

1 BEFORE THE STATE OF INDIANA
2 ENVIRONMENTAL RULES BOARD

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4
5 PUBLIC MEETING OF MAY 8, 2019

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9 PROCEEDINGS

10 before the Indiana Environmental Rules Board,
11 Beverly Gard, Chairman, taken before me, Lindy L.
12 Meyer, Jr., a Notary Public in and for the State
13 of Indiana, County of Shelby, at the Indiana
14 Government Center South, Conference Center,
15 Room A, 402 West Washington Street, Indianapolis,
16 Indiana, on Wednesday, May 8, 2019 at 1:32
17 o'clock p.m.

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20
21 William F. Daniels, RPR/CP CM d/b/a
22 ACCURATE REPORTING OF INDIANA
23 12922 Brighton Avenue
 Carmel, Indiana 46032
 (317) 848-0088

1 APPEARANCES:

2 BOARD MEMBERS:

- 3 Beverly Gard, Chairman
4 Calvin Davidson
5 Karen Valiquett
6 Angelique Collier
7 Paul Gilson
8 William Etzler
9 R. T. Green
10 Mike Mettler, Proxy, Department of
11 Health
12 Cameron Clark, Proxy, Department of
13 Natural Resources
14 Mark Wasky, Proxy, Indiana Economic
15 Development Corporation
16 Jeffrey Cummins, Proxy, Lieutenant
17 Governor
18 Brian Rockensuess (nonvoting)

11 IDEM STAFF MEMBERS:

- 12 Chris Pedersen
13 Krystal Hackney
14 Keelyn Walsh
15 MaryAnn Stevens
16 Jason House
17 Dan Watts
18 Nancy King
19 Matt Stuckey
20 Janet Pittman

21 PUBLIC SPEAKERS:

- 22 Malika Butler
23

- - -

1 1:32 o'clock p.m.

May 8, 2019

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3 CHAIRMAN GARD: If I could have
4 every -- is this on?

5 MR. ROCKENSUESS: Yes.

6 CHAIRMAN GARD: If I could have
7 everybody's attention, I'm going to call the
8 meeting to order. I call the May 8th, 2019
9 meeting of the Indiana Environmental Rules Board
10 to order. A quorum is present.

11 First of all, we'd like to welcome a new
12 member to the Board, Mark Wasky. Is that
13 correct? Am I --

14 MR. WASKY: That's correct.

15 CHAIRMAN GARD: -- pronouncing it
16 correctly? Representing the Secretary of
17 Commerce, joins us. Welcome.

18 Now, I'd like to have everybody introduce
19 yourself and say who you're -- who you represent.

20 MR. ROCKENSUESS: Brian Rockensuess,
21 Chief of Staff, IDEM.

22 MR. CUMMINS: Jeff Cummins, counsel,
23 Indiana State Department of Agriculture, proxy

1 for the Lieutenant Governor.

2 MR. CLARK: Cam Clark, Director of
3 the Department of Natural Resources.

4 MR. WASKY: Mark Wasky,
5 Vice-President of Government and Community
6 Affairs, for the IEDC.

7 MR. METTLER: Mike Mettler, proxy for
8 the State Health Commissioner, Dr. Kris Box.

9 MS. COLLIER: Angelique Collier,
10 Public Utilities.

11 CHAIRMAN GARD: Beverly Gard, General
12 Public.

13 MR. ETZLER: Bill Etzler, Small
14 Business.

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

17 MR. GILSON: Paul Gilson, Industry.

18 MR. GREEN: R. T. Green, Citizens.

19 MS. VALIQUETT: Karen Valiquett,
20 Environmental.

21 MR. CUMMINS: Okay. We have a couple
22 of people that aren't with us today.

23 The first order of business is the

1 approval of the summary of the February 13th,
2 2019 Board meeting. Are there any additions or
3 corrections to the summary as presented?

4 (No response.)

5 CHAIRMAN GARD: If not, is there a
6 motion to approve?

7 MR. DAVIDSON: So moved.

8 MR. CUMMINS: Second.

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

11 MR. CUMMINS: Aye.

12 MR. ETZLER: Aye.

13 MS. VALIQUETT: Aye.

14 MS. COLLIER: Aye.

15 MR. GREEN: Aye.

16 MR. GILSON: Aye.

17 MR. CLARK: Aye.

18 MR. METTLER: Aye.

19 MR. DAVIDSON: Aye.

20 MR. WASKY: Aye.

21 CHAIRMAN GARD: Aye.

22 Opposed, nay.

23 (No response.)

1 CHAIRMAN GARD: The minutes of
2 February 13th are approved.

3 Brian, do you want to give the agency
4 report?

5 MR. ROCKENSUESS: Sure.

6 CHAIRMAN GARD: The Commissioner is
7 not going to be here?

8 MR. ROCKENSUESS: Yeah, Bruno sends
9 his regards. He's actually in Connecticut at a
10 family funeral, so that's why he couldn't be here
11 today.

12 I am going to give an update on what
13 happened during the legislative session. The
14 agency had one bill that made it through the
15 process, and it was House Enrolled Act 1278. It
16 was our typical cleanup bill, and then two major
17 policy decisions were added in the second half of
18 the session.

19 So, the omnibus part of it, it corrects a
20 Federal Code citation. We did some more
21 technical corrections where we found the term
22 "wastewater" used instead of septage. It has
23 drinking water reports submitted electronically.

1 It removes some recordkeeping items we had for
2 solid waste that we never use or kept track of.

3 It revised assessment of solid waste
4 management fee. It changed some fee assessment
5 dates for hazards waste; and then it made a
6 revision where any ELTF claim submitted to the
7 agency must be approved, denied, or more
8 information requested within 45 days of receiving
9 that claim.

10 Now, the two policy implica -- or the
11 bigger policy things that happened, one was it
12 established a 15-member Energy Task Force to
13 study Indiana energy policy and sustainability.
14 If you guys were paying attention to the session
15 at all, you would have heard that that was kind
16 of a big deal that was going back and forth
17 between a number of different bills.

18 At one point, there was a moratorium on
19 any power plants using coal from switching to a
20 renewable or gas. That was taken out, so this is
21 just a study part.

22 CHAIRMAN GARD: Brian, is -- what's
23 the composition of that Task Force?

1 MR. ROCKENSUESS: It has four members
2 of the Senate, two by Pro Tem, two by the
3 Minority Leader; four of the House, the same --
4 one, the Speaker and one the Minority Leader; a
5 member who has expertise with respect to
6 generation, transmission and distribution of
7 electricity, appointed by the Governor; one who
8 has expertise in advanced energy research and
9 development, by the Governor; and one member who
10 has expertise in renewable energy and technology
11 and deployment, by the Governor; and then a
12 member who was broad experience in both economic
13 development and energy policy, who was appointed
14 by the Governor.

15 CHAIRMAN GARD: Okay.

16 MR. ROCKENSUESS: Yeah.

17 CHAIRMAN GARD: Thanks.

18 MR. ROCKENSUESS: And then the other
19 major piece of House Enrolled Act 1278 was our
20 fees portion of the bill. So, we came -- prior
21 to the session, we found out through budget
22 development that we are going to be short money
23 by 2021, by -- because the fees we collect

1 weren't enough to run our programs.

2 And so, we got a group of stakeholders
3 together and we worked on the language throughout
4 the entire session, and what it ended up being,
5 first there's a noncode portion, meaning that has
6 a time frame, it's by 2021, January 1, 2021. If
7 that doesn't happen within that time frame, it
8 doesn't happen at all.

9 And what that noncoded portion says is the
10 Board shall raise fees by 3.2 million dollars for
11 Land and Water, and allows Air to raise fees up
12 to two million dollars, like they have in past
13 Air fee increases. And then after that initial
14 5.2-million-dollar increase, the agency has to
15 arrange for a third-party cost-of-service study
16 to be done, compare what other states charge for
17 similar activities, develop information on
18 activities, functions and permits that have been
19 added or eliminated since the previous fee
20 structure, and then we have to present that to
21 this Board.

22 And then if that information is reasonable
23 to you all, you can instruct us to start a

1 rulemaking for an additional fee increase. Now,
2 this is after that initial 5.2, and then every
3 fee increase after that 5.2 can only be for ten
4 percent every five years. And then this new
5 process will apply to Air, Land and Water.

6 Now, with that, there will be changes to
7 the Environmental Rules Board that will be taking
8 effect July 1. It removes the State Department
9 of Health and adds a representative from the
10 construction industry, and I want to say to Mike
11 and the State Department of Health, we appreciate
12 all that you've done for the Board and look
13 forward to continually collaborating with you and
14 your agency on any issues we do moving forward.

15 And then that brings me to Office of Air
16 Quality Title V fees. So, they get to use their
17 current process one more time, and their current
18 process is set up in Indiana Code 13-17-8-3
19 and 7-98, and then Administrative Code 326
20 IAC 2-7-19. And so, we have to put together a
21 report, and then -- 60 days before we bring it to
22 the Board -- we have to give it to the Board and
23 we have to open it for public comment.

1 Once that's done, the report must be
2 confirmed by the majority of the Board. Upon
3 confirmation, the Title V fees will be raised,
4 and the Title V portions will be billed at the
5 new rate, and then the agency will have to start
6 a rulemaking to amend sections in Title 326 to
7 codify the new fee structure that was confirmed
8 by the Board.

9 So, that's -- Air gets to use that process
10 one more time. They're working on that packet
11 that needs to be given to you guys for that
12 60-day window now, and we hope to have that
13 confirmation hearing in the meeting in August for
14 the Title V fees.

15 CHAIRMAN GARD: Okay. I -- thank
16 you. I have to tell the Board, I'm not happy
17 with the changes that they made to the Rules
18 Board. I think that most of the people that were
19 promoting the changes have never been to a Rules
20 Board meeting. I don't think they really
21 understand how we function.

22 Mike, I hope the Department of Health will
23 still follow what the Rules Board does, because I

1 think it's very important that we know how some
2 of these things affect the things that you all
3 are responsible for, so you certainly will have
4 every opportunity in public comment time, and
5 we'll make sure that we are still able to get
6 your perspective.

7 MR. METTLER: Right.

8 CHAIRMAN GARD: I just think it was a
9 very bad decision by the members of the General
10 Assembly, and I'm very disappointed that most of
11 the people that were promoting it had not ever
12 been to a Rules Board meeting.

13 The -- as far as the fees are concerned,
14 we went through that in 1994. We didn't have all
15 of the restrictions that are in the statute now,
16 but it's interesting how they came up with that.
17 But we'll get it done.

18 MR. ROCKENSUESS: Appreciate it.

19 CHAIRMAN GARD: Uh-huh.

20 MR. ROCKENSUESS: That's all I have
21 as far as an update. I'm happy to answer any
22 questions.

23 CHAIRMAN GARD: Any -- any other

1 questions or comments from the Board members?

2 MS. COLLIER: I have a question.

3 CHAIRMAN GARD: Yes.

4 MS. COLLIER: When you say that IDEM
5 can use the current Title V fee process one more
6 time, does that mean the fees that are paid
7 in 2020 based on 2019 emissions will be based on
8 the current process?

9 MR. ROCKENSUESS: So, the -- in
10 August, when we bring that packet for -- that's
11 the current process I'm talking about. The -- we
12 put together information based on the CPI on what
13 our fees should be, and with the -- we have a
14 hard line where we can't go over two million
15 bucks. So, we will bring that to you, and that's
16 the process I'm talking about that we use, the
17 process to raise that fee, one last time.

18 MS. COLLIER: I see. And can you
19 expand at all on when the fees might be expected
20 for the other programs, Land and Water? When --

21 MR. ROCKENSUESS: So, that's going to
22 be a typical rulemaking, so we're at least 16
23 months out.

1 MS. COLLIER: Okay. Thank you.

2 MR. ROCKENSUESS: Uh-huh.

3 CHAIRMAN GARD: And when do you think
4 this Board will first see something?

5 MR. ROCKENSUESS: So, we have sent
6 over first notice to OMB, and I think we're
7 waiting for a response.

8 CHAIRMAN GARD: Nancy, yes.

9 MS. KING: If I could speak to that,
10 we have not yet sent -- since this just passed --

11 MR. ROCKENSUESS: Oh.

12 MS. KING: -- we have -- for those of
13 you who follow the process, we have to go through
14 the regular rulemaking process for the other
15 ones, and because we will be setting the fees for
16 Water and for Waste, those will be two separate
17 rule documents. We can't combine different
18 sections of the Code, so they'll be separate
19 documents.

20 But we're going to have to go through the
21 moratorium, accept and request, and all of that
22 good stuff to get that started, so we're
23 developing that now to get that over there.

1 We've talked to several people so that we
2 can expedite that. They're usually quite busy at
3 OMB during the session, not so much afterwards.
4 But we're going to want very expedited on this to
5 be able to move forward with this very quickly.

6 So, we have -- we don't have those --
7 we're developing those documents now, but they
8 haven't been moved into the process yet, sent to
9 OMB or anything else yet. So, very soon --

10 CHAIRMAN GARD: Thank you.

11 MS. KING: -- by government
12 standards.

13 (Laughter.)

14 MS. KING: So, take that for what
15 it's worth.

16 CHAIRMAN GARD: Okay. Thank you.

17 Are there any other questions or concerns
18 or thoughts on this from Board members?

19 (No response.)

20 CHAIRMAN GARD: Okay. Thank you.

21 Chris Pederson, for a rulemaking report.

22 MS. PEDERSEN: Can everybody hear me
23 okay?

1 CHAIRMAN GARD: Yes.

2 MS. PEDERSEN: My name is Chris
3 Pedersen. I'm in the Rules Development Branch of
4 the Office of Legal Counsel, and as mentioned, we
5 anticipate the next Board meeting would be on
6 August 14th.

7 At that meeting, the Emergency Rule for
8 the Ozone Designations for Clark and Floyd
9 Counties will need to be presented for adoption
10 one more time, to maintain the designation status
11 for those counties until the regular rulemaking
12 is completed. The regular rulemaking will be
13 presented to you today, but because of the
14 promulgation process, we'll probably need one
15 more adoption of the emergency rule to maintain
16 those designations just for Clark and Floyd
17 Counties.

18 If preliminarily adopted today, the
19 Hazardous Waste Update Rule may be ready for
20 final adoption at the next meeting also.

21 In addition to that, we have three rules
22 that may be ready for preliminary adoption. The
23 first one is on waste tires. Many parts of the

1 Waste Tire Rule have not been updated in almost
2 20 years, so this is going to be kind of a
3 comprehensive remake of the rule. The draft
4 includes overall revisions to update existing
5 waste tire management requirements, and also
6 clarifications and the removal of any obsolete or
7 unnecessary requirements. It also will add new
8 standards and procedures for the legitimate use
9 of waste tires.

10 Another rule that may be ready is the
11 NPDES General Permits Rule. This rulemaking
12 would be the second rule to convert existing
13 general permits by rule to administratively
14 issued permits. The first rule was done in 2015,
15 and at that time, five of the general permits
16 were converted. This rulemaking contains three
17 more. They are storm water runoff associated
18 with construction activities, storm water runoff
19 associated with municipal separate storm sewer
20 systems, and residential sewage disposal systems
21 in Allen County.

22 A third future rulemaking would be
23 conducted later to do the final two. The final

1 two are storm water related to industrial
2 activities, and coal mining coal processing and
3 reclamation activities.

4 And the third one that may be ready for
5 the next meeting is septage management. This is
6 another rulemaking that's somewhat comprehensive
7 that covers the entire program. It's going to
8 update, clarify and add flexibility for the
9 transport, treatment, and storage or disposal of
10 septage. It includes some recent statutory
11 changes, including changing the term "wastewater"
12 to "septage" and removing some vehicle licensing
13 requirements for the septage program. So, we'll
14 also add a phosphorus test and new standards for
15 the land application of septage.

16 Also in August, we would anticipate the
17 hearing for our nonexpiring rules which we do
18 once a year. There's only going to be two this
19 year, for the Air and Water programs.

20 And that is the end of my updates, so if
21 you have any questions, I'd be glad to answer
22 them.

23 CHAIRMAN GARD: Any questions for

1 Chris?

2 (No response.)

3 CHAIRMAN GARD: I would encourage
4 Board Members, if -- since the next meeting is
5 scheduled in mid-August, I know sometimes
6 that's -- people tend to be gone a little bit in
7 August. If anybody knows now they're not going
8 to be able to be here, if -- it would be helpful
9 to let Chris or somebody know, so we can make --
10 kind of make sure that we're going to have a
11 quorum.

12 MS. PEDERSEN: Yeah. Okay.

13 CHAIRMAN GARD: Thank you.

14 Today we have one emergency rule that the
15 Board will be asked to adopt, Clark and Floyd
16 Counties' 2015 Ozone Designations. We also have
17 hearings for the following Board actions: Final
18 adoption of 2015 Ozone Designations, Short Term
19 Backup Units, Great Lakes Basin CSO Public Notice
20 and Portland Cement Monitoring, and preliminary
21 adoption of Hazardous Waste Updates.

22 Please fill out a comment card and give
23 them to Janet at the sign-up table if you wish to

1 testify at today's meeting. I already have one.

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

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

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

18 (Reporter sworn.)

19 CHAIRMAN GARD: Thank you, and
20 welcome back.

21 THE REPORTER: Thank you.

22 CHAIRMAN GARD: The Board will now
23 consider adoption of an Emergency Rule to adopt

1 the 2015 Ozone Designations for Clark and Floyd
2 Counties. This Emergency Rule temporarily
3 incorporates the current federal designation.

4 I will enter Exhibit A, the Emergency
5 Draft Rule, into the record of the meeting.

6 Is there someone to present the Emergency
7 Rule? Krystal?

8 MS. HACKNEY: Good afternoon, members
9 of the Board. My name is Krystal Hackney, and
10 I'm a rule writer in the Rules Development Branch
11 within the Office of Legal Counsel. I am here to
12 present the Emergency Rule to designate Clark and
13 Floyd County to nonattainment for the 2015
14 eight-hour ozone standard.

15 This rule temporarily revises
16 326 IAC 1-4-11 and 326 IAC 1-4-23 to designate
17 Clark County and Floyd County to nonattainment
18 for the 2015 eight-hour ozone standard until the
19 regular rulemaking is completed. On June 4th
20 of 2018, the U.S. EPA published a final rule to
21 establish air quality designations for the 2015
22 eight-hour ozone standard.

23 In Indiana, Clark, Floyd, and a part of

1 Lake County have been designated nonattainment,
2 while the remainder of the state has been
3 classified attainment/unclassifiable. IDEM is
4 proposing the temporary nonattainment
5 designations to Clark and Floyd Counties so that
6 affected sources in that area can be permitted
7 under the appropriate state permitting rule.

8 Because all of Lake County is currently
9 designated nonattainment for the 2008 eight-hour
10 ozone standard, action through this emergency
11 rule is not necessary, because affected sources
12 are already being permitted under the Emission
13 Offset Rule and 326 IAC 2-3, rather than the
14 Prevention of Significant Deterioration Rule in
15 326 IAC 2-2. This emergency rule is also
16 removing the obsolete footnotes concerning the
17 one-hour ozone standard that had been removed
18 from the federal regulations.

19 The formal rulemaking for designations
20 under the 2015 eight-hour ozone standard will
21 include the designations for all Indiana
22 counties. This emergency rule will allow
23 affected sources to be permitted under the

1 appropriate air permitting rule until the formal
2 rulemaking is completed.

3 This emergency rule was originally adopted
4 on August 8th of 2018, readopted on
5 November 14th, 2018, and adopted again on
6 February 13th of 2019. If readopted, this
7 emergency rule will be filed and become effective
8 immediately for 90 days. The emergency rule may
9 be brought to you for readoption one more time if
10 the regular rulemaking is not effective by that
11 time.

12 IDEM requests that the Board adopt this
13 emergency rule as presented, and program staff
14 are available to answer any further questions you
15 may have.

16 CHAIRMAN GARD: Any questions for
17 Krystal?

18 (No response.)

19 CHAIRMAN GARD: Thank you.

20 MS. HACKNEY: You're welcome.

21 CHAIRMAN GARD: Is there any Board
22 discussion?

23 (No response.)

1 CHAIRMAN GARD: I need a motion to
2 adopt the Emergency Rule.

3 MR. DAVIDSON: So moved.

4 CHAIRMAN GARD: Is there a second?

5 MR. METTLER: Second.

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

8 MR. CUMMINS: Aye.

9 MR. ETZLER: Aye.

10 MS. VALIQUETT: Aye.

11 MS. COLLIER: Aye.

12 MR. GREEN: Aye.

13 MR. GILSON: Aye.

14 MR. CLARK: Aye.

15 MR. METTLER: Aye.

16 MR. DAVIDSON: Aye.

17 MR. WASKY: Aye.

18 CHAIRMAN GARD: Aye.

19 All opposed, nay.

20 (No response.)

21 CHAIRMAN GARD: The Emergency Rule is
22 adopted.

23 This is a public hearing before the

1 Environmental Rules Board of the State of Indiana
2 concerning final adoption of amendments to rules
3 at 326 IAC 1-4 regarding the 2015 Ozone
4 Designations.

5 I will now introduce Exhibit B, the Draft
6 Rules, into the record of the hearing.

7 Krystal will present this rule.

8 MS. HACKNEY: Hi, again. My name is
9 Krystal. I'm here to present the rulemaking to
10 update the designation status tables for the 2015
11 eight-hour ozone standard.

12 This rulemaking revises the designation
13 status tables at 326 IAC 1-4 for all Indiana
14 counties to be consistent with the Code of
15 Federal Regulations at 40 CFR 81.315. U.S. EPA
16 published air quality designations in two phases
17 for the 2015 eight-hour ozone standard in -- oh,
18 my bad. I was going to say "in multiple phases,"
19 but that's already said. Clark and Floyd
20 Counties and the Lake County Townships of
21 Calumet, Hobart, North, Ross, and St. John were
22 designated nonattainment. The remainder of the
23 state was designated attainment/unclassifiable.

1 Adopting these designations into the state
2 rule will allow permits to be issued in
3 accordance with the Federal designations and
4 established permitting requirements.

5 IDEM requests that the Board adopt this
6 rule as presented, and program staff and I are
7 available to answer any further questions that
8 you may have.

9 CHAIRMAN GARD: Does the Board have
10 any questions?

11 (No response.)

12 CHAIRMAN GARD: I need a motion to
13 final adopt the rule as presented.

14 MR. CUMMINS: So moved.

15 MR. GREEN: Second.

16 CHAIRMAN GARD: This is a roll-call
17 vote.

18 Yes.

19 MS. KING: You need to conclude the
20 hearing.

21 CHAIRMAN GARD: Pardon me?

22 MS. KING: You need to open and
23 conclude the hearing --

1 CHAIRMAN GARD: Oh, I'm sorry.

2 MS. KING: -- to make sure there's
3 nobody else who --

4 CHAIRMAN GARD: I'll back up a little
5 bit. This hearing is concluded, and I don't
6 think I asked if anybody wanted to -- there were
7 no speaker cards. Nobody wanted to speak on
8 this?

9 (No response.)

10 CHAIRMAN GARD: Okay. The hearing is
11 concluded.

12 Okay. Now, any Board discussion?

13 (No response.)

14 CHAIRMAN GARD: And Nancy, do those
15 motions count that were already made?

16 MS. KING: If -- I would just remake
17 them, just to make sure.

18 CHAIRMAN GARD: Okay.

19 I need a motion to final adopt the rules
20 as presented.

21 MR. CUMMINS: So moved.

22 MR. GREEN: Second.

23 CHAIRMAN GARD: Is there a second?

1 MR. GREEN: Second.

2 CHAIRMAN GARD: This is a roll-call
3 vote.

4 Mr. Etzler?

5 MR. ETZLER: Yes.

6 CHAIRMAN GARD: Ms. Collier?

7 MS. COLLIER: Yes.

8 CHAIRMAN GARD: Mr. Gilson?

9 MR. GILSON: Yes.

10 CHAIRMAN GARD: Mr. Wasky?

11 MR. WASKY: Yes.

12 CHAIRMAN GARD: Ms. Valiquett?

13 MS. VALIQUETT: Yes.

14 CHAIRMAN GARD: Mr. Rulon?

15 (No response.)

16 CHAIRMAN GARD: Mr. Davidson?

17 MR. DAVIDSON: Yes.

18 CHAIRMAN GARD: Mr. Cummins?

19 MR. CUMMINS: Aye.

20 CHAIRMAN GARD: Mr. Green?

21 MR. GREEN: Yes.

22 CHAIRMAN GARD: Mr. Clark?

23 MR. CLARK: Yes.

1 CHAIRMAN GARD: Mr. Mettler?

2 MR. METTLER: Yes.

3 CHAIRMAN GARD: And the Chairman
4 votes aye. Eleven ayes, zero nays. The rule has
5 been adopted.

6 This is a public hearing before the
7 Environmental Rules Board of the State of Indiana
8 concerning final adoption of the amendments to
9 rules at 326 IAC 2-1.1-3 regarding Short Term
10 Backup Units.

11 I will now introduce Exhibit C, the
12 preliminarily adopted rules, into the record of
13 the hearing.

14 Keelyn Walsh will present the rule.

15 MS. WALSH: Good afternoon, members
16 of the Board. I'm Keelyn Walsh with the Rules
17 Development Section of the office of legal
18 counsel, and I'm here to present Rule No. 16-309,
19 Short Term Backup Units, for your consideration.

20 This rulemaking will add a provision to
21 326 IAC 2-1.1-3 to the list of exemptions that
22 will allow the operation of a short term backup
23 unit for sources under certain circumstances

1 without first requiring them to seek a permit
2 modification.

3 When an existing permitted emission unit
4 or its control device at a source needs to be
5 taken offline due to a failure, malfunction, or
6 planned maintenance event, a different emission
7 unit needs to be inserted in its place for the
8 process to continue operating while repairs or
9 maintenance are completed. The repairs to these
10 permitted units often last longer than 30 days.

11 Indiana's current rules do not allow an
12 exemption for this scenario. Therefore, a source
13 needing to obtain a short terms backup unit for
14 this purpose must submit a request for a
15 modification of its registration or permit and
16 get approval prior to operating it. This can
17 result in additional downtime, lost productivity,
18 and extra costs for the source, as well as the
19 risk of being in violation of the rule if a short
20 term backup unit is used without approval.

21 By updating the state rule at
22 326 IAC 2-1.1-3 to allow for the operation of
23 short term backup units in these circumstances,

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

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

16 While this rule is an Indiana-specific
17 exception and does not protect sources operating
18 short term backup units from federal regulatory
19 actions, this rulemaking is designed to solve
20 actual scenarios that arise for sources in a
21 practical way without endangering human health or
22 the environment, and therefore IDEM does not
23 anticipate these proposed amendments will raise

1 concerns with U.S. EPA.

2 IDEM has also included a memo in the Board
3 packets addressing questions that were raised at
4 the February Board meeting regarding time frames
5 for operation and removal of short term backup
6 units. IDEM has specified that a unit may not be
7 on-site more than 180 days, and must be removed
8 within 14 days from the completion of repairs or
9 maintenance. These proposed timelines are based
10 solely on IDEM's past experience with sources,
11 and are not based on any other statutory or
12 regulatory time frame.

13 Generally, sources have been able to
14 complete repairs for backup units within two to
15 three months, so IDEM believes the 180-day time
16 frame provides the time needed for a source to
17 repair its units. Similarly, the 14-day time
18 frame for a source to remove a short term backup
19 unit was kept as short as possible to prevent
20 situations where a source is running both the
21 backup unit and the permanent emissions unit, but
22 is still a realistic amount of time to be able to
23 remove the backup unit without being burdensome

1 for the source.

2 However, IDEM still may use its
3 enforcement discretion for unforeseen issues
4 related to these time frames if a source provides
5 a good reason for exceeding them, or it's
6 determined they do not meet the needs of the
7 public or regulated community.

8 Without this rulemaking, sources would not
9 be able to operate as efficiently and would
10 continue experiencing lost productivity and extra
11 costs. Therefore, IDEM requests that the Board
12 final adopt this rule as presented, and program
13 staff are available to answer any further
14 questions you may have.

15 Thank you.

16 CHAIRMAN GARD: I don't have any
17 speaker cards. Is there anyone out there that
18 would like to speak to this rule?

19 (No response.)

20 CHAIRMAN GARD: Okay. The hearing is
21 concluded. The Board will now consider final
22 adoption of amendments to 326 IAC 2-1.1-3
23 regarding short term backup units. Is there any

1 Board discussion or are there any questions?

2 MR. DAVIDSON: I'd just like to make
3 a comment and thank the staff for providing the
4 memorandum that answered all of my questions.
5 It's much appreciated.

6 CHAIRMAN GARD: Okay. Any other
7 comments or questions?

8 (No response.)

9 CHAIRMAN GARD: I need a motion to
10 final adopt the rules as presented?

11 MR. CUMMINS: So moved.

12 CHAIRMAN GARD: Is there a second?

13 MR. DAVIDSON: Second.

14 CHAIRMAN GARD: This will be a roll
15 call.

16 Mr. Etzler?

17 MR. ETZLER: Yes.

18 CHAIRMAN GARD: Ms. Collier?

19 MS. COLLIER: Yes.

20 CHAIRMAN GARD: Mr. Gilson?

21 MR. GILSON: Yes.

22 CHAIRMAN GARD: Mr. Wasky?

23 MR. WASKY: Yes.

1 CHAIRMAN GARD: Ms. Valiquett?

2 MS. VALIQUETT: Yes.

3 CHAIRMAN GARD: Mr. Rulon? Not here.

4 Mr. Davidson?

5 MR. DAVIDSON: Yes.

6 CHAIRMAN GARD: Mr. Cummins?

7 MR. CUMMINS: Aye.

8 CHAIRMAN GARD: Mr. Green?

9 MR. GREEN: Yes.

10 CHAIRMAN GARD: Mr. Clark?

11 MR. CLARK: Yes.

12 CHAIRMAN GARD: Mr. Mettler?

13 MR. METTLER: Yes.

14 CHAIRMAN GARD: And the Chair votes
15 aye. I think that would be eleven ayes and zero
16 nays. The rule has been adopted.

17 This is a public hearing before the
18 Environmental Rules Board of the State of Indiana
19 concerning final adoption of amendments to rules
20 at 327 IAC 5-2 and 2.1 regarding Public
21 Notification of Combined Sewer Overflows in the
22 Great Lakes Basin.

23 I will now introduce Exhibit D, the rules

1 as preliminarily adopted, into the record of the
2 hearing.

3 MaryAnn Stevens will present the rule.

4 MS. STEVENS: Good afternoon, members
5 of the Board. I am MaryAnn Stevens, a rule
6 writer in the Office of Legal Counsel, Rules
7 Development Branch.

8 The United States Environmental Protection
9 Agency published a new final rule at
10 40 CFR 122.38 in the Federal Register on
11 January 8th, 2018 regarding Public Notification
12 for Combined Sewer Overflow into the Great Lakes
13 Basin.

14 The federal public notification
15 requirements apply to NPDES permittees authorized
16 to discharge combined sewer overflow into the
17 Great Lakes Basin. This rulemaking adds a new
18 rule at 327 IAC 5-2.2 to incorporate
19 40 CFR 122.38 by reference. It also amends
20 327 IAC 5-2-3 and 5-2-10, and amends one section
21 and repeals another of 327 IAC 5-2.1, which is
22 the existing State CSO Public Notification Rule.

23 The purpose of this rule is to protect

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

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

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

1 the existing state rule that has been in effect
2 for all Indiana CSO communities since 2003, with
3 the exception that the federal rule applies only
4 to a CSO community with authorized CSO discharges
5 into the Great Lakes Basin.

6 IDEM is proposing that permittees with
7 authorized CSO discharges or the combination of
8 authorized and unauthorized CSO discharges into
9 the Great Lakes Basin will be required to meet
10 the federal requirements being proposed for
11 adoption, but will no longer be required to
12 comply with the existing state CSO public
13 notification rule. All other CSO communities,
14 which includes those not discharging into the
15 Great Lakes Basin and those having only
16 unauthorized CSO outfalls, will continue to be
17 required to meet the existing state rule.

18 The proposed rule for consideration of
19 adoption today is unchanged from the draft rule
20 that the Board preliminarily adopted in February.
21 There was no third comment period, and no
22 additional comments have been submitted. There
23 was one comment made at the preliminary adoption

1 hearing. That comment was from Bowden Quinn, who
2 stated his position in favor of adoption of the
3 rule.

4 IDEM believes the proposed rule meets the
5 federal requirements for Great Lakes Basin
6 Combined Sewer Overflow Public Notification, and
7 therefore asks the Board's vote for final
8 adoption. If there are any questions, I can
9 field your questions, or we have Office of Water
10 Quality staff here as well.

11 MR. METTLER: I have a question.

12 CHAIRMAN GARD: This is the public
13 hearing. Let's -- can you wait until we get this
14 finished?

15 MR. METTLER: Sure.

16 CHAIRMAN GARD: Are there any people
17 in the audience that want to speak to this?

18 (No response.)

19 CHAIRMAN GARD: Then this hearing is
20 concluded. Now the Board will consider final
21 adoption of amendments to rules at 327 IAC 5.2
22 and 2.1 regarding Public Notification of Combined
23 Sewer Overflows in the Great Lakes Basin.

1 Okay.

2 MR. METTLER: Thank you.

3 How exactly are the public notifications
4 made?

5 MS. STEVENS: Each community that is
6 affected by this rulemaking was required in the
7 rulemaking process to prepare and submit to the
8 Office of Water Quality a public notification
9 plan, and the plan is reviewed and eventually
10 approved by the staff.

11 And do you want to add any more?

12 MR. HOUSE: So, there -- yeah. My
13 name is Jason House. I'm in the Permits Branch,
14 Office of Water Quality. Each individual plan is
15 unique, and within the federal rule is -- there's
16 a push towards going to electronic notifications,
17 but each individual community got to pick how --
18 the means that they were going to do public
19 notifications for both the public and public
20 health institutions and other public entities.
21 Primarily we are seeing that people are using
22 social media and the Web sites of the permittees.

23 MR. METTLER: Thank you.

1 CHAIRMAN GARD: Are there any other
2 questions?

3 (No response.)

4 CHAIRMAN GARD: I need a motion to
5 final adopt the rules as presented.

6 MR. DAVIDSON: So moved.

7 CHAIRMAN GARD: Is there a second?

8 MR. CUMMINS: Second.

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

11 Mr. Etzler?

12 MR. ETZLER: Yes.

13 CHAIRMAN GARD: Ms. Collier?

14 MS. COLLIER: Yes.

15 CHAIRMAN GARD: Mr. Gilson?

16 MR. GILSON: Yes.

17 CHAIRMAN GARD: Mr. Wasky?

18 MR. WASKY: Yes.

19 CHAIRMAN GARD: Ms. Valiquett?

20 MS. VALIQUETT: Yes.

21 CHAIRMAN GARD: Mr. Rulon is not
22 here.

23 Mr. Etzler? Oh, you're on here twice.

1 MR. ETZLER: Do I get to vote again?

2 CHAIRMAN GARD: You don't get to vote
3 again.

4 (Laughter.)

5 CHAIRMAN GARD: Mr. Davidson?

6 MR. DAVIDSON: Yes.

7 CHAIRMAN GARD: Mr. Cummins?

8 MR. CUMMINS: Aye.

9 CHAIRMAN GARD: Mr. Green?

10 MR. GREEN: Yes.

11 CHAIRMAN GARD: Mr. Clark.

12 MR. CLARK: Aye.

13 CHAIRMAN GARD: Mr. Mettler?

14 MR. METTLER: Yes.

15 CHAIRMAN GARD: And the Chair votes
16 aye, and nobody's left out. Okay. Eleven ayes,
17 zero nays. The rule has been adopted.

18 This is a public hearing before the
19 Environmental Rules Board of the State of Indiana
20 concerning final adoption of amendments to rules
21 at 326 IAC 3-5-1 regarding Portland Cement
22 Monitoring.

23 I will now introduce Exhibit E, the rules

1 as preliminarily adopted, into the record of the
2 hearing.

3 Is there anyone from the Department who
4 will present the rule? Keelyn.

5 MS. WALSH: Good afternoon once
6 again. Keelyn Walsh, and I'm here to present
7 Rule No. 18-364, Portland Cement Monitoring, for
8 your consideration.

9 Continuous monitoring requirements in
10 326 IAC 3-5 currently apply to Portland Cement
11 plants operating in Indiana. Under the current
12 state rule, Portland Cement plants may choose to
13 use either a continuous opacity monitoring
14 system, known as a COMS, or a continuous
15 emissions monitoring system for particulate
16 matter, to monitor emissions from kilns and
17 clinker coolers.

18 In 2013, U.S. EPA revised the National
19 Emission Standards for Hazardous Air Pollutants,
20 or NESHAP, for Portland Cement plants to require
21 a continuous parametric monitoring system, known
22 as a CPMS. Two sources in the state requested
23 removal of the COMS requirement for Portland

1 Cement plants based on these revisions to the
2 NESHAP at 40 CFR 63, Subpart LLL.

3 Revising the COMS requirement to allow for
4 the use of a CPMS to be consistent with federal
5 regulations will allow Portland Cement plants to
6 operate more efficiently and reduce operating
7 costs by allowing sources to utilize existing
8 equipment to monitor emissions and ensure
9 compliance with the NESHAP. Updating the rules
10 at 326 IAC 3-5 will not impose any additional
11 costs for the regulated industry or IDEM.

12 In conclusion, this rulemaking revises
13 326 IAC 3-5-1 to allow the use of a CPMS to
14 monitor emissions based on the updated federal
15 rule.

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

20 Thank you.

21 CHAIRMAN GARD: Does anybody -- is
22 there anybody that wants to speak to this?

23 (No response.)

1 CHAIRMAN GARD: I lost my place.

2 The hearing is concluded. The Board will
3 now consider final adoption of amendments to
4 rules at 326 IAC 3-5-1 regarding Portland Cement
5 Monitoring. Is there any Board discussion?

6 (No response.)

7 CHAIRMAN GARD: I need a motion to
8 final adopt the rule.

9 MR. CUMMINS: So moved.

10 CHAIRMAN GARD: Is there a second?

11 MR. CLARK: Second.

12 CHAIRMAN GARD: This will be a
13 roll-call vote.

14 Mr. Etzler?

15 MR. ETZLER: Yes.

16 CHAIRMAN GARD: Ms. Collier?

17 MS. COLLIER: Yes.

18 CHAIRMAN GARD: Mr. Gilson?

19 MR. GILSON: Yes.

20 CHAIRMAN GARD: Mr. Wasky?

21 MR. WASKY: Yes.

22 CHAIRMAN GARD: Ms. Valiquett?

23 MS. VALIQUETT: Yes.

1 CHAIRMAN GARD: Mr. -- sorry; you
2 don't get to vote again. Your name is on here
3 twice.

4 Mr. Davidson?

5 MR. DAVIDSON: Yes.

6 CHAIRMAN GARD: Mr. Cummins?

7 MR. CUMMINS: Aye.

8 CHAIRMAN GARD: Mr. Green?

9 MR. GREEN: Yes.

10 CHAIRMAN GARD: Mr. Clark?

11 MR. CLARK: Yes.

12 CHAIRMAN GARD: Mr. Mettler?

13 MR. METTLER: Yes.

14 CHAIRMAN GARD: The Chair votes aye.
15 The rule is adopted, eleven eyes, zero nays.

16 This is a public hearing before the
17 Environmental Rules Board of the State of Indiana
18 concerning preliminary adoption of amendments to
19 rules at 329 IAC 3 regarding Updates to Hazardous
20 Waste Rules.

21 I will now introduce Exhibit F, the draft
22 rules, into the record.

23 Dan Watts will present the rule.

1 MR. WATTS: Hello. Good afternoon,
2 Chairwoman Gard, members of the Board. I'm Dan
3 Watts of the Rules Development Branch. I'm
4 presenting LSA Document 18-481 for preliminary
5 adoption. This rulemaking updates the Hazardous
6 Waste Rules in Title 329 with the incorporation
7 by reference of recently promulgated federal
8 hazardous waste rules. The rulemaking also makes
9 technical amendments and corrections to the rule
10 language that are related to the updated
11 requirements or are identified in the included
12 sections.

13 As a component of administering an
14 authorized state hazardous waste program, IDEM
15 must maintain requirements that are consistent
16 with and no less stringent than the federal
17 hazardous waste requirements. IDEM is proposing
18 to incorporate the following recent amendments to
19 federal hazardous waste rules:

20 Improvements to the hazardous waste
21 generator requirements, promulgated in a final
22 rule published on November 28th, 2016. These
23 generator improvements clarify existing

1 requirements, increase compliance flexibility,
2 improve environmental protection, reorganize the
3 requirements to make them easier to follow, and
4 makes technical corrections.

5 The second federal rule is revisions to
6 the requirements for import-export of hazardous
7 waste. This was promulgated in two final rules,
8 one published on November 28th, 2016, and a
9 shorter one on December 26th, 2017. The EPA
10 administers these import-export requirements
11 rather than state agencies because they are
12 matters of international shipments of hazardous
13 waste.

14 IDEM is proposing to adopt these
15 requirements because they are applicable to a few
16 regulated facilities in Indiana, and adoption
17 helps ensure that the regulated entities are
18 aware of the requirements.

19 The third set of rules is revisions to the
20 hazardous waste electronic manifest system,
21 promulgated on January 3rd, 2018, that establish
22 the methodology to determine the system user fees
23 and the anticipated operation date of the

1 electronic manifest system. This rule is a
2 follow-up to a 2014 e-manifest system federal
3 rule that was adopted in a previous hazardous
4 waste rulemaking from a couple of years ago. And
5 although most of the requirements are
6 administered by EPA rather than state agencies,
7 IDEM is proposing to incorporate these
8 requirements to maintain equivalency and
9 consistency with the federal e-manifest
10 requirements.

11 And the last set of changes in this
12 rulemaking are conforming updates that update the
13 exclusion to the incorporated parts of the CFR,
14 including updates to CFR sections that are
15 excluded from the conversion of federal terms to
16 state-specific terms. The incorporated federal
17 rules reorganized, deleted and added minimum
18 requirements in the CFR, and IDEM must make
19 amendments to accurately reflect those changes.
20 So, there's sections where we substitute state --
21 federal terms for state terms, but we are
22 excluding that substitution, because they're
23 administered by the Federal Government.

1 And since the publication of the draft
2 rule in the second notice, IDEM has proposed some
3 additional amendments in 329 IAC 10, 11 and 13
4 that replace the term, "conditionally exempt
5 small quantity generator" with the new term,
6 "very small quantity generator." These technical
7 amendments ensure that state rules are consistent
8 with the hazardous waste generator improvement
9 requirements that are proposed for adoption.

10 And one thing we'd like to note is that
11 this rulemaking was originally scheduled for
12 preliminary adoption at the February Board
13 meeting, but before that meeting, IDEM was made
14 aware that the rulemaking inadvertently readopted
15 the definition of solid waste requirements that
16 were vacated from a 2015 EPA final rule, and IDEM
17 did not include to readopt those requirements in
18 this rulemaking.

19 In response, IDEM delayed preliminary
20 adoption to this Board meeting to -- to remove
21 the 2017 CFR updates and only incorporate the
22 requirements in the Federal Register notices for
23 the hazardous waste rules that item originally

1 proposed to adopt, so rather than incorporating
2 the 2017 version of the CFR in its entirety, IDEM
3 is just incorporating those federal final rules
4 by the Federal Register citation.

5 And in doing so, IDEM is limiting the
6 scope of this rulemaking to the recent hazardous
7 waste updates that are described in the initial
8 notice of rulemaking. IDEM is initiating a
9 separate rulemaking to address these definitions
10 of solid waste requirements. So, that was a
11 little long-winded. I just needed to explain
12 these particular changes included in this
13 rulemaking and what happened since the February
14 planned preliminary adoption.

15 Representatives from IDEM are available to
16 answer questions you may have for this
17 rulemaking, and the Department respectfully
18 requests that the Board adopt this rule so IDEM's
19 hazardous waste program can include recent
20 amendments to federal hazardous waste rules.

21 Thank you.

22 CHAIRMAN GARD: Cal, this takes care
23 of your thing you brought up?

1 MR. DAVIDSON: Yes. Thank you.

2 CHAIRMAN GARD: I have one speaker
3 card to speak to this proposed rule, Malika
4 Butler.

5 MS. BUTLER: Thank you, Chairwoman
6 Gard and members of the committee. My name is
7 Malika Butler, here on behalf of the Indiana
8 Manufacturers Association.

9 The Indiana Manufacturers Association
10 recommends that the Indiana Department of
11 Environmental Management consider the adoption of
12 the updated 2018 revision of the Definition of
13 Solid Waste Rule in the Title 40 of the Code of
14 Federal Regulations as a whole. Efficient
15 regulatory framework is instrumental in the
16 impact of manufacturing investment and
17 maintaining Indiana's competitiveness and sound
18 businesses climate. The proposed rule will
19 require companies to reference at least six
20 different entries in the Federal Register rather
21 than simply referencing the 2018 revision.

22 In order to reduce the risk of incurring
23 penalties and potential legal issues, regulatory

1 certainty and transparent common-sense framework
2 is imperative for business. We strongly
3 encourage IDEM to move forward with the adoption
4 of the 2018 Definition of Solid Waste final rule
5 to ensure businesses and the State of Indiana has
6 a consistent and clear definition of legitimate
7 recycling of hazardous secondary materials.

8 Thank you for your consideration.

9 CHAIRMAN GARD: Are there any
10 questions?

11 (No response.)

12 CHAIRMAN GARD: Thank you.

13 MS. BUTLER: Thank you.

14 CHAIRMAN GARD: Is there anyone else?
15 This is the only card I have.

16 (No response.)

17 CHAIRMAN GARD: Okay. The hearing is
18 concluded. The Board will now consider
19 preliminary adoption of amendments to rules at
20 329 IAC 3.1 regarding Updates to the Hazardous
21 Waste Rules. Is there any Board discussion?

22 (No response.)

23 CHAIRMAN GARD: I need a motion to

1 preliminarily adopt the rules?

2 MR. CUMMINS: So moved.

3 CHAIRMAN GARD: Is there a second?

4 MR. GREEN: Second.

5 MR. DAVIDSON: Second.

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

8 MR. CUMMINS: Aye.

9 MR. ETZLER: Aye.

10 MS. VALIQUETT: Aye.

11 MS. COLLIER: Aye.

12 MR. GREEN: Aye.

13 MR. GILSON: Aye.

14 MR. CLARK: Aye.

15 MR. METTLER: Aye.

16 MR. DAVIDSON: Aye.

17 MR. WASKY: Aye.

18 CHAIRMAN GARD: Aye.

19 Opposed, nay.

20 (No response.)

21 CHAIRMAN GARD: The rules have been
22 preliminarily adopted.

23 This is an Open Forum for anyone that

1 wishes to address the Board today. Is there
2 anyone out there that wishes to address the
3 Board?

4 (No response.)

5 CHAIRMAN GARD: Okay. The next
6 meeting of the Environmental Rules Board is
7 tentatively set for August 14th, 2019 at 1:30 in
8 Conference Room A, Indiana Government Center
9 South. The meeting date is tentative and subject
10 to change, so IDEM will keep you updated on
11 whether it's confirmed or another date is chosen.
12 So, again, if you do know that you won't be here
13 to be on hand, it would be helpful to let them
14 know.

15 Is there a motion to adjourn?

16 MR. CUMMINS: So moved.

17 MR. DAVIDSON: Second.

18 CHAIRMAN GARD: All in favor, say
19 aye.

20 MR. CUMMINS: Aye.

21 MR. ETZLER: Aye.

22 MS. VALIQUETT: Aye.

23 MS. COLLIER: Aye.

1 MR. GREEN: Aye.

2 MR. GILSON: Aye.

3 MR. CLARK: Aye.

4 MR. METTLER: Aye.

5 MR. DAVIDSON: Aye.

6 MR. WASKY: Aye.

7 CHAIRMAN GARD: Aye. We are
8 adjourned. I think that's a record for adopting
9 rules.

10 - - -

11 Thereupon, the proceedings of
12 May 8, 2019 were concluded
13 at 2:22 o'clock p.m.

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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Wednesday, May 8, 2019 in this matter and transcribed by me.

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

My Commission expires August 26, 2024.