MR. HOUSE: Under the current statewide  
23 rule, they are required to publish in the local

1 newspaper once a year how the public can go about  
2 getting those notifications. So your municipality,  
3 wherever you are at, you need to contact them directly  
4 on how to go about getting on their contact list and  
5 if they are a lot of different ways. So a lot of them  
6 do newspaper notifications and then E-mail  
7 notifications.

8                   SENATOR GARD: How hard would it be for  
9 IDEM to put on a website that information, at least in  
10 abbreviated form so that people might know?

11                   MS. METTLER: The information of how  
12 they report them?

13                   SENATOR GARD: No, how difficult would  
14 it be for IDEM to put that on a website, that  
15 information?

16                   MR. ROCKENSUESS: The reported  
17 information.

18                   MS. METTLER: Well, I don't know if it  
19 is all reported to us.

20                   MR. HOUSE: It is not all reported to  
21 IDEM. It goes directly to the public that is  
22 interested in knowing about those.

23                   MS. KING: The existing -- this is what

1 we are talking about the existing rule -- by the way,  
2 what Martha was describing is coming up next month.  
3 March is the date according to the existing rule for  
4 currently all communities in Indiana, CSO communities,  
5 to publish in a local paper some kind of notice that  
6 says to the public we have a process for alerting the  
7 public of combined sewer overflow events when they  
8 occur.

9           If you want to know about these things, here  
10 is the contact information of how you can get on our  
11 list. And then again under our current CSO public  
12 notification rule, each individual CSO community set  
13 up their procedures under that rulemaking, their CSO  
14 notification procedures, and it was -- it became  
15 effective in 2003 which was a time before everything  
16 was electronic and every single person on earth had  
17 E-mail apparently. So there were different processes  
18 put in place that allowed the community to decide  
19 interacting with each individual who wanted to be on  
20 the list how they would receive their notification.

21           MS. METTLER: So we could try to make an  
22 effort to compile those procedures for each of the 100  
23 plus discharging communities, but we wouldn't have the

1 actual -- all the actual overflow information.

2 MS. KING: Right.

3 MR. RULON: I get it. We just got  
4 sucked into letting IDEM do it electronically at the  
5 last meeting and it seemed like such a great idea. It  
6 seems like this should be done the same way.

7 MS. KING: That was for air rules.

8 MR. RULON: The reason I bring this up  
9 is I have contacted locally and you know what? It is  
10 really hard to get them to tell me how they are going  
11 to tell me they have an overflow. I keep getting  
12 passed back and forth between three different people  
13 that live in my community and I still don't know how  
14 they are going to tell me --

15 MS. KING: Where was your initial call?  
16 Did you call city hall, town hall?

17 MR. RULON: I called the sewer  
18 department.

19 MS. KING: Well, that's who should know  
20 best.

21 MR. RULON: But they have changed  
22 employees and they are trying to -- they have got a  
23 new guy, and you know --

1 MS. KING: They should at least be able  
2 to tell you how many CSO outfalls the community has  
3 that they are monitoring and each one of them is  
4 required under the rule to have a physical sign out  
5 there that says something of the order of this is a  
6 CSO outfall, beware if you see water discharging from  
7 this point.

8 MR. RULON: Okay. The rule is great,  
9 I'm not --

10 MS. METTLER: Jason has something to add  
11 here.

12 MR. HOUSE: I would also recommend that  
13 the public can always contact IDEM and we can gather  
14 that information because that sort of information is  
15 also required to be under combined sewer overflow  
16 operational plans. The State might have the Great  
17 Lakes basin rules set up a little bit differently than  
18 the statewide ones, but we do have that sort of  
19 information available to us. We just have to go dig  
20 through it and find out how that particular community  
21 chose to contact the general public and how you can go  
22 about getting on their list?

23 MR. RULON: Thank you very much.

1 SENATOR GARD: Any other questions?

2 MR. ETZLER: I have one.

3 SENATOR GARD: Yes.

4 MR. ETZLER: Some of the dates that  
5 are -- were in the federal rule are passed. Why  
6 haven't we adopted an emergency rule like we had to do  
7 for other rules to make sure that you could enforce  
8 this?

9 MS. KING: Well, because this is  
10 federal ly required the entities that are regulated  
11 under it have to apply whether or not we have it as a  
12 state rule or not.

13 MR. ETZLER: Okay.

14 MS. METTLER: And they did.

15 MS. KING: And they did.

16 MS. METTLER: One of them submitted late  
17 and that late submission was deficient, but overall  
18 the 16 complied but with the dates that have come  
19 around so far.

20 MR. HOUSE: We work individually with  
21 all of our communities that were impacted by this so  
22 we are well aware and worked diligently.

23 MS. KING: Yes. I could add in that it

1 is second notice, I received no comments which I think  
2 is an indication that communities that are affected  
3 were well-educated by permits branch and Jason doing  
4 so much interaction with them.

5                   SENATOR GARD: Any other questions?  
6 Thank you. We have one speaker card.

7                   MR. QUINN: Chairman Gard, members of  
8 the committee, I am Bowden Quinn and I am the state  
9 director of the Sierra Club Hoosier Chapter. We are  
10 actually in support of this rule. Informing the  
11 public about environmental problems is the best way of  
12 finding equitable solutions to them. And I will note  
13 this has been discussed and IDEM has had similar rules  
14 since 2003.

15                   As it happens, I was a member of the Water  
16 Pollution Control Board in 2003, one of your  
17 predecessor boards, and I assumed they voted for it  
18 back then and so it is -- I congratulate IDEM. IDEM  
19 has normally been very good in addressing and  
20 responding to requesting the public for more  
21 information and for better mechanisms to provide  
22 public information. So I thank IDEM for what it has  
23 done and it is nice to see the federal government

1 finally catch up with us. Thank you.

2 SENATOR GARD: Thank you. Is there  
3 anybody out there that didn't fill out a card that  
4 wants to speak? Okay. Thank you. The hearing is  
5 concluded. The Board will now consider preliminary  
6 adoption of amendments to rules at 327 IAC 5-2 and 2.1  
7 regarding public notification of combined sewer  
8 overflows in the Great Lake Basin. Board discussion?  
9 Is there a motion to preliminarily adopt the rules?

10 MR. HORN: So moved.

11 MR. CUMMINS: Second.

12 SENATOR GARD: All in favor, say aye.

13 (All responded aye.)

14 SENATOR GARD: Opposed, nay.

15 (No response.)

16 SENATOR GARD: The preliminary rules are  
17 adopted. This is a public hearing before the  
18 Environmental Rules Board for the State of Indiana  
19 concerning preliminary adoption of amendments to rules  
20 at 326 IAC 3-5-1 regarding Portland Cement Monitoring.  
21 I will now introduce Exhibit F, the draft rules, into  
22 the record of the hearing. Keelyn Walsh will present  
23 the rule.

1 MS. WALSH: Hello again. I am Keelyn  
2 Walsh and I am here to present Rule Number 18-364,  
3 Portland Cement Monitoring for your consideration.  
4 Continuous monitoring requirements in 326 IAC 3-5  
5 currently apply to Portland Cement plants operating in  
6 Indiana. Under the current rule -- under the current  
7 state rule Portland Cement plants may choose to use  
8 either a continuous opacity monitoring system, known  
9 as a COMS, or a continuous emission monitoring system  
10 for particulate matter to monitor emissions from kilns  
11 and clinker coolers.

12 In 2013 USEPA revised the National Emission  
13 Standards for Hazardous Air Pollutants, or NESHAP, for  
14 Portland cement plants to require a continuous  
15 parametric monitoring system, known as a CPMS. Lehigh  
16 Hanson, Inc. and Buzzi Unicem USA requested removal of  
17 the COMS requirement for Portland Cement Plants based  
18 on these revisions to the NESHAP at 40 DFR 63, Subpart  
19 LLL.

20 Revising the COMS requirement to allow the use  
21 of a CPMS to be consistent with federal regulations  
22 will allow Portland Cement Plants to operate more  
23 efficiently and keep operating costs low by allowing

1 sources to utilize existing equipment to monitor  
2 emissions and ensure compliance with emission  
3 regulations in the NESHAP. Updating the rules at 326  
4 IAC 3-5 will not impose any additional costs for the  
5 regulated industry or IDEM.

6 In conclusion, this rulemaking proposes to  
7 revise 326 IAC 3-5-1 to allow the use of a CPMS to  
8 monitor emissions based on the updated federal rule.  
9 IDEM requests that the board preliminarily adopt this  
10 rule as presented, and program staff are available to  
11 answer any further questions you may have. Thank you.

12 SENATOR GARD: Are there any questions  
13 for Keelyn? Thank you. I have no speaker cards. Is  
14 there anyone that would like to speak on this issue?  
15 This hearing is concluded. The Board will now  
16 consider preliminary adoption of the amendments to the  
17 rules at 326 IAC 3-5-1 regarding Portland Cement  
18 Monitoring. Is there board discussion? I need a  
19 motion to preliminarily adopt the rule.

20 MR. CUMMINS: So moved.

21 SENATOR GARD: Is there a second?

22 MR. HORN: Second.

23 SENATOR GARD: All in favor, say aye.

1 (All responded aye.)

2 SENATOR GARD: Opposed, nay.

3 (No response.)

4 SENATOR GARD: The rules are adopted.

5 This is an open forum for anyone who wishes to speak  
6 today on the hazardous waste rule that we didn't talk  
7 about or anything else. No? Well, the next meeting  
8 of the Environmental Rules Board is to be set for May  
9 8 at 1:30 in this conference room subject to change so  
10 we will keep everyone updated when that is confirmed  
11 or another date is chosen. Is there a motion to  
12 adjourn?

13 DR. NIEMI EC: So moved.

14 SENATOR GARD: Second?

15 MR. CLARK: Second.

16 SENATOR GARD: All in favor, say aye.

17 (All responded aye.)

18 SENATOR GARD: Opposed, nay.

19 (No response.)

20 SENATOR GARD: We are adjourned.

21 (Proceedings adjourned at 2:30 p.m.)

22

23

## 1 CERTIFICATE

2 STATE OF INDIANA )  
 ) ss:  
3 COUNTY OF BOONE )

4

5 I, Heather S. Orbaugh, the undersigned Court  
6 Reporter and Notary Public residing and maintaining  
7 offices in the City of Zionsville, Boone County,  
8 Indiana, do hereby certify:

9

10 That I reported to the best of my ability in  
11 machine shorthand all of the words spoken by all  
12 parties in attendance during the course of the ensuing  
13 proceedings, including objections, if any, made by all  
14 counsel present;

15

16 That I later reduced my shorthand notes into the  
17 foregoing typewritten transcript form, which  
18 typewritten transcript is a true record to the best of  
19 my ability of the testimony given by the witness as  
20 stated above;

21

22 That I am not a relative or employee or attorney  
23 or counsel of any of the parties, nor am I a relative  
or an employee of such attorney or counsel, and that I  
am not financially interested in this action.

24

25 IN WITNESS HERETO, I have affixed my Notarial Seal  
26 and subscribed my signature below this 4th day of  
27 March, 2019.

28

29

30

31 \_\_\_\_\_  
32 Notary Public  
33 County of Residence: Boone (Seal)  
34 My Commission Expires on: April 4, 2026