

In The Matter Of:
STATE OF INDIANA ENVIRONMENTAL RULES BOARD

March 8, 2023

*ACCURATE REPORTING OF INDIANA
543 PONDS POINTE DRIVE
CARMEL, INDIANA 46032
317.848.0088
accuratereportingofindiana@gmail.com*

Original File IERB 3-8-23.txt

Min-U-Script® with Word Index

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

BEFORE THE STATE OF INDIANA
ENVIRONMENTAL RULES BOARD

- - -

PUBLIC MEETING OF MARCH 8, 2023

- - -

PROCEEDINGS

before the Indiana Environmental Rules Board,
Beverly Gard, Chairman, taken before me, Lindy L.
Meyer, Jr., a Notary Public in and for the State
of Indiana, County of Shelby, at the Indiana
Government Center South, Conference Center,
Room A, 402 West Washington Street, Indianapolis,
Indiana, on Wednesday, March 8, 2023 at 1:31
o'clock p.m.

- - -

ACCURATE REPORTING OF INDIANA, LLC
543 Ponds Pointe Drive
Carmel, Indiana 46032
TELEPHONE: (317) 848-0088
EMAIL: accuratereportingofindiana@gmail.com

1 APPEARANCES:

2 BOARD MEMBERS:

3 William Etzler, Chairman
4 Beverly Gard
5 Carrie Kozyrski
6 Dr. Ted Niemiec
7 Dr. Joanne Alexandrovich
8 John Ketzenberger
9 Michael Chambers
10 Chris Horn
11 Michael Schuler
12 Calvin Davidson
13 Dan Bortner
14 Emily Totten, Proxy, Indiana Economic
15 Development Corporation
16 Katherine Nelson, Proxy, Lieutenant
17 Governor
18 Brian Rockensuess, IDEM Commissioner
19 (Nonvoting)

20 IDEM STAFF MEMBERS:

21 Parvonay Stover
22 Chris Pedersen
23 Seth Engdahl
24 Krystal Hackney
25 Dan Watts
26 Matt Stuckey
27 Phil Perry
28 Kyle Burns
29 Kevin Bump
30 Karla Kindrick

31 PUBLIC SPEAKERS:

32 Joyce Dreesen
33 John Sosnowski

- - -

23

1 1:31 o'clock p.m.
2 March 8, 2023

3 - - -

4 CHAIRMAN ETZLER: Seeing that we have
5 a quorum, I'll call the March 8th, 2020 meeting
6 of the Indiana Environmental Rules Board to
7 order. First I will call the roll.

8 Chair Gard?

9 MS. GARD: Here, and thank you for
10 doing that for me today, Bill.

11 CHAIRMAN ETZLER: You're welcome.

12 Mr. Davidson?

13 MR. DAVIDSON: Here.

14 CHAIRMAN ETZLER: Mr. Schuler?

15 (No response.)

16 CHAIRMAN ETZLER: Ms. Nelson?

17 (No response.)

18 CHAIRMAN ETZLER: Mr. Ketzenberger?

19 (No response.)

20 MR. DAVIDSON: He may be on mute.

21 MS. GARD: He's in D.C.

22 CHAIRMAN ETZLER: Mr. Chambers?

23 MR. CHAMBERS: Here.

CHAIRMAN ETZLER: Mr. Niemiec?

1 DR. NIEMIEC: Ted Niemiec is here.

2 CHAIRMAN ETZLER: Ted Niemiec is
3 here.

4 Dr. Alexandrovich?

5 DR. ALEXANDROVICH: Yes, I'm here.

6 CHAIRMAN ETZLER: Comm. Rockensuess?

7 MR. DAVIDSON: Yeah, he's here.

8 COMM. ROCKENSUESS: Here.

9 CHAIRMAN ETZLER: Mr. Horn?

10 MR. HORN: Present.

11 CHAIRMAN ETZLER: Mr. Bortner?

12 MR. BORTNER: Here.

13 CHAIRMAN ETZLER: Ms. Totten?

14 MS. TOTTEN: Here.

15 CHAIRMAN ETZLER: Ms. Kozyrski?

16 MS. KOZYRSKI: Here.

17 CHAIRMAN ETZLER: Mr. Rulon?

18 (No response.)

19 CHAIRMAN ETZLER: And Bill Etzler,
20 and I'm present, so we have a quorum of the Board
21 present.

22 Our first order of business today is the
23 approval of the summary of the November 9th, 2022

1 Board meeting. Are there any additions or
2 corrections to the summary as presented?

3 (No response.)

4 CHAIRMAN ETZLER: If not, do I have a
5 motion to approve?

6 MS. TOTTEN: Motion.

7 DR. NIEMIEC: This is Ted Niemiec. I
8 move to approve.

9 CHAIRMAN ETZLER: Do I have a second?

10 MS. GARD: Second.

11 CHAIRMAN ETZLER: We have a motion
12 and a second. Do we -- those in favor, say aye.

13 MR. HORN: Aye.

14 DR. ALEXANDROVICH: Aye.

15 MR. BORTNER: Aye.

16 DR. NIEMIEC: Aye.

17 MS. KOZYRSKI: Aye.

18 MR. CHAMBERS: Aye.

19 MS. GARD: Aye.

20 MS. TOTTEN: Aye.

21 MR. DAVIDSON: Aye.

22 CHAIRMAN ETZLER: Aye.

23 Those opposed, nay.

1 (No response.)

2 CHAIRMAN ETZLER: Motion is carried.
3 Commissioner, your agency report.

4 COMM. ROCKENSUESS: Good afternoon.
5 Sorry I couldn't be there with you guys today.
6 It's been a little hectic. I don't know if you
7 heard about any hazardous waste or train
8 derailments coming into Indiana, but that has
9 been what I have been living in the last couple
10 of weeks. You know, the train derailment in East
11 Palestine on February 3rd spilled some butyl
12 acrylate and vinyl chloride.

13 Now, the initial interests of Indiana and
14 IDEM was really on "How is this stuff flowing
15 down the Ohio River? Is it going to get into one
16 of our intakes?" We have two drinking water
17 sources that utilize the Ohio River for drinking
18 water; that's Mt. Vernon and Evansville. And
19 thankfully, with the partnership with the Ohio
20 River Sanitation Commission, they did a yeoman's
21 work on monitoring it from the day we heard about
22 the spill all of the way -- they're still
23 monitoring for the chemicals.

1 We're grateful that by the time it reached
2 the middle of Ohio, so well before it got to
3 Indiana, things were reading nondetect, which is
4 great. But even still, all of the utilities on
5 the river are still testing for all of this stuff
6 just to make sure nothing comes up and that they
7 have treatment on hand to make sure that the
8 water they're serving their customers is safe.

9 More recently, the focus shifted to the
10 hazardous waste that is coming into Indiana, the
11 hazardous wastes coming in the form of
12 contaminated soil. So, where those chemicals
13 spilled, that soil there has to be removed and
14 disposed of. So, the levels of vinyl chloride in
15 that soil is pretty low, and definitely can be
16 taken to the Roachdale facility in -- the
17 hazardous waste facility in Roachdale, Indiana
18 that's owned by Heritage Environmental.

19 (Ms. Nelson entered the room.)

20 COMM. ROCKENSUESS: The issue became
21 that when they burned off the vinyl chloride from
22 the train accident, burning of vinyl chloride can
23 create dioxins, and what we did not know from the

1 soil that they were sending us was whether or not
2 they tested for dioxins. In fact, we heard that
3 they had not tested, they had no belief that
4 there were dioxins that were evident in the
5 soils.

6 Well, that wasn't good enough for us, and
7 so, we -- the Governor decided they we're going
8 to test this stuff. We hired a third party,
9 that's Pace Laboratories, and on Saturday, we --
10 part of my team, Pace Laboratories, and Pace's
11 contractor, KERAMIDA Environmental, were all at
12 the landfill. We took samples. We flew Pace,
13 their person, to Minnesota, to the lab, so he
14 could personally drop it off, and it could be
15 there that day.

16 So, since then we have been working with
17 Pace to get those results back. We should be
18 getting them back today, and an announcement will
19 be going out that will show, you know, what the
20 results are, whether or not it's okay to be in
21 the landfill. All initial ideas are that it is
22 well below and there shouldn't be any issue with
23 the chemicals going into the landfill.

1 The problem was, and has been, that nobody
2 tested for this stuff, and at certain levels,
3 dioxins can be not handled by a particular
4 landfill unless they're treated, and so, we
5 needed to know that, and we needed to make sure
6 that the public understood that what is coming
7 into Indiana was at levels that could be handled
8 by the landfill and would cause no harm to the
9 systems in and around Roachdale and, you know,
10 the truck pathway to Roachdale.

11 So, if that hasn't been busy enough, we
12 also -- we're in the middle of the legislative
13 session. We just started the second half, so
14 bills have flipped from -- Senate bills went to
15 the House and House bills went to the Senate.

16 Senate Bill 155 is IDEM's agency bill. It
17 deals with two things: First is our Title V air
18 fees. You know, since we raised fees, I think,
19 in 2019, the Environmental Rules Board did, we've
20 seen a significant drop in sulfur dioxide,
21 because the coal-fired power plants have been
22 shutting down or transitioning to natural gas.

23 That's correct. That means emissions are

1 going down, which is wonderful. The downside of
2 that is our fees are based on emissions, so if we
3 lost emissions, we lose money to fund the
4 program. And so, the bill in front of the House
5 now would allow us to do another one-time fix.

6 This one's focused on our base fee rather
7 than the typical emissions fees. The base fee is
8 charged every year to every Title V and FESOP
9 permit holder that -- and so, by looking at the
10 base fee instead of your typical emissions fees,
11 it's income or money that would come to the
12 agency that would never go down as emissions go
13 down, so it gives us a steady amount of income.

14 The other part of that bill, actually it's
15 something, when I stepped into the Commissioner
16 role and attending a number of Rules Board
17 meetings, that I thought was probably a good
18 idea. You know, every time an area becomes in
19 attainment, we have to pass rules, we have to do
20 emergency rules, to make sure that that area can
21 have the new permit requirements or whatever it
22 is that goes along with being in a county that's
23 in attainment.

1 And so, we do -- inevitably it was an
2 emergency rule, and then another emergency rule,
3 and then another one, and then we finally got the
4 final rule passed. And so, what the other part
5 of this bill does is it just kind of gets rid of
6 that. Once a, you know, air designation becomes
7 effective on the federal level, whether it's
8 non -- whether it becomes nonattainment or
9 attainment, it's immediately effective in
10 Indiana. That way we don't have to go through
11 all of the rulemaking pieces of it.

12 A couple of other item -- or bills that
13 we've been particularly involved in, obviously
14 House Bill 1001 is the biennium budget. We have
15 our typical requests as an agency, but we also
16 have a couple of change requests that the
17 Governor included in his budget.

18 One was adding about 15 additional
19 Drinking Water staff. EPA wanted 88 additional
20 Drinking Water staff, and there's -- I mean by
21 the time you get to 88, then we're using money
22 that should be going to communities. So, you
23 know, 15 -- why did we pick 15? It was the

1 number we had and which EPA was okay with our
2 head count for that program, and so, that's why
3 we're adding 15.

4 We have another about five and half
5 million in there for IT projects that we're
6 working on to get those finished, and then some
7 of the salary increases that we've had, just the
8 overall comp study, that's a big piece of every
9 agency's budget request, and making sure that
10 there's money there to cover those salaries.

11 And then a couple of other quick bills.
12 Obviously there's a rulemaking bill that's moving
13 through session that's in the house now -- or
14 that's in the Senate now. That's House
15 Bill 1623. I think we're going to be meeting
16 with Senator Garten here pretty soon. He's the
17 sponsor of that bill.

18 There are pieces that directly affect the
19 Environmental Rules Board, and so, we just want
20 to make sure we're clear on what that all means,
21 or if there are issues, we understand what those
22 issues are so we can come to some conclusion that
23 works for everybody.

1 And then finally, there's a number of
2 different, you know, kind of waste or Excess
3 Liability Trust Fund bills that are moving
4 through session that we're helping here and there
5 on those.

6 Yeah, I think that's about it for me.
7 I've been completely inundated with, you know,
8 this hazardous waste landfill thing, so that's
9 really what I've been spending the last two or
10 three weeks on, and I'm happy to take any
11 questions, either about some of this legislation
12 here or what's going on with the landfill.

13 Thank you.

14 MS. GARD: Commissioner?

15 COMM. ROCKENSUESS: Yeah.

16 MS. GARD: What -- briefly, so far as
17 you understand it, what affects the Rules Board
18 that Sen. Garten's trying to do?

19 COMM. ROCKENSUESS: Well, the bill
20 started with -- it's Rep. Bartels' bill, so it --
21 one thing it does do is it creates different kind
22 of rulemakings. So, right now, there's emergency
23 and then there's just your typical rulemaking,

1 and every agen -- every environ -- well, we --
2 we're one of the few agencies that has a board
3 that does our rulemakings.

4 Other agencies have other rulemaking kind
5 of powers. DNR has the Natural Resource Council.
6 They do the rulemaking kind of piece of this.
7 So, it creates an interim rule category, an
8 expedited rule category, an emergency rule
9 category, and then a regular rulemaking category.

10 There were some agencies that were doing
11 everything by emergency rule, and so I think they
12 really -- they really want to focus in on if it's
13 truly an emergency, then that needs to be
14 declared by the Governor. And then these other
15 kind of rulemakings are -- you know, if you need
16 an expedited, here are the steps to do an
17 expedited, and it really falls then on the agency
18 to prepare that kind of material to submit to OMB
19 and then to the Indiana Register to confirm that
20 we have met the criteria or the steps to submit
21 the rule to go before the Board.

22 Another item that affects all agencies is
23 that there are no rules currently in the bill

1 that are safe from sunseting. And so, that was
2 one that is, you know, worrisome for us, and we
3 do have EPA putting together -- I think we're
4 going to get it today or tomorrow -- a memo on
5 what they believe that would do as far as our
6 delegation authority.

7 The last thing we want to do is lose our
8 delegation authority for our programs, and I
9 don't think anybody would want that, because then
10 it falls on EPA to do the permitting and
11 compliance and the enforcement.

12 So, we're working through that, trying to
13 make -- trying to make sure that, "Okay. You
14 want us to look at our delegated rules," because
15 it's not -- it's not as simple as it would seem;
16 right? There's not just like, "NPDES delegated
17 rule, and here's our delegated authority." No,
18 it's an entire body of rules that we use to run
19 the program.

20 And so, you want us to look at that with
21 all of these different criteria before we -- you
22 know, we edit it or we give options to edit it?
23 Fine. But we need to figure that out, so that's

1 the crux and really the issue we're most worried
2 about is the sunseting of delegated programs.

3 MS. GARD: But --

4 COMM. ROCKENSUESS: So --

5 MS. GARD: Yeah. I don't know what
6 we could do to really educate legislators on
7 IDEM's rulemaking process, but I know that
8 there's probably one that really understands it,
9 and that's Sen. Crider, because he was just
10 involved in DNR so much, but --

11 COMM. ROCKENSUESS: That's right.

12 MS. GARD: -- I mean it's
13 complicated. It's hard enough when we wrote the
14 rules to get them like we did years ago to
15 understand it.

16 COMM. ROCKENSUESS: Yeah.

17 MS. GARD: But I understand why
18 legislators don't get it, but boy, they can do
19 some damage if they -- if they don't really know
20 what they're doing.

21 COMM. ROCKENSUESS: Well, that's what
22 we're trying to make sure, that, you know, where
23 there is changes that should be made because this

1 legislative body feels they need to be made, how
2 can we mitigate any kind of damage that does
3 occur? And that's what the Gov -- the Governor's
4 Office is running point on this bill, because it
5 affects every agency. And so, you know, we're
6 working towards that.

7 MS. GARD: Is there a rela -- and it
8 couldn't be too simple, but is there a fact
9 sheet, just an IDEM rulemaking fact sheet, that
10 just goes down bullet point after bullet point as
11 to the various processes in packages of rules and
12 so forth, and --

13 COMM. ROCKENSUESS: Yeah, we provided
14 that. You know, they had a task force this
15 summer on rulemaking, and towards the end of that
16 task force, we provided them a packet of how we
17 do rulemakings, and it went through not only the
18 statutory language, but then explained what we do
19 and why we do it. We gave that to everybody on
20 the committee. We can certainly get that --
21 Nancy can get it to Karla and Karla can get it to
22 the Board.

23 MS. GARD: Yeah, I'd really like to

1 see it. I would also like to see whatever you
2 can get from EPA about delegated programs --

3 COMM. ROCKENSUESS: Yeah.

4 MS. GARD: -- just in case questions
5 come our way.

6 COMM. ROCKENSUESS: Yeah, absolutely.

7 MS. GARD: Okay. Thank you.

8 COMM. ROCKENSUESS: Yeah.

9 MS. GARD: Boy, you've had your hands
10 full.

11 COMM. ROCKENSUESS: No, that's okay.
12 It's part of it.

13 DR. ALEXANDROVICH: I do have some
14 questions for you, Commissioner.

15 COMM. ROCKENSUESS: Absolutely.

16 DR. ALEXANDROVICH: Thank you for all
17 of your work, but just two quick ones, one about
18 the train waste. I assume that the trucks are
19 waiting and they're being monitored for leaks.

20 And then my other question is about the
21 Title V. I read that letter that EPA sent you
22 guys, kind of saying if we don't raise the fees,
23 we're going to take things over. I'm wondering

1 kind of if you know how many other states may
2 have gotten a similar letter.

3 COMM. ROCKENSUESS: So, on the waste
4 piece of it, the trucks are monitored. They are
5 all hazardous waste compliant trucks by INDOT --
6 or Department of Transportation. They are being
7 weighed both before they leave and when they
8 come, and one of the things I guess I forgot to
9 mention is that, you know, we did the sampling,
10 you know, rapidly here.

11 EPA has agreed to make Norfolk Southern do
12 sampling before trucks leave Ohio, and then we're
13 going to continue doing confirmatory sampling
14 once they get to Indiana as well. Now, the stuff
15 that's coming is soils, so they shouldn't be
16 really leaking much at all. They go into a --
17 you know, a truck bed and they're pretty sealed
18 off and tarped over, so none of that is flying
19 around as they're driving down the road.

20 So, as far as Title V fees go, we
21 obviously got that letter. Other states have
22 gotten different kinds of letters. You know, in
23 Illinois, they had such a backlog and such a --

1 they don't have the -- neither the staffing nor
2 the money that we have, that EPA has taken over
3 half their permitting, which just increases time
4 frames for people to get their permits back.

5 And on the East Coast, some of the smaller
6 states, they rely heavily on EPA to write their
7 permits, and so, there's -- you know, they don't
8 have time frames in which to get permits back.
9 And I don't know how much they're involved in
10 actually the compliance activities.

11 In Ohio, EPA just wrote them a letter
12 challenging whether they had authority to write
13 wastewater permits, which is not quite air, but
14 it gets to that whole piece of making sure you
15 have everything in line for your delegation
16 authority.

17 This current version of EPA has been very
18 active and holding states accountable to
19 different things, and this is one of them. And
20 they're actually under pressure from the
21 Inspector General, because EPA has for a long
22 time turned a kind of a blind eye to the funding
23 piece of how agencies fund their air programs,

1 and the Inspector General looked into it and
2 said, "No, that's not right. You guys have got
3 to start actually monitoring and doing something
4 about it if something is wrong." So, I wouldn't
5 be surprised if more people got letters or
6 anything really challenging delegation authority.

7 DR. ALEXANDROVICH: I'm just curious;
8 do you know -- you may or may not -- does EPA
9 have a Web page that gives information on all of
10 their delegations to states, or --

11 COMM. ROCKENSUESS: I don't know.

12 DR. ALEXANDROVICH: -- kind of what
13 it --

14 COMM. ROCKENSUESS: I don't know.

15 But Karla, can you make a note of that?
16 And we'll have somebody look that up --

17 MS. KINDRICK: Okay.

18 COMM. ROCKENSUESS: -- and see if
19 there is something.

20 DR. ALEXANDROVICH: That goes with
21 all of this disapproval thing that's kind of --

22 COMM. ROCKENSUESS: Yeah.

23 DR. ALEXANDROVICH: -- been a pain

1 for a long time.

2 COMM. ROCKENSUESS: Uh-huh.

3 DR. ALEXANDROVICH: Thank you.

4 COMM. ROCKENSUESS: Yeah, absolutely.

5 Any other questions?

6 (No response.)

7 CHAIRMAN ETZLER: Thank you,

8 Commissioner.

9 COMM. ROCKENSUESS: Thank you. And
10 I'm going to actually -- because of the train
11 derailment I've got to sign off, but Par, my
12 Chief of Staff, she will be on, and if there are
13 questions, I'll try to pop on and help where I
14 can.

15 Thank you all.

16 CHAIRMAN ETZLER: Now I'll call on
17 Chris Pedersen to give us a rulemaking update.

18 MS. PEDERSEN: Good afternoon. I'm
19 Chris Pedersen, for the Rules Development
20 Section, the Office of Legal Counsel.

21 We have tentatively scheduled the next
22 Board meeting for June 14th, 2023, and at that
23 meeting we have a few rules we anticipate may be

1 ready. The first one is the Title 326 CFR Update
2 Rule. This is a rule where we just update the
3 reference, the date of the CFR that's referenced,
4 and this is for the Air Rules, and we will bring
5 it up to date with the July 1st, 2022 edition.

6 Another rule that may be ready for final
7 adoption is the Underground Storage Tank
8 Revisions Rule. This rule removes the state
9 requirements that are redundant and more
10 stringent than federal requirements, which will
11 result in reduced costs and regulatory burdens on
12 tank owners and the Department. Originally we
13 had thought this rule would be coming before you
14 today, but there is legislation that could
15 potentially impact the rulemaking, and so we've
16 delayed that rule.

17 And finally, what -- next is the Coal
18 Combustion Residuals Rule. This rule establishes
19 a state permitting program for the disposal of
20 coal combustion residuals based on the recent
21 federal rule and in accordance with state
22 statute.

23 And this is another rule we thought might

1 be ready sooner, but -- well, it could be ready,
2 but the one thing we were not sure about is that
3 there is also legislation that affects coal
4 combustion residuals, so if that were to pass and
5 has an impact on the rulemaking, the date of
6 June 14th for the preliminary adoption of that
7 rule may be also delayed.

8 And then the Emergency Rule for Clark,
9 Floyd, Lake and Porter Counties Ozone
10 Redesignations may need to be brought before you
11 again at the next meeting if the regular
12 rulemaking has not been promulgated and become
13 effective.

14 I will be happy to answer any questions
15 about rulemakings.

16 (No response.)

17 CHAIRMAN ETZLER: Thank you.

18 Today we have one Emergency Rule, the
19 Clark, Floyd, Lake and Porter County Ozone
20 Redesignations. We will also have hearings on
21 the following regular rule Board actions:
22 Adoption of the Clark, Floyd, Lake and Porter
23 Counties Ozone Redesignations, and final adoption

1 of the Safety-Kleen SO2 Revisions, and the
2 Definition of Solid Waste. And we will also hear
3 a Citizen's Petition for rulemaking that will be
4 presented today.

5 As a reminder, if you wish to testify in
6 any of today's hearings, please fill out a
7 comment card and give it to Karla Kindrick at the
8 sign-in table.

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

16 A written transcript of today's meeting
17 will be made. The transcript and any written
18 submissions will be open for public inspection at
19 the Office of Legal Counsel. A copy of the
20 transcript will be posted on the "Rules" page of
21 the agency Web site when it becomes available.

22 Will the official reporter for the cause
23 please stand, raise your right hand, and state

1 your name?

2 (Reporter sworn.)

3 CHAIRMAN ETZLER: The first item on
4 the agenda is Board consideration of Emergency
5 Rule for the Eight-Hour Ozone Redesignations for
6 Clark, Floyd, Lake and Porter Counties and
7 emission reporting updates.

8 The Board will now consider adoption of
9 the Emergency Rule for Eight-Hour Ozone
10 Redesignations for Clark, Floyd, Lake and Porter
11 Counties and associated emissions reporting
12 updates. This Emergency Rule temporarily
13 incorporates the current federal designation.

14 I will now introduce Exhibit A, the draft
15 Emergency Rule, into the record of the hearing.

16 Is there someone from the Department to
17 present the Emergency Rule?

18 MR. ENGDAHL: Members of the Board,
19 good afternoon. My name is Seth Engdahl, and I
20 am a rule writer within the Rules Development
21 Section within IDEM's Office of Legal Counsel.

22 The emergency rule under consideration
23 seeks to make several temporary changes to rules

1 found at 326 IAC 1-4 and 326 IAC 2-6-1. First,
2 this emergency rule would supersede
3 326 IAC 1-4-11 and 326 IAC 1-4-23 to change the
4 status of Clark and Floyd Counties from marginal
5 nonattainment to attainment for the 2015
6 eight-hour national ambient air quality
7 standards, or NAAQS, for ozone. EPA granted this
8 status on July 5th, 2022 after receiving as
9 redesignation request from IDEM.

10 Second, the emergency rule would supersede
11 326 IAC 1-4-46 and 326 IAC 1-4-65 to change the
12 status of Lake and Porter Counties from serious
13 nonattainment to attainment for the 2008 NAAQS
14 for ozone. U.S. EPA granted this status on
15 May 20th, 2022.

16 Third, this rulemaking will make an
17 additional temporary change to the status of
18 certain townships in Lake and Porter Counties for
19 the 2015 NAAQS for ozone. Specifically, the
20 northern townships of these counties are being
21 bumped up from marginal nonattainment to moderate
22 nonattainment. This is in response to a
23 designation granted by U.S. EPA on October 7th,

1 2022.

2 Finally, this emergency rule would also
3 temporarily remove Clark, Floyd, and the southern
4 townships of Lake and Porter Counties from
5 326 IAC 2-6-1. This section lists sources
6 subject to emissions reporting requirements.
7 Since these areas are now in attainment of all
8 ozone NAAQS, it is no longer necessary to have
9 them in this section.

10 I would note that this Board approved a
11 nearly identical emergency rule in Nov -- at the
12 November 2022 Board meeting. However, the
13 emergency rule passed in November included an
14 error regarding the effective date of the
15 moderate nonattainment designation for the
16 northern townships of Lake and Porter Counties.

17 The emergency rule passed in November said
18 that the designation was effective on
19 October 7th, 2022, when it should have said that
20 the designation was effective on November 7th,
21 2022. Because this emergency rule itself was not
22 effective until December 15th, this error had no
23 impact on permitting. Nevertheless, to maintain

1 consistency with the Federal Register, the proper
2 date is included in this emergency rule.

3 Further, a full rulemaking to make these
4 changes permanent is next on the agenda for the
5 Board to consider. IDEM requests that the Board
6 approve this rule as presented, and I'm happy to
7 answer any questions that you may have.

8 CHAIRMAN ETZLER: Is there any Board
9 discussion?

10 (No response.)

11 CHAIRMAN ETZLER: Hearing none, do we
12 have a motion to adopt the Emergency Rule?

13 MR. DAVIDSON: So moved.

14 MS. NELSON: Second.

15 CHAIRMAN ETZLER: We have a motion
16 and a second. We'll have a roll-call vote.

17 Chair Gard?

18 MS. GARD: Yes.

19 CHAIRMAN ETZLER: Mr. Davidson?

20 MR. DAVIDSON: Yes.

21 CHAIRMAN ETZLER: Mr. Schuler?

22 MR. SCHULER: Yes.

23 CHAIRMAN ETZLER: Ms. Nelson?

1 MS. NELSON: Yes.

2 CHAIRMAN ETZLER: Mr. Ketzenberger?

3 (No response.)

4 CHAIRMAN ETZLER: Mr. Chambers?

5 (No response.)

6 CHAIRMAN ETZLER: Dr. Niemiec?

7 DR. NIEMIEC: Yes.

8 CHAIRMAN ETZLER: Dr. Alexandrovich?

9 DR. ALEXANDROVICH: Yes.

10 CHAIRMAN ETZLER: Mr. Horn?

11 MR. HORN: Yes.

12 CHAIRMAN ETZLER: Mr. Bortner?

13 MR. BORTNER: Yes.

14 CHAIRMAN ETZLER: Ms. Totten?

15 MS. TOTTEN: Yes.

16 CHAIRMAN ETZLER: Ms. Kozyrski?

17 MS. KOZYRSKI: Yes.

18 CHAIRMAN ETZLER: Mr. Rulon?

19 (No response.)

20 CHAIRMAN ETZLER: And Mr. Etzler

21 votes yes. The motion passes, twelve-zero.

22 The next item on the agenda is a public

23 hearing before the Environmental Rules Board of

1 the State of Indiana concerning adoption of
2 amendments to rules at 326 IAC 1-4-11,
3 326 IAC 1-4-23, 326 IAC 46, 326 IAC 1-4-65, and
4 326 IAC 2-6-1, Eight-Hour Ozone Redesignations
5 for Clark, Floyd, Lake and Porter Counties and
6 emission reporting updates.

7 I will now introduce Exhibit B, the draft
8 rule, into the record of the hearing.

9 Mr. Engdahl?

10 MR. ENGDAHL: Members of the Board,
11 again, my name is Seth Engdahl.

12 The rulemaking currently under
13 consideration is substantively identical to the
14 emergency rule that was just adopted by the
15 Board; however, it would make the changes
16 permanent. If needed, I'm happy to go over those
17 changes again or answer any further questions.
18 If not, IDEM requests that the Board approve this
19 rule as presented.

20 CHAIRMAN ETZLER: I have no speaker
21 cards. Is there anyone else that would like to
22 speak to this rule?

23 (No response.)

1 CHAIRMAN ETZLER: Seeing none, this
2 hearing is concluded. The Board will now
3 consider final adoption of amendments to rules at
4 IAC -- 326 IAC 1-4-11, 326 IAC 1-4-23,
5 326 IAC 46, 326 IAC 1-4-65, and 326 IAC 2-6-1,
6 Eight-Hour Ozone Redesignations for Clark, Floyd,
7 Lake and Porter Counties and emissions reporting
8 updates.

9 Is there any Board discussion?

10 (No response.)

11 CHAIRMAN ETZLER: Hearing none, we
12 need a motion to final adopt the rules as
13 presented?

14 MS. TOTTEN: So moved.

15 MR. HORN: So moved.

16 CHAIRMAN ETZLER: And a second?

17 MR. HORN: Second.

18 CHAIRMAN ETZLER: We have a motion
19 and a second. We will have a roll-call vote.

20 Chair Gard?

21 MS. GARD: Yes.

22 CHAIRMAN ETZLER: Mr. Davidson?

23 MR. DAVIDSON: Yes.

1 CHAIRMAN ETZLER: Mr. Schuler?

2 MR. SCHULER: Yes.

3 CHAIRMAN ETZLER: Ms. Nelson?

4 MS. NELSON: Yes.

5 CHAIRMAN ETZLER: Mr. Ketzenberger?

6 (No response.)

7 CHAIRMAN ETZLER: Mr. Chambers?

8 (No response.)

9 CHAIRMAN ETZLER: Dr. Niemiec?

10 DR. NIEMIEC: Yes.

11 CHAIRMAN ETZLER: Dr. Alexandrovich?

12 DR. ALEXANDROVICH: Yes.

13 CHAIRMAN ETZLER: Mr. Horn?

14 MR. HORN: Yes.

15 CHAIRMAN ETZLER: Mr. Bortner?

16 MR. BORTNER: Yes.

17 CHAIRMAN ETZLER: Ms. Totten?

18 MS. TOTTEN: Yes.

19 CHAIRMAN ETZLER: Ms. Kozyrski?

20 MS. KOZYRSKI: Yes.

21 CHAIRMAN ETZLER: Mr. Rulon?

22 (No response.)

23 CHAIRMAN ETZLER: And Mr. Etzler

1 votes yes. The vote is eleven-zero. The
2 motion -- the rule is adopted.

3 This is a public hearing before the
4 Environmental Rules Board of the State of Indiana
5 concerning final adoption of amendments to rules
6 at 326 IAC 7-4.1-6, Safety-Kleen SO2.

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

10 Is there someone to present the rule?

11 MS. HACKNEY: Yes. All right. Good
12 afternoon, members of the Board. My name is
13 Krystal Hackney, and I'm a rule writer for the
14 Rules Development Section within the Office of
15 Legal Counsel.

16 I'm here to present Rule No. 22-38 for
17 Safety-Kleen Sulfur Dioxide Monitoring and Fuel
18 Sampling Updates at 326 IAC 7-4.1-16.
19 Safety-Kleen was found to be in violation of
20 their SO2 emission limits, causing an enforcement
21 action to be issued by IDEM. Safety-Kleen has
22 updated their SO2 monitoring method for Process
23 Heaters H-201 and H-401 using continuous emission

1 monitor systems.

2 An Agreed Order was developed and made
3 effective on October 20th, 2021 between
4 Safety-Kleen and IDEM to provide clear
5 instruction for compliance with the state SO2
6 regulations with a deadline of May 30th, 2022,
7 for installation and certification of the CEMS.

8 Safety-Kleen has completed the
9 installation of the CEMS for Process Heaters
10 H-201 and H-401, and is working with IDEM to meet
11 the requirements for certification. Safety-Kleen
12 requested this update to the state rule to
13 address the monitoring needs and be in compliance
14 with the Agreed Order.

15 Safety-Kleen provided IDEM with five years
16 of historical data for Process Heater H-406,
17 which shows the Process Heater is well below the
18 current emission limit. Safety-Kleen will
19 maintain the current method of emissions
20 monitoring for Process Heater H-406. IDEM is not
21 proposing to remove compliance demonstration
22 requirements for other units at the source. Once
23 completed, this rulemaking will be submitted to

1 U.S. EPA as a State Implementation Plan revision
2 for their approval.

3 This rulemaking was preliminarily adopted
4 by the Board on November 9th, 2022. IDEM
5 requests that the Board final adopt this rule as
6 presented. Program experts and I are available
7 to answer any further questions that you may
8 have.

9 Thank you.

10 CHAIRMAN ETZLER: I don't have any
11 speaker cards, but is there anyone in the
12 audience that would like to speak?

13 (No response.)

14 CHAIRMAN ETZLER: Seeing none, this
15 hearing is concluded. The Board will now
16 consider final adoption of amendments to rules at
17 326 IAC 7-4.1-6, Safety-Kleen SO2.

18 Is there any Board discussion?

19 (No response.)

20 CHAIRMAN ETZLER: Hearing none, we
21 need a motion to adopt IDEM's suggested changes.

22 MR. HORN: So moved.

23 MS. GARD: So moved.

1 CHAIRMAN ETZLER: And a second?

2 MS. TOTTEN: Second.

3 CHAIRMAN ETZLER: Thank you. We'll
4 have a roll-call vote.

5 Chair Gard?

6 MS. GARD: Yes.

7 CHAIRMAN ETZLER: Mr. Davidson?

8 MR. DAVIDSON: Yes.

9 CHAIRMAN ETZLER: Mr. Schuler?

10 MR. SCHULER: Yes.

11 CHAIRMAN ETZLER: Ms. Nelson?

12 MS. NELSON: Yes.

13 CHAIRMAN ETZLER: Mr. Ketzenberger?

14 (No response.)

15 CHAIRMAN ETZLER: Mr. Chambers?

16 (No response.)

17 CHAIRMAN ETZLER: Dr. Niemiec?

18 DR. NIEMIEC: Yes.

19 CHAIRMAN ETZLER: Dr. Alexandrovich?

20 DR. ALEXANDROVICH: Yes.

21 CHAIRMAN ETZLER: Mr. Horn?

22 MR. HORN: Yes.

23 CHAIRMAN ETZLER: Mr. Bortner?

1 MR. BORTNER: Yes.

2 CHAIRMAN ETZLER: Ms. Totten?

3 MS. TOTTEN: Yes.

4 CHAIRMAN ETZLER: Ms. Kozyrski?

5 MS. KOZYRSKI: Yes.

6 CHAIRMAN ETZLER: Mr. Rulon?

7 (No response.)

8 CHAIRMAN ETZLER: And Mr. Etzler
9 votes yes, and the motion passes, eleven-zero.

10 We now need a motion to make -- to make
11 the final adoption of the rule. We need a motion
12 to be made to final adopt the rules as amended.

13 MR. DAVIDSON: So moved.

14 MS. NELSON: I'll second.

15 CHAIRMAN ETZLER: We have a motion
16 and a second. Thank you. And we will have a
17 roll-call vote.

18 Chair Gard?

19 MS. GARD: Yes.

20 CHAIRMAN ETZLER: Mr. Davidson?

21 MR. DAVIDSON: Yes.

22 CHAIRMAN ETZLER: Mr. Schuler?

23 MR. SCHULER: Yes.

1 CHAIRMAN ETZLER: Mr. -- Ms. Nelson?

2 MS. NELSON: Yes.

3 CHAIRMAN ETZLER: Mr. Ketzenberger?

4 (No response.)

5 CHAIRMAN ETZLER: Mr. Chambers?

6 (No response.)

7 CHAIRMAN ETZLER: Dr. Niemiec?

8 DR. NIEMIEC: Yes.

9 CHAIRMAN ETZLER: Dr. Alexandrovich?

10 DR. ALEXANDROVICH: Yes.

11 CHAIRMAN ETZLER: Mr. Horn?

12 MR. HORN: Yes.

13 CHAIRMAN ETZLER: Mr. Bortner?

14 MR. BORTNER: Yes.

15 CHAIRMAN ETZLER: Ms. Totten?

16 MR. CHAMBERS: Yes.

17 CHAIRMAN ETZLER: Ms. Kozyrski?

18 MS. KOZYRSKI: Yes.

19 CHAIRMAN ETZLER: Mr. Rulon?

20 (No response.)

21 CHAIRMAN ETZLER: Mr. Etzler votes

22 yes, and the motion passes, eleven-zero.

23 We have a public hearing on the final

1 adoption of the Definition of Solid Waste. This
2 is a public hearing before the Environmental
3 Rules Board of the State of Indiana concerning
4 final adoption of 329 IAC 3.1-5 and
5 329 IAC 3.1-6, Definition of Solid Waste.

6 I will now introduce Exhibit D, the
7 preliminarily adopted rule, into the record of
8 the hearing.

9 Is there someone to present the rule for
10 the Department?

11 MR. WATTS: Good afternoon, members
12 of the Board. I'm Dan Watts of the Rules
13 Development Section, and I am presenting LSA
14 Document 20-23 for final adoption.

15 This rulemaking amends the hazardous waste
16 rules in 329 IAC 3.1 with the incorporation by
17 reference of recent updates to the federal
18 identification of solid waste for the purposes of
19 hazardous waste management. The rulemaking is in
20 response to a federal court vacatur of certain
21 requirements in a 2015 federal rule for the
22 definition of solid waste, which IDEM has
23 previously adopted.

1 The federal court vacatur reinstated
2 transfer-based exclusion at 40 CFR 261.4(a)(24)
3 and the original definition of legitimate
4 recycling at 40 CFR 260.43. Additional changes
5 in the incorporated federal requirements include
6 corrections to cross-reference and other
7 conforming changes resulting from the court
8 vacatur.

9 With this rulemaking, IDEM's hazardous
10 waste rules will be consistent with the federal
11 definition of solid waste and also comply with
12 state statutory changes in Public Law 120-2022
13 pertaining to these particular federal
14 requirements. No changes have been made since
15 preliminary adoption of the rulemaking.

16 Representatives from IDEM are available to
17 answer any questions you may have for this
18 rulemaking, and the Department requests that the
19 Board adopt this rule so IDEM's definition of
20 solid waste for the purposes of hazardous waste
21 management can be consistent with the federal
22 requirements.

23 Thank you.

1 CHAIRMAN ETZLER: I don't have any
2 speaker cards, but is there anyone that would
3 like to speak?

4 (No response.)

5 CHAIRMAN ETZLER: Seeing none, this
6 hearing is concluded. We will now have Board
7 consideration of the final adoption of the
8 Definition of Solid Waste at 329 IAC 3.1-5 and
9 329 IAC 3.1-6, Definition of Solid Waste.

10 Is there any Board discussion?

11 (No response.)

12 CHAIRMAN ETZLER: Hearing none, we
13 need a motion to final adopt the rule.

14 MS. KOZYRSKI: So moved.

15 CHAIRMAN ETZLER: We have a motion.
16 Do we have a second?

17 MR. HORN: Second.

18 CHAIRMAN ETZLER: We have a motion
19 and a second. We will have a roll-call vote.

20 Chair Gard?

21 MS. GARD: Yes.

22 CHAIRMAN ETZLER: Mr. Davidson?

23 MR. DAVIDSON: Yes.

1 CHAIRMAN ETZLER: Mr. Schuler?

2 MR. SCHULER: Yes.

3 CHAIRMAN ETZLER: Ms. Nelson?

4 MS. NELSON: Yes.

5 CHAIRMAN ETZLER: Mr. Ketzenberger?

6 (No response.)

7 CHAIRMAN ETZLER: Mr. Chambers?

8 (No response.)

9 CHAIRMAN ETZLER: Dr. Niemiec?

10 DR. NIEMIEC: Yes.

11 CHAIRMAN ETZLER: Dr. Alexandrovich?

12 DR. ALEXANDROVICH: Yes.

13 CHAIRMAN ETZLER: Mr. Horn?

14 MR. HORN: Yes.

15 CHAIRMAN ETZLER: Mr. Bortner?

16 MR. BORTNER: Yes.

17 CHAIRMAN ETZLER: Ms. Totten?

18 MS. TOTTEN: Yes.

19 CHAIRMAN ETZLER: Ms. Kozyrski?

20 MS. KOZYRSKI: Yes.

21 CHAIRMAN ETZLER: Mr. Rulon?

22 (No response.)

23 CHAIRMAN ETZLER: And Mr. Etzler

1 votes yes, and it's -- the rule is final adopted,
2 eleven-zero. Thank you.

3 The next item on the agenda is a petition
4 to revise the Fugitive Dust Rule. Today the
5 Board is being presented with a Citizen's
6 Petition to consider the review and update of the
7 existing fugitive dust regulations, specifically
8 related to fugitive dust created by the companies
9 located along East 96th Street, Hazel Dell, and
10 Gray Roads in Indianapolis, Indiana.

11 Under IC 13-14-8-5, any person may present
12 a written proposal for the adoption, amendment,
13 or repeal of a rule by one of the boards. The
14 written proposal must be supported by a statement
15 of reasons for requesting Board action and must
16 be accompanied by a petition signed by at least
17 200 persons.

18 Under the Citizen's Petition statute, the
19 Board must determine whether the petition is not
20 plainly devoid of merit, and the subject of the
21 petition is not one of which a hearing has been
22 held within the previous six months. If the
23 Board so determines by vote, a hearing can be

1 held at the next Board meeting after it is
2 publicly noticed in the Indiana Register.

3 IDEM has reviewed the petition and
4 determined that it meets the requirements of the
5 statute. IDEM has also provided information
6 related to existing rules and previous petitions
7 on similar issues at the request of one of our
8 Board members, which Board members received
9 yesterday.

10 Ms. Joyce Dreesen, one of the Petitioners,
11 will now present the petition and speak on the
12 purpose of the petition.

13 MS. DREESEN: Good afternoon.

14 I am here representing a group of
15 concerned citizens that live in the Crystal Lake
16 neighborhood, which is south of East 96th Street,
17 between Hazel Dell and Gray Road. My meeting
18 agenda wanted to review the petition that we put
19 forward, confirm that we do have 200-plus
20 signatures on the petition, wanted to review what
21 our understanding is of current regulations.

22 I have some evidence to present of
23 fugitive dust deposition, which is the issue that

1 we're concerned about. It's our understanding
2 that the current rule states that dust cannot
3 leave the source companies, or should not leave
4 the source companies, but the rule does not have
5 anything to do with where that dust is deposited.

6 Also want to talk a little bit about our
7 property and health concerns regarding this
8 issue, discuss how our team can further work with
9 IDEM and with the companies along 96th Street,
10 and then find out more about next steps.

11 Do I need to repeat -- review the petition
12 that we put forth, or do you all have copies of
13 that?

14 CHAIRMAN ETZLER: We all have copies.

15 MS. DREESEN: Okay.

16 The petition was sent out electronically
17 to people living in our neighborhood. After
18 reviewing the electronic submissions and
19 reviewing for duplicates, we do have 200-plus
20 signatures on the petition.

21 And I wanted to go through a little bit
22 about what our understanding is of current
23 regulations. The current rule prohibits dust

1 from visibly crossing the property line of a
2 source at or near ground level, but does not
3 eliminate the generation of dust or address the
4 deposition of dust onto objects or property.

5 I've got a lot more detailed notes, but
6 I'm assuming that you are all aware of the
7 current regulation, or would you like me to run
8 through that?

9 CHAIRMAN ETZLER: I think we're all
10 aware of it.

11 MS. DREESEN: Okay.

12 So, our request is not only enforcement of
13 the current regulations, our team has been
14 sending videos to an IDEM compliance officer for
15 a number of years, and it is our understanding
16 that a letter of violation was issued in November
17 of this year, and we would like the current
18 regulation updated to include responsibility for
19 deposition of dust onto objects or property.

20 Again, the evidence that we have provided,
21 there are a number of videos. I do have copies
22 of those videos, but they aren't -- they all have
23 been given to, I believe, Kirk Graham, who's an

1 IDEM compliance officer.

2 And then I have a few verbatim e-mails
3 that we received from residents in the area. The
4 first e-mail is concerning a track deck that was
5 installed, and I quote, there has been dust
6 coming across the street from the quarry for
7 years, but in the past few years it has gotten
8 worse. Dust coats everything from our front
9 door, our plants, our deck, and deck furniture.

10 We used to be able to eat cherry tomatoes
11 off the vine, but now they are dusty white. We
12 spent a large sum last summer to replace our deck
13 boards with treks, and the dust immediately
14 imbedded itself in the grain of the boards. We
15 bought a power washer and cleaner, but nothing
16 removes the dust, and even after all of the
17 recent rain and snow, the dust remains and the
18 deck looks awful, not brand new.

19 The second quote is concerning a brick
20 patio. I wanted to share photos from our back
21 patio. We paved with red brick and power washed
22 and sealed each year. You can see how the dust
23 has impregnated the brick when we moved rugs off

1 to clean this year.

2 The third verbatim is concerning a
3 gentleman who had his furnace cleaned and he got
4 some information from the HVAC people. I just
5 had my HVAC man out, and my six-year-old furnace
6 motor and blower have issues due to the fine dust
7 accumulation inside, and we will need to replace
8 the furnace in the next six months.

9 I will have a write-up from the company on
10 the issues, but they feel it is acting like a
11 ten-to-twelve-year-old furnace. This is because
12 of the amount of the fine dust coming from our
13 friends nearby. It is so frustrating.

14 In addition, one neighbor -- and I'm glad
15 this got through, coming in here today. This is
16 some dust that a neighbor took off of their air
17 conditioning unit, and I didn't know if you would
18 want that. We can give this to you as evidence
19 of the dust that's coming into the neighborhood.

20 CHAIRMAN ETZLER: Well, this is just
21 presentation of the petition --

22 MS. DREESEN: Okay.

23 CHAIRMAN ETZLER: -- today --

1 MS. DREESEN: Okay.

2 CHAIRMAN ETZLER: -- so there will be
3 another -- if the Board so decides, there can be
4 another hearing that will enter evidence.

5 MS. DREESEN: Okay.

6 Health concerns. We have reviewed the
7 public documentation known as an SDS, or safety
8 data sheet, from Martin Marietta, Indy North
9 Operation. We need a better understanding of --
10 there's a lot of information in there that our
11 team didn't -- wasn't clear on, so we will be
12 reaching out to them to help us understand if
13 there are any health issues involved in the dust
14 that's coming from -- and it's not only Martin
15 Marietta. There are aggregate companies up there
16 as well. We have a very open relationship with
17 Martin Marietta and talk with them frequently. I
18 did want you to be aware of that.

19 My only other issue or bullet point is:
20 Can our team be provided with the specific plans
21 submitted by the companies along 96th Street in
22 response to the violation letters that were sent
23 out in November? We would love to review that,

1 if possible. How can we more successfully work
2 with you to aid in enforcement?

3 And that's all I have at this time.

4 CHAIRMAN ETZLER: Okay. Thank you
5 very much, Ms. Dreesen.

6 So, today the Board will take the petition
7 under advisement and determine the merits of the
8 petition. The Board may determine whether the
9 petition has merit today, by vote, or schedule
10 that vote for the next meeting.

11 I'll now open the floor up for Board
12 discussion.

13 DR. ALEXANDROVICH: Chair Etzler,
14 yes.

15 CHAIRMAN ETZLER: Dr. Alexandrovich.

16 DR. ALEXANDROVICH: Yeah. I'm just
17 wondering, because my memory does not necessarily
18 serve. Assuming that all of our fugitive --
19 IDEM's fugitive dust rules are all SIP approved,
20 do we have the ability to be more stringent than
21 the federal rules?

22 MR. BURNS: Do you want to speak to
23 that?

1 MR. STUCKEY: You can.

2 MR. BURNS: That's a good question.
3 I'm Kyle Burns, subbing in for Nancy King today.
4 I'm with IDEM's Office of Legal Counsel.

5 We do have that ability, just as a general
6 environmental law principle. Whether we can go
7 through that process in terms of our state
8 rulemaking statutes and all of that is a
9 different question, but to answer your basic
10 question, it's not impossible. We can do that.

11 CHAIRMAN ETZLER: Do you have further
12 questions, Dr. Alexandrovich?

13 DR. ALEXANDROVICH: No questions.
14 Comments, perhaps, but I'll wait on that.

15 CHAIRMAN ETZLER: Well, that's what
16 this is, is the opportunity for the Board to
17 comment.

18 DR. ALEXANDROVICH: I guess, and
19 you're aware that I've had some discussion with
20 Nancy about this, and all of our petition -- many
21 of our petition issues have spanned a long period
22 of time, and I look back, and this last petition
23 related to this one took over a year before it

1 was presented to the Board, and then had a formal
2 hearing.

3 So, I guess my comment would be that
4 unless there are serious disagreements that the
5 petition is not plainly devoid of merit, I would
6 suggest we move ahead and have a hearing sooner
7 than later, which maybe would be the next
8 meeting.

9 CHAIRMAN ETZLER: Well, from my
10 perspective, the reason that the previous
11 petition that we considered was so lengthy was we
12 were trying to give the parties that were
13 involved and the agency an opportunity to try and
14 resolve the issue, and then we ran into the
15 roadblock with EPA, and ultimately had to abandon
16 that particular pathway, because EPA was not
17 probably going to approve any change that we made
18 to that particular rule.

19 Previous petitions that we have
20 considered, we have tried to give the parties
21 that are involved an opportunity to present
22 information before a decision is made. Obviously
23 I would like to see more information from the

1 Petitioner regarding the issues that you've seen
2 and the information that you've gathered, to give
3 the Board an opportunity to compare that to the
4 information that the agency has provided us
5 regarding not only the rule, but some of the
6 issues that are related to this particular area.

7 So, because of the nature of the process,
8 I would certainly like to have the opportunity to
9 view the information that the agency sent to us
10 yesterday. Obviously it's very voluminous and I
11 have not had an opportunity to really delve into
12 it, and I know we've considered this issue before
13 with other areas.

14 And so, I would like to see what's
15 happened with this particular area and what the
16 Petitioner has engaged in in gathering
17 information, as well as looking at what the staff
18 has provided to us, before we move forward with
19 this particular issue.

20 We are having another meeting in June, and
21 we can make a decision at that point on whether
22 we want to schedule a public hearing for this
23 one.

1 DR. ALEXANDROVICH: Chair Etzler, I
2 can respect that totally, and I know that it was
3 more involved in the last petition. I was
4 referring to the last petition regarding this,
5 that it took over a year, and I'm perfectly
6 comfortable with waiting to make a decision about
7 being devoid of merit or having merit until the
8 next meeting, but I'm just saying, to that end,
9 I'm going to be moving that we make a decision to
10 schedule a hearing. So, thank you.

11 CHAIRMAN ETZLER: Is there any other
12 discussion from the Board?

13 MS. KOZYRSKI: I have a question.

14 CHAIRMAN ETZLER: Yes.

15 MS. KOZYRSKI: Is the material -- and
16 maybe you can answer -- the packet, the
17 information you sent over the last couple of
18 days, does that include the information that the
19 plaintiff requested regarding the violations?

20 MS. PEDERSEN: The information that I
21 sent out did have a list of complaints that have
22 been issued, and I think -- I don't know -- Phil?

23 MR. PERRY: Yeah, it was a list of

1 compliance, a list of inspections. It identified
2 violations that had been sent to companies. It
3 did not include the response from the companies.
4 Those are available in the agency's -- if they
5 responded, they would be available in the
6 agency's Virtual File Cabinet.

7 MS. PEDERSEN: Yeah. Most of the
8 information that was sent had to do with the
9 multitude of regulations that could apply to
10 different sources that would have to do with
11 particulate matter or fugitive dust.

12 MS. KOZYRSKI: Thank you.

13 CHAIRMAN ETZLER: So, Chris, could we
14 also have -- the Virtual File Cabinet sometimes
15 is very difficult to navigate, so could we have
16 the responses sent to us as well?

17 MS. PEDERSEN: We can get as much of
18 that information together and send that to you.

19 CHAIRMAN ETZLER: Okay. Thank you.

20 MS. PEDERSEN: Yeah.

21 CHAIRMAN ETZLER: Is there any more
22 Board discussion?

23 (No response.)

1 CHAIRMAN ETZLER: So, we'll take the
2 next time period between meetings to review all
3 of this information, and then bring this back to
4 the Board at the next meeting to make a decision
5 on how we proceed from there. Thank you very
6 much for your information and your presentation
7 today.

8 And now we have our Open Forum. Do we
9 have anybody that wishes to address the Board?

10 (Discussion off the record.)

11 CHAIRMAN ETZLER: Mr. Sosnowski?

12 MR. SOSNOWSKI: Good afternoon,
13 members of the Board. My name is John Sosnowski,
14 and I'm the Director of Environmental Services
15 for Martin Marietta in the Indiana District.

16 I would like to make a few comments today
17 and submit a document into the record that
18 includes a number of exhibits. This information
19 outlines the actions we've taken to comply with
20 our permit conditions and the efforts we've
21 undertaken to work with our stakeholders around
22 our operations.

23 Martin Marietta has been in communication

1 with the Crystal Lake HOA for nearly a decade
2 related to blasting issues with an increased
3 frequency beginning in July 2020. Meetings to
4 address the environmental concerns raised by the
5 CLEAN Committee began in October 2022, and it is
6 Martin Marietta's intention to continue to keep
7 an open dialogue with the Crystal Lake HOA and
8 the CLEAN Committee to address both groups'
9 concerns.

10 Additionally, Martin Marietta has invested
11 nearly two million dollars in the last few years
12 alone for improvements to control fugitive dust
13 and track out. A part of the capital investment
14 is the recent purchase of a \$400,000 vacuum
15 street sweeper to intensify our efforts to clean
16 the internal and external roads of our operations
17 and those of our customers. I also want to point
18 out that we've been open to any and all
19 inspections by IDEM.

20 I want to thank you for the Board's time
21 today and for the opportunity to contribute to
22 the record on this matter.

23 Thank you.

1 CHAIRMAN ETZLER: Thank you, sir.

2 Does the Board have any questions?

3 (No response.)

4 CHAIRMAN ETZLER: Mr. Reiser?

5 MR. REISER: I apologize. I thought
6 I was just signing in.

7 CHAIRMAN ETZLER: Oh, no problem.

8 Thank you, sir.

9 Do the Board members have any comments or
10 questions?

11 MS. NELSON: I had a question.

12 CHAIRMAN ETZLER: Yes.

13 MS. NELSON: I'm wondering if, when
14 you send that -- anything else to us, if you
15 could include just an explanation of what we're
16 deciding, if it has merit, what does that mean?
17 What should we be looking at when we take that
18 vote next meeting?

19 MR. BURNS: Sure.

20 MS. NELSON: Okay.

21 CHAIRMAN ETZLER: Thank you.

22 The next meeting of the Environmental
23 Rules Board is set for June 14th, 2023 at 1:30 in

1 Conference Room A of the Indiana Government
2 Center South. The meeting date is tentative and
3 subject to change. We will keep everyone updated
4 when that is confirmed or another date is chosen.
5 We thank you all for your attendance today.

6 And do we have a motion to adjourn?

7 MR. HORN: So moved.

8 CHAIRMAN ETZLER: And a second?

9 MS. NELSON: Second.

10 CHAIRMAN ETZLER: We are adjourned.

11 - - -
12 Thereupon, the proceedings of
13 March 8, 2023 were concluded
14 at 2:35 o'clock p.m.
15 - - -

14

15

16

17

18

19

20

21

22

23

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, March 8, 2023 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.

Commission No. NP0690003

	40:7,23;44:1	38:12	8:17,18;20:4,8;	55:12;56:22;57:4,9,
§	adoption (16)	amendment (1)	48:20;52:22;57:3	13;59:2,9,23
\$400,000 (1)	23:7;24:6,22,23;	44:12	backlog (1)	boards (3)
58:14	26:8;31:1;32:3;34:5;	amendments (4)	19:23	44:13;48:13,14
A	36:16;38:11;40:1,4,	31:2;32:3;34:5;	Bartels' (1)	Board's (1)
	14;41:15;42:7;44:12	36:16	13:20	58:20
abandon (1)	advisement (1)	amends (1)	base (3)	body (2)
53:15	51:7	40:15	10:6,7,10	15:18;17:1
ability (2)	affect (1)	amount (2)	based (2)	Bortner (13)
51:20;52:5	12:18	10:13;49:12	10:2;23:20	4:11,12;5:15;
able (1)	affects (4)	announcement (1)	basic (1)	30:12,13;33:15,16;
48:10	13:17;14:22;17:5;	8:18	52:9	37:23;38:1;39:13,14;
absolutely (3)	24:3	anticipate (1)	became (1)	43:15,16
18:6,15;22:4	afternoon (7)	22:23	7:20	both (2)
accident (1)	6:4;22:18;26:19;	apologize (1)	become (1)	19:7;58:8
7:22	34:12;40:11;45:13;	59:5	24:12	bought (1)
accompanied (1)	57:12	apply (1)	becomes (4)	48:15
44:16	again (4)	56:9	10:18;11:6,8;25:21	boy (2)
accordance (1)	24:11;31:11,17;	approval (2)	bed (1)	16:18;18:9
23:21	47:20	4:23;36:2	19:17	brand (1)
accountable (1)	agen (1)	approve (5)	began (1)	48:18
20:18	14:1	5:5,8;29:6;31:18;	58:5	brick (3)
accumulation (1)	agencies (5)	53:17	beginning (1)	48:19,21,23
49:7	14:2,4,10,22;20:23	approved (2)	58:3	briefly (1)
across (1)	agency (10)	28:10;51:19	belief (1)	13:16
48:6	6:3;9:16;10:12;	area (5)	8:3	bring (2)
acrylate (1)	11:15;14:17;17:5;	10:18,20;48:3;	below (2)	23:4;57:3
6:12	25:21;53:13;54:4,9	54:6,15	8:22;35:17	brought (1)
acting (1)	agency's (3)	areas (2)	better (1)	24:10
49:10	12:9;56:4,6	28:7;54:13	50:9	budget (3)
action (2)	agenda (5)	around (3)	biennium (1)	11:14,17;12:9
34:21;44:15	26:4;29:4;30:22;	9:9;19:19;57:21	11:14	bullet (3)
actions (2)	44:3;45:18	associated (1)	big (1)	17:10,10;50:19
24:21;57:19	aggregate (1)	26:11	12:8	bumped (1)
active (1)	50:15	assume (1)	Bill (15)	27:21
20:18	ago (1)	18:18	3:9;4:19;9:16,16;	burdens (1)
activities (1)	16:14	assuming (2)	10:4,14;11:5,14;	23:11
20:10	agreed (3)	47:6;51:18	12:12,15,17;13:19,	burned (1)
actually (5)	19:11;35:2,14	attainment (6)	20;14:23;17:4	7:21
10:14;20:10,20;	ahead (1)	10:19,23;11:9;	bills (6)	burning (1)
21:3;22:10	53:6	27:5,13;28:7	9:14,14,15;11:12;	7:22
adding (2)	aid (1)	attending (1)	12:11;13:3	BURNS (4)
11:18;12:3	51:2	10:16	bit (2)	51:22;52:2,3;59:19
addition (1)	air (7)	audience (1)	46:6,21	business (1)
49:14	9:17;11:6;20:13,	36:12	blasting (1)	4:22
additional (4)	23;23:4;27:6;49:16	authority (6)	58:2	busy (1)
11:18,19;27:17;	Alexandrovich (27)	15:6,8,17;20:12,	blind (1)	9:11
41:4	4:4,5;5:14;18:13,	16;21:6	20:22	butyl (1)
Additionally (1)	16;21:7,12,20,23;	available (7)	blower (1)	6:11
58:10	22:3;30:8,9;33:11,	25:11,14,21;36:6;	49:6	
additions (1)	12;37:19,20;39:9,10;	41:16;56:4,5	Board (62)	
5:1	43:11,12;51:13,15,	aware (4)	3:5;4:20;5:1;9:19;	
address (5)	16;52:12,13,18;55:1	47:6,10;50:18;	10:16;12:19;13:17;	
35:13;47:3;57:9;	allow (1)	52:19	14:2,21;17:22;22:22;	
58:4,8	10:5	awful (1)	24:21;25:10,13,15;	
adopt (7)	alone (1)	48:18	26:4,8,18;28:10,12;	
29:12;32:12;36:5,	58:12	aye (11)	29:5,5,8;30:23;31:10,	
21;38:12;41:19;	along (4)	5:12,13,14,15,16,	15,18;32:2,9;34:4,12;	
42:13	10:22;44:9;46:9;	17,18,19,20,21,22	36:4,5,15,18;40:3,12;	
adopted (7)	50:21		41:19;42:6,10;44:5,	
31:14;34:2,8;36:3;	ambient (1)		15,19,23;45:1,8,8;	
	27:6		50:3;51:6,8,11;	
	amended (1)		52:16;53:1;54:3;	
		B		C
		back (7)		Cabinet (2)
				56:6,14
				call (3)
				3:4,6;22:16
				can (28)
				7:15,22;9:3;10:20;
				12:22;16:18;17:2,20,
				21,21;18:2;21:15;
				22:14;41:21;44:23;
				46:8;48:22;49:18;
				50:3,20;51:1;52:1,6,

10;54:21;55:2,16; 56:17 capital (1) 58:13 card (1) 25:7 cards (3) 31:21;36:11;42:2 carried (1) 6:2 case (1) 18:4 category (4) 14:7,8,9,9 cause (2) 9:8;25:22 causing (1) 34:20 CEMS (2) 35:7,9 Center (1) 25:13 certain (3) 9:2;27:18;40:20 certainly (2) 17:20;54:8 certification (2) 35:7,11 CFR (4) 23:1,3;41:2,4 Chair (8) 3:7;29:17;32:20; 37:5;38:18;42:20; 51:13;55:1 CHAIRMAN (130) 3:3,10,13,15,17,21, 23;4:2,6,9,11,13,15, 17,19;5:4,9,11,22; 6:2;22:7,16;24:17; 26:3;29:8,11,15,19, 21,23;30:2,4,6,8,10, 12,14,16,18,20; 31:20;32:1,11,16,18, 22;33:1,3,5,7,9,11,13, 15,17,19,21,23; 36:10,14,20;37:1,3,7, 9,11,13,15,17,19,21, 23;38:2,4,6,8,15,20, 22;39:1,3,5,7,9,11,13, 15,17,19,21;42:1,5, 12,15,18,22;43:1,3,5, 7,9,11,13,15,17,19, 21,23;46:14;47:9; 49:20,23;50:2;51:4, 15;52:11,15;53:9; 55:11,14;56:13,19, 21;57:1,11;59:1,4,7, 12,21 challenging (2) 20:12;21:6 Chambers (9) 3:21,22;5:18;30:4; 33:7;37:15;39:5,16;	43:7 change (5) 11:16;27:3,11,17; 53:17 changes (11) 16:23;26:23;29:4; 31:15,17;34:9;36:21; 41:4,7,12,14 charged (1) 10:8 chemicals (3) 6:23;7:12;8:23 cherry (1) 48:10 Chief (1) 22:12 chloride (4) 6:12;7:14,21,22 Chris (3) 22:17,19;56:13 citizens (1) 45:15 Citizen's (3) 25:3;44:5,18 Clark (9) 24:8,19,22;26:6, 10;27:4;28:3;31:5; 32:6 clean (4) 49:1;58:5,8,15 cleaned (1) 49:3 cleaner (1) 48:15 clear (3) 12:20;35:4;50:11 Coal (3) 23:17,20;24:3 coal-fired (1) 9:21 Coast (1) 20:5 coats (1) 48:8 Combustion (3) 23:18,20;24:4 comfortable (1) 55:6 coming (11) 6:8;7:10,11;9:6; 19:15;23:13;48:6; 49:12,15,19;50:14 Comm (24) 4:6,8;6:4,7;20; 13:15,19;16:4,11,16, 21;17:13;18:3,6,8,11, 15;19:3;21:11,14,18, 22;22:2,4,9 comment (3) 25:7;52:17;53:3 Comments (3) 52:14;57:16;59:9 Commission (1)	6:20 Commissioner (5) 6:3;10:15;13:14; 18:14;22:8 committee (3) 17:20;58:5,8 communication (1) 57:23 communities (1) 11:22 comp (1) 12:8 companies (8) 44:8;46:3,4,9; 50:15,21;56:2,3 company (1) 49:9 compare (1) 54:3 complaints (1) 55:21 completed (2) 35:8,23 completely (1) 13:7 compliance (8) 15:11;20:10;35:5, 13,21;47:14;48:1; 56:1 compliant (1) 19:5 complicated (1) 16:13 comply (2) 41:11;57:19 concerned (2) 45:15;46:1 concerning (6) 31:1;34:5;40:3; 48:4,19;49:2 concerns (4) 46:7;50:6;58:4,9 concluded (3) 32:2;36:15;42:6 conclusion (1) 12:22 conditioning (1) 49:17 conditions (1) 57:20 confirm (2) 14:19;45:19 confirmatory (1) 19:13 conforming (1) 41:7 consider (5) 26:8;29:5;32:3; 36:16;44:6 consideration (4) 26:4,22;31:13;42:7 considered (4) 25:9;53:11,20;	54:12 consistency (1) 29:1 consistent (2) 41:10,21 contaminated (1) 7:12 continue (2) 19:13;58:6 continuous (1) 34:23 contractor (1) 8:11 contribute (1) 58:21 control (1) 58:12 copies (3) 46:12,14;47:21 copy (1) 25:19 corrections (2) 5:2;41:6 costs (1) 23:11 Council (1) 14:5 Counsel (6) 22:20;25:12,19; 26:21;34:15;52:4 count (1) 12:2 Counties (12) 24:9,23;26:6,11; 27:4,12,18,20;28:4, 16;31:5;32:7 county (2) 10:22;24:19 couple (5) 6:9;11:12,16; 12:11;55:17 court (3) 40:20;41:1,7 cover (1) 12:10 create (1) 7:23 created (1) 44:8 creates (2) 13:21;14:7 Crider (1) 16:9 criteria (2) 14:20;15:21 crossing (1) 47:1 cross-reference (1) 41:6 crux (1) 16:1 Crystal (3) 45:15;58:1,7	curious (1) 21:7 current (11) 20:17;26:13;35:18, 19;45:21;46:2,22,23; 47:7,13,17 currently (2) 14:23;31:12 customers (2) 7:8;58:17
D				
			damage (2) 16:19;17:2 Dan (1) 40:12 data (2) 35:16;50:8 date (5) 23:3,5;24:5;28:14; 29:2 Davidson (17) 3:11,12,19;4:7; 5:21;29:13,19,20; 32:22,23;37:7,8; 38:13,20,21;42:22,23 day (2) 6:21;8:15 days (1) 55:18 DC (1) 3:20 deadline (1) 35:6 deals (1) 9:17 decade (1) 58:1 December (1) 28:22 decided (1) 8:7 decides (1) 50:3 deciding (1) 59:16 decision (5) 53:22;54:21;55:6, 9;57:4 deck (5) 48:4,9,9,12,18 declared (1) 14:14 definitely (1) 7:15 Definition (9) 25:2;40:1,5,22; 41:3,11,19;42:8,9 delayed (2) 23:16;24:7 delegated (5) 15:14,16,17;16:2;	

18:2 delegation (4) 15:6,8;20:15;21:6 delegations (1) 21:10 Dell (2) 44:9;45:17 delve (1) 54:11 demonstration (1) 35:21 Department (5) 19:6;23:12;26:16; 40:10;41:18 deposited (1) 46:5 deposition (3) 45:23;47:4,19 derailment (2) 6:10;22:11 derailments (1) 6:8 designation (6) 11:6;26:13;27:23; 28:15,18,20 detailed (1) 47:5 determine (3) 44:19;51:7,8 determined (1) 45:4 determines (1) 44:23 developed (1) 35:2 Development (4) 22:19;26:20;34:14; 40:13 devoid (3) 44:20;53:5;55:7 dialogue (1) 58:7 different (7) 13:2,21;15:21; 19:22;20:19;52:9; 56:10 difficult (1) 56:15 dioxide (2) 9:20;34:17 dioxins (4) 7:23;8:2,4,9;3 directly (1) 12:18 Director (1) 57:14 disagreements (1) 53:4 disapproval (1) 21:21 discuss (1) 46:8 discussion (9)	29:9;32:9;36:18; 42:10;51:12;52:19; 55:12;56:22;57:10 disposal (1) 23:19 disposed (1) 7:14 District (1) 57:15 DNR (2) 14:5;16:10 Document (2) 40:14;57:17 documentation (1) 50:7 dollars (1) 58:11 door (1) 48:9 down (7) 6:15;9:22;10:1,12, 13;17:10;19:19 downside (1) 10:1 DR (40) 4:1,4,5;5:7,14,16; 18:13,16;21:7,12,20, 23;22:3;30:6,7,8,9; 33:9,10,11,12;37:17, 18,19,20;39:7,8,9,10; 43:9,10,11,12;51:13, 15,16;52:12,13,18; 55:1 draft (2) 26:14;31:7 Dreesen (8) 45:10,13;46:15; 47:11;49:22;50:1,5; 51:5 drinking (4) 6:16,17;11:19,20 driving (1) 19:19 drop (2) 8:14;9:20 due (1) 49:6 duplicates (1) 46:19 Dust (24) 44:4,7,8;45:23; 46:2,5,23;47:3,4,19; 48:5,8,13,16,17,22; 49:6,12,16,19;50:13; 51:19;56:11;58:12 dusty (1) 48:11	eat (1) 48:10 edit (2) 15:22,22 edition (1) 23:5 educate (1) 16:6 effective (8) 11:7,9;24:13; 28:14,18,20,22;35:3 efforts (2) 57:20;58:15 Eight-Hour (5) 26:5,9;27:6;31:4; 32:6 either (1) 13:11 electronic (1) 46:18 electronically (1) 46:16 eleven-zero (4) 34:1;38:9;39:22; 44:2 eliminate (1) 47:3 else (2) 31:21;59:14 e-mail (1) 48:4 e-mails (1) 48:2 emergency (25) 10:20;11:2,2; 13:22;14:8,11,13; 24:8,18;26:4,9,12,15, 17,22;27:2,10;28:2, 11,13,17,21;29:2,12; 31:14 emission (5) 26:7;31:6;34:20, 23;35:18 emissions (10) 9:23;10:2,3,7,10, 12;26:11;28:6;32:7; 35:19 end (2) 17:15;55:8 enforcement (4) 15:11;34:20;47:12; 51:2 engaged (1) 54:16 ENGDAHL (5) 26:18,19;31:9,10, 11 enough (3) 8:6;9:11;16:13 enter (1) 50:4 entered (1) 7:19	entire (2) 15:18;25:13 environ (1) 14:1 Environmental (12) 3:5;7:18;8:11; 9:19;12:19;30:23; 34:4;40:2;52:6; 57:14;58:4;59:22 EPA (19) 11:19;12:1;15:3, 10;18:2,21;19:11; 20:2,6,11,17,21;21:8; 27:7,14,23;36:1; 53:15,16 error (2) 28:14,22 establishes (1) 23:18 ETZLER (138) 3:3,10,13,15,17,21, 23;4:2,6,9,11,13,15, 17,19,19;5:4,9,11,22; 6:2;22:7,16;24:17; 26:3;29:8,11,15,19, 21,23;30:2,4,6,8,10, 12,14,16,18,20,20; 31:20;32:1,11,16,18, 22;33:1,3,5,7,9,11,13, 15,17,19,21,23,23; 36:10,14,20;37:1,3,7, 9,11,13,15,17,19,21, 23;38:2,4,6,8,8,15,20, 22;39:1,3,5,7,9,11,13, 15,17,19,21,21;42:1, 5,12,15,18,22;43:1,3, 5,7,9,11,13,15,17,19, 21,23,23;46:14;47:9; 49:20,23;50:2;51:4, 13,15;52:11,15;53:9; 55:1,11,14;56:13,19, 21;57:1,11;59:1,4,7, 12,21 Evansville (1) 6:18 even (2) 7:4;48:16 everybody (2) 12:23;17:19 evidence (4) 45:22;47:20;49:18; 50:4 evident (1) 8:4 Excess (1) 13:2 exclusion (1) 41:2 Exhibit (4) 26:14;31:7;34:7; 40:6 exhibits (1) 57:18	existing (2) 44:7;45:6 expedited (3) 14:8,16,17 experts (1) 36:6 explained (1) 17:18 explanation (1) 59:15 external (1) 58:16 eye (1) 20:22
F				
			facility (2) 7:16,17 fact (3) 8:2;17:8,9 falls (2) 14:17;15:10 far (3) 13:16;15:5;19:20 favor (1) 5:12 February (1) 6:11 federal (14) 11:7;23:10,21; 26:13;29:1;40:17,20, 21;41:1,5,10,13,21; 51:21 fee (3) 10:6,7,10 feel (1) 49:10 feels (1) 17:1 fees (7) 9:18,18;10:2,7,10; 18:22;19:20 FESOP (1) 10:8 few (6) 14:2;22:23;48:2,7; 57:16;58:11 figure (1) 15:23 File (2) 56:6,14 fill (1) 25:6 final (16) 11:4;23:6;24:23; 32:3,12;34:5;36:5, 16;38:11,12;39:23; 40:4,14;42:7,13;44:1 finally (4) 11:3;13:1;23:17; 28:2 find (1)	

46:10 Fine (3) 15:23;49:6,12 finished (1) 12:6 First (7) 3:6;4:22;9:17; 23:1;26:3;27:1;48:4 five (2) 12:4;35:15 fix (1) 10:5 flew (1) 8:12 flipped (1) 9:14 Floor (2) 25:12;51:11 flowing (1) 6:14 Floyd (9) 24:9,19,22;26:6, 10;27:4;28:3;31:5; 32:6 flying (1) 19:18 focus (2) 7:9;14:12 focused (1) 10:6 following (1) 24:21 force (2) 17:14,16 forgot (1) 19:8 form (1) 7:11 formal (1) 53:1 forth (2) 17:12;46:12 Forum (1) 57:8 forward (2) 45:19;54:18 found (2) 27:1;34:19 frames (2) 20:4,8 frequency (1) 58:3 frequently (1) 50:17 friends (1) 49:13 front (2) 10:4;48:8 frustrating (1) 49:13 Fuel (1) 34:17 Fugitive (8)	44:4,7,8;45:23; 51:18,19;56:11; 58:12 full (2) 18:10;29:3 fund (3) 10:3;13:3;20:23 funding (1) 20:22 furnace (4) 49:3,5,8,11 furniture (1) 48:9 Further (5) 29:3;31:17;36:7; 46:8;52:11	Governor (3) 8:7;11:17;14:14 Governor's (1) 17:3 Graham (1) 47:23 grain (1) 48:14 granted (3) 27:7,14,23 grateful (1) 7:1 Gray (2) 44:10;45:17 great (1) 7:4 ground (1) 47:2 group (1) 45:14 groups' (1) 58:8 guess (3) 19:8;52:18;53:3 guys (3) 6:5;18:22;21:2	46:7;50:6,13 hear (1) 25:2 heard (3) 6:7,21;8:2 hearing (22) 26:15;29:11;30:23; 31:8;32:2,11;34:3,9; 36:15,20;39:23;40:2, 8;42:6,12;44:21,23; 50:4;53:2,6;54:22; 55:10 hearings (2) 24:20;25:6 Heater (3) 35:16,17,20 Heaters (2) 34:23;35:9 heavily (1) 20:6 hectic (1) 6:6 held (2) 44:22;45:1 help (2) 22:13;50:12 helping (1) 13:4 here's (1) 15:17 Heritage (1) 7:18 hired (1) 8:8 historical (1) 35:16 HOA (2) 58:1,7 holder (1) 10:9 holding (1) 20:18 Horn (17) 4:9,10;5:13;30:10, 11;32:15,17;33:13, 14;36:22;37:21,22; 39:11,12;42:17; 43:13,14 House (6) 9:15,15;10:4; 11:14;12:13,14 HVAC (2) 49:4,5	44:11 idea (1) 10:18 ideas (1) 8:21 IDEM (19) 6:14;17:9;27:9; 29:5;31:18;34:21; 35:4,10,15,20;36:4; 40:22;41:16;45:3,5; 46:9;47:14;48:1; 58:19 IDEM's (10) 9:16;16:7;25:14; 26:21;34:8;36:21; 41:9,19;51:19;52:4 identical (2) 28:11;31:13 identification (1) 40:18 identified (1) 56:1 Illinois (1) 19:23 imbedded (1) 48:14 immediately (2) 11:9;48:13 impact (3) 23:15;24:5;28:23 Implementation (1) 36:1 impossible (1) 52:10 impregnated (1) 48:23 improvements (1) 58:12 include (5) 41:5;47:18;55:18; 56:3;59:15 included (4) 11:17;25:10;28:13; 29:2 includes (1) 57:18 income (2) 10:11,13 incorporated (1) 41:5 incorporates (1) 26:13 incorporation (1) 40:16 increased (1) 58:2 increases (2) 12:7;20:3 Indiana (17) 3:5;6:8,13;7:3,10, 17;9:7;11:10;14:19; 19:14;25:12;31:1; 34:4;40:3;44:10;
	G			
	Gard (27) 3:7,8,20;5:10,19; 13:14,16;16:3,5,12, 17;17:7,23;18:4,7,9; 29:17,18;32:20,21; 36:23;37:5,6;38:18, 19;42:20,21 Garten (1) 12:16 Garten's (1) 13:18 gas (1) 9:22 gathered (1) 54:2 gathering (1) 54:16 gave (1) 17:19 General (3) 20:21;21:1;52:5 generation (1) 47:3 gentleman (1) 49:3 gets (2) 11:5;20:14 given (1) 47:23 gives (2) 10:13;21:9 glad (1) 49:14 goes (3) 10:22;17:10;21:20 Good (10) 6:4;8:6;10:17; 22:18;26:19;34:11; 40:11;45:13;52:2; 57:12 Gov (1) 17:3 Government (1) 25:12	H		
		H-201 (2) 34:23;35:10 H-401 (2) 34:23;35:10 H-406 (2) 35:16,20 HACKNEY (2) 34:11,13 half (3) 9:13;12:4;20:3 hand (2) 7:7;25:23 handled (2) 9:3,7 hands (1) 18:9 happened (1) 54:15 happy (4) 13:10;24:14;29:6; 31:16 hard (1) 16:13 harm (1) 9:8 hazardous (10) 6:7;7:10,11,17; 13:8;19:5;40:15,19; 41:9,20 Hazel (2) 44:9;45:17 head (1) 12:2 health (3)	I	
			IAC (26) 27:1,1,3,3,11,11; 28:5;31:2,3,3,3,4; 32:4,4,4,5,5,5;34:6, 18;36:17;40:4,5,16; 42:8,9 IC (1)	

<p>45:2;57:15 Indianapolis (1) 44:10 INDOT (1) 19:5 Indy (1) 50:8 inevitably (1) 11:1 information (18) 21:9;45:5;49:4; 50:10;53:22,23;54:2, 4,9,17;55:17,18,20; 56:8,18;57:3,6,18 initial (2) 6:13;8:21 inside (1) 49:7 inspection (2) 25:11,18 inspections (2) 56:1;58:19 Inspector (2) 20:21;21:1 installation (2) 35:7,9 installed (1) 48:5 instead (1) 10:10 instruction (1) 35:5 intakes (1) 6:16 intensify (1) 58:15 intention (1) 58:6 interests (1) 6:13 interim (1) 14:7 internal (1) 58:16 into (16) 6:8,15;7:10;8:23; 9:7;10:15;19:16; 21:1;26:15;31:8; 34:9;40:7;49:19; 53:14;54:11;57:17 introduce (4) 26:14;31:7;34:7; 40:6 inundated (1) 13:7 invested (1) 58:10 investment (1) 58:13 involved (7) 11:13;16:10;20:9; 50:13;53:13,21;55:3 issue (9)</p>	<p>7:20;8:22;16:1; 45:23;46:8;50:19; 53:14;54:12,19 issued (3) 34:21;47:16;55:22 issues (10) 12:21,22;45:7; 49:6,10;50:13;52:21; 54:1,6;58:2 item (5) 11:12;14:22;26:3; 30:22;44:3 <p style="text-align: center;">J</p> <p>John (1) 57:13 Joyce (1) 45:10 July (3) 23:5;27:8;58:3 June (4) 22:22;24:6;54:20; 59:23 <p style="text-align: center;">K</p> <p>Karla (4) 17:21,21;21:15; 25:7 keep (1) 58:6 KERAMIDA (1) 8:11 Ketzenberger (6) 3:17;30:2;33:5; 37:13;39:3;43:5 kind (13) 11:5;13:2,21;14:4, 6,15,18;17:2;18:22; 19:1;20:22;21:12,21 KINDRICK (2) 21:17;25:7 kinds (1) 19:22 King (1) 52:3 Kirk (1) 47:23 known (1) 50:7 Kozyrski (17) 4:15,16;5:17; 30:16,17;33:19,20; 38:4,5;39:17,18; 42:14;43:19,20; 55:13,15;56:12 Krystal (1) 34:13 Kyle (1) 52:3</p> </p></p>	<p style="text-align: center;">L</p> <p>lab (1) 8:13 Laboratories (2) 8:9,10 Lake (14) 24:9,19,22;26:6, 10;27:12,18;28:4,16; 31:5;32:7;45:15; 58:1,7 landfill (7) 8:12,21,23;9:4,8; 13:8,12 language (1) 17:18 large (1) 48:12 last (9) 6:9;13:9;15:7; 48:12;52:22;55:3,4, 17;58:11 later (1) 53:7 Law (2) 41:12;52:6 leaking (1) 19:16 leaks (1) 18:19 least (2) 25:14;44:16 leave (4) 19:7,12;46:3,3 Legal (6) 22:20;25:12,19; 26:21;34:15;52:4 legislation (3) 13:11;23:14;24:3 legislative (2) 9:12;17:1 legislators (2) 16:6,18 legitimate (1) 41:3 lengthy (1) 53:11 letter (5) 18:21;19:2,21; 20:11;47:16 letters (3) 19:22;21:5;50:22 level (2) 11:7;47:2 levels (3) 7:14;9:2,7 Liability (1) 13:3 limit (1) 35:18 limits (1) 34:20</p>	<p>line (2) 20:15;47:1 list (3) 55:21,23;56:1 lists (1) 28:5 little (3) 6:6;46:6,21 live (1) 45:15 living (2) 6:9;46:17 located (1) 44:9 long (3) 20:21;22:1;52:21 longer (1) 28:8 look (4) 15:14,20;21:16; 52:22 looked (1) 21:1 looking (3) 10:9;54:17;59:17 looks (1) 48:18 lose (2) 10:3;15:7 lost (1) 10:3 lot (2) 47:5;50:10 love (1) 50:23 low (1) 7:15 LSA (1) 40:13 <p style="text-align: center;">M</p> <p>maintain (2) 28:23;35:19 making (2) 12:9;20:14 man (1) 49:5 management (2) 40:19;41:21 many (2) 19:1;52:20 March (2) 3:1,5,4 marginal (2) 27:4,21 Marietta (6) 50:8,15,17;57:15, 23;58:10 Marietta's (1) 58:6 Martin (7) 50:8,14,17;57:15,</p> </p>	<p>23;58:6,10 material (2) 14:18;55:15 matter (2) 56:11;58:22 may (15) 3:19;19:1;21:8,8; 22:23;23:6;24:7,10; 27:15;29:7;35:6; 36:7;41:17;44:11; 51:8 maybe (2) 53:7;55:16 mean (3) 11:20;16:12;59:16 means (2) 9:23;12:20 meet (1) 35:10 meeting (19) 3:4;5:1;12:15; 22:22,23;24:11; 25:10,15,16;28:12; 45:1,17;51:10;53:8; 54:20;55:8;57:4; 59:18,22 meetings (3) 10:17;57:2;58:3 meets (1) 45:4 Members (8) 26:18;31:10;34:12; 40:11;45:8,8;57:13; 59:9 memo (1) 15:4 memory (1) 51:17 mention (1) 19:9 merit (6) 44:20;51:9;53:5; 55:7,7;59:16 merits (1) 51:7 met (1) 14:20 method (2) 34:22;35:19 middle (2) 7:2;9:12 might (1) 23:23 million (2) 12:5;58:11 Minnesota (1) 8:13 mitigate (1) 17:2 moderate (2) 27:21;28:15 money (5) 10:3,11;11:21;</p>
--	---	---	---	---

<p>12:10;20:2 monitor (1) 35:1 monitored (2) 18:19;19:4 monitoring (7) 6:21;23:21:3; 34:17,22;35:13,20 months (2) 44:22;49:8 More (10) 7:9;21:5;23:9; 46:10;47:5;51:1,20; 53:23;55:3;56:21 most (2) 16:1;56:7 motion (19) 5:5,6,11;6:2;29:12, 15;30:21;32:12,18; 34:2;36:21;38:9,10, 11,15;39:22;42:13, 15,18 motor (1) 49:6 move (3) 5:8;53:6;54:18 moved (8) 29:13;32:14,15; 36:22,23;38:13; 42:14;48:23 moving (3) 12:12;13:3;55:9 Mt (1) 6:18 much (6) 16:10;19:16;20:9; 51:5;56:17;57:6 multitude (1) 56:9 must (3) 44:14,15,19 mute (1) 3:19</p>	<p>near (1) 47:2 nearby (1) 49:13 nearly (3) 28:11;58:1,11 necessarily (1) 51:17 necessary (1) 28:8 need (12) 14:15;15:23;17:1; 24:10;32:12;36:21; 38:10,11;42:13; 46:11;49:7;50:9 needed (3) 9:5,5;31:16 needs (2) 14:13;35:13 neighbor (2) 49:14,16 neighborhood (3) 45:16;46:17;49:19 neither (1) 20:1 Nelson (17) 3:15;7:19;29:14, 23;30:1;33:3,4; 37:11,12;38:14;39:1, 2;43:3,4;59:11,13,20 Nevertheless (1) 28:23 new (2) 10:21;48:18 next (16) 22:21;23:17;24:11; 29:4;30:22;44:3; 45:1;46:10;49:8; 51:10;53:7;55:8; 57:2,4;59:18,22 Niemiec (17) 3:23;4:1,1,2;5:7,7, 16;30:6,7;33:9,10; 37:17,18;39:7,8;43:9, 10 nobody (1) 9:1 non (1) 11:8 nonattainment (6) 11:8;27:5,13,21, 22;28:15 nondetect (1) 7:3 none (8) 19:18;29:11;32:1, 11;36:14,20;42:5,12 nor (1) 20:1 Norfolk (1) 19:11 North (2) 25:13;50:8</p>	<p>northern (2) 27:20;28:16 note (2) 21:15;28:10 notes (1) 47:5 noticed (1) 45:2 Nov (1) 28:11 November (8) 4:23;28:12,13,17, 20;36:4;47:16;50:23 NPDES (1) 15:16 number (6) 10:16;12:1;13:1; 47:15,21;57:18</p>	<p>one-time (1) 10:5 only (5) 17:17;47:12;50:14, 19;54:5 onto (2) 47:4,19 open (6) 25:18;50:16;51:11; 57:8;58:7,18 Operation (1) 50:9 operations (2) 57:22;58:16 opportunity (7) 52:16;53:13,21; 54:3,8,11;58:21 opposed (1) 5:23 options (1) 15:22 order (4) 3:6;4:22;35:2,14 original (1) 41:3 Originally (1) 23:12 out (11) 8:19;15:23;25:6; 46:10,16;49:5;50:12, 23;55:21;58:13,18 outlines (1) 57:19 over (7) 18:23;19:18;20:2; 31:16;52:23;55:5,17 overall (1) 12:8 owned (1) 7:18 owners (1) 23:12 Ozone (11) 24:9,19,23;26:5,9; 27:7,14,19;28:8; 31:4;32:6</p>	<p>Palestine (1) 6:11 Par (1) 22:11 part (5) 8:10;10:14;11:4; 18:12;58:13 particular (7) 9:3;41:13;53:16, 18;54:6,15,19 particularly (1) 11:13 particulate (1) 56:11 parties (2) 53:12,20 partnership (1) 6:19 party (1) 8:8 pass (2) 10:19;24:4 passed (3) 11:4;28:13,17 passes (3) 30:21;38:9;39:22 past (1) 48:7 pathway (2) 9:10;53:16 patio (2) 48:20,21 paved (1) 48:21 Pedersen (7) 22:17,18,19;55:20; 56:7,17,20 people (4) 20:4;21:5;46:17; 49:4 perfectly (1) 55:5 perhaps (1) 52:14 period (2) 52:21;57:2 permanent (2) 29:4;31:16 permit (3) 10:9,21;57:20 permits (4) 20:4,7,8,13 permitting (4) 15:10;20:3;23:19; 28:23 PERRY (1) 55:23 person (2) 8:13;44:11 personally (1) 8:14 persons (1) 44:17</p>
N		O		
<p>NAAQS (4) 27:7,13,19;28:8 name (5) 26:1,19;31:11; 34:12;57:13 Nancy (3) 17:21;52:3,20 national (1) 27:6 natural (2) 9:22;14:5 nature (1) 54:7 navigate (1) 56:15 nay (1) 5:23</p>		<p>objects (2) 47:4,19 obviously (5) 11:13;12:12;19:21; 53:22;54:10 occur (1) 17:3 o'clock (1) 3:1 October (4) 27:23;28:19;35:3; 58:5 off (8) 7:21;8:14;19:18; 22:11;48:11,23; 49:16;57:10 Office (7) 17:4;22:20;25:11, 19;26:21;34:14;52:4 officer (2) 47:14;48:1 official (1) 25:22 Ohio (6) 6:15,17,19;7:2; 19:12;20:11 OMB (1) 14:18 Once (3) 11:6;19:14;35:22 one (21) 6:15;11:3,18; 13:21;14:2;15:2; 16:8;18:17;19:8; 20:19;23:1;24:2,18; 25:14;44:13,21;45:7, 10;49:14;52:23; 54:23 ones (1) 18:17 one's (1) 10:6</p>	P	

perspective (1) 53:10	24:6;41:15	45:5;47:20;50:20; 54:4,18	54:11	remains (1) 48:17
pertaining (1) 41:13	prepare (1) 14:18	public (10) 9:6;25:11,18; 30:22;34:3;39:23; 40:2;41:12;50:7; 54:22	reason (1) 53:10	reminder (1) 25:5
Petition (26) 25:3;44:3,6,16,18, 19,21;45:3,11,12,18, 20;46:11,16,20; 49:21;51:6,8,9;52:20, 21,22;53:5,11;55:3,4	Present (11) 4:10,20,21;26:17; 34:10,16;40:9;44:11; 45:11,22;53:21	publicly (1) 45:2	reasons (1) 44:15	remove (2) 28:3;35:21
Petitioner (2) 54:1,16	presentation (2) 49:21;57:6	purchase (1) 58:14	received (2) 45:8;48:3	removed (1) 7:13
Petitioners (1) 45:10	presented (8) 5:2;25:4;29:6; 31:19;32:13;36:6; 44:5;53:1	purpose (1) 45:12	receiving (1) 27:8	removes (2) 23:8;48:16
petitions (2) 45:6;53:19	presenting (1) 40:13	purposes (2) 40:18;41:20	recent (4) 23:20;40:17;48:17; 58:14	Rep (1) 13:20
Phil (1) 55:22	pressure (1) 20:20	put (2) 45:18;46:12	recently (1) 7:9	repeal (1) 44:13
photos (1) 48:20	pretty (3) 7:15;12:16;19:17	putting (1) 15:3	record (7) 26:15;31:8;34:9; 40:7;57:10,17;58:22	repeat (1) 46:11
pick (1) 11:23	previous (4) 44:22;45:6;53:10, 19	Q	recycling (1) 41:4	replace (2) 48:12;49:7
piece (5) 12:8;14:6;19:4; 20:14,23	previously (1) 40:23	quality (1) 27:6	red (1) 48:21	report (1) 6:3
pieces (2) 11:11;12:18	principle (1) 52:6	quarry (1) 48:6	redesignation (1) 27:9	reporter (2) 25:22;26:2
plainly (2) 44:20;53:5	prior (1) 25:15	quick (2) 12:11;18:17	Redesignations (7) 24:10,20,23;26:5, 10;31:4;32:6	reporting (5) 26:7,11;28:6;31:6; 32:7
plaintiff (1) 55:19	probably (3) 10:17;16:8;53:17	quite (1) 20:13	reduced (1) 23:11	Representatives (1) 41:16
Plan (1) 36:1	problem (2) 9:1;59:7	quorum (2) 3:4;4:20	redundant (1) 23:9	representing (1) 45:14
plans (1) 50:20	proceed (1) 57:5	quote (2) 48:5,19	reference (2) 23:3;40:17	request (4) 12:9;27:9;45:7; 47:12
plants (2) 9:21;48:9	process (8) 16:7;34:22;35:9, 16,17,20;52:7;54:7	R	referenced (1) 23:3	requested (2) 35:12;55:19
please (2) 25:6,23	processes (1) 17:11	rain (1) 48:17	referring (1) 55:4	requesting (1) 44:15
pm (1) 3:1	program (5) 10:4;12:2;15:19; 23:19;36:6	raise (2) 18:22;25:23	regarding (6) 28:14;46:7;54:1,5; 55:4,19	requests (6) 11:15,16;29:5; 31:18;36:5;41:18
point (6) 17:4,10,10;50:19; 54:21;58:17	programs (4) 15:8;16:2;18:2; 20:23	raised (2) 9:18;58:4	Register (3) 14:19;29:1;45:2	requirements (11) 10:21;23:9,10; 28:6;35:11,22;40:21; 41:5,14,22;45:4
pop (1) 22:13	prohibits (1) 46:23	ran (1) 53:14	regular (3) 14:9;24:11,21	residents (1) 48:3
Porter (11) 24:9,19,22;26:6, 10;27:12,18;28:4,16; 31:5;32:7	projects (1) 12:5	rapidly (1) 19:10	regulation (2) 47:7,18	Residuals (3) 23:18,20;24:4
possible (1) 51:1	promulgated (1) 24:12	rather (1) 10:6	regulations (6) 35:6;44:7;45:21; 46:23;47:13;56:9	resolve (1) 53:14
posted (1) 25:20	proper (1) 29:1	reached (1) 7:1	regulatory (1) 23:11	Resource (1) 14:5
potentially (1) 23:15	property (4) 46:7;47:1,4,19	reaching (1) 50:12	reinstated (1) 41:1	respect (1) 55:2
power (3) 9:21;48:15,21	proposal (2) 44:12,14	read (1) 18:21	Reiser (2) 59:4,5	responded (1) 56:5
powers (1) 14:5	proposing (1) 35:21	reading (1) 7:3	rela (1) 17:7	response (36) 3:14,16,18;4:18; 5:3;6:1;22:6;24:16; 27:22;29:10;30:3,5, 19;31:23;32:10;33:6, 8,22;36:13,19;37:14, 16;38:7;39:4,6,20; 40:20;42:4,11;43:6,8,
preliminarily (3) 34:8;36:3;40:7	provided (1) 35:4	ready (4) 23:1,6;24:1,1	related (5) 44:8;45:6;52:23; 54:6;58:2	
preliminary (2)	provided (8) 17:13,16;35:15;	really (13) 6:14;13:9;14:12, 12,17;16:1,6,8,19; 17:23;19:16;21:6;	relationship (1) 50:16	
			rely (1) 20:6	

22:50:22;56:3,23; 59:3 responses (1) 56:16 responsibility (1) 47:18 result (1) 23:11 resulting (1) 41:7 results (2) 8:17,20 review (6) 44:6;45:18,20; 46:11;50:23;57:2 reviewed (2) 45:3;50:6 reviewing (2) 46:18,19 revise (1) 44:4 revision (1) 36:1 Revisions (2) 23:8;25:1 rid (1) 11:5 right (6) 13:22;15:16;16:11; 21:2;25:23;34:11 River (4) 6:15,17,20;7:5 Roachdale (4) 7:16,17;9:9,10 road (2) 19:19;45:17 roadblock (1) 53:15 Roads (2) 44:10;58:16 Rockness (24) 4:6,8;6:4;7:20; 13:15,19;16:4,11,16, 21;17:13;18:3,6,8,11, 15;19:3;21:11,14,18, 22;22:2,4,9 role (1) 10:16 roll (1) 3:6 roll-call (5) 29:16;32:19;37:4; 38:17;42:19 room (1) 7:19 rugs (1) 48:23 rule (66) 11:2,2,4;14:7,8,8, 11,21;15:17;23:2,2,6, 8,8,13,16,18,18,21, 23;24:7,8,18,21;26:5, 9,12,15,17,20,22;	27:2,10;28:2,11,13, 17,21;29:2,6,12;31:8, 14,19,22;34:2,7,10, 13,16;35:12;36:5; 38:11;40:7,9,21; 41:19;42:13;44:1,4, 13;46:2,4,23;53:18; 54:5 rulemaking (25) 11:11;12:12;13:23; 14:4,6,9;16:7;17:9, 15;22:17;23:15;24:5, 12;25:3;27:16;29:3; 31:12;35:23;36:3; 40:15,19;41:9,15,18; 52:8 rulemakings (5) 13:22;14:3,15; 17:17;24:15 Rules (36) 3:5;9:19;10:16,19, 20;12:19;13:17; 14:23;15:14,18; 16:14;17:11;22:19, 23;23:4;25:9,20; 26:20,23;30:23;31:2; 32:3,12;34:4,5,14; 36:16;38:12;40:3,12, 16;41:10;45:6;51:19, 21;59:23 Rulon (6) 4:17;30:18;33:21; 38:6;39:19;43:21 run (2) 15:18;47:7 running (1) 17:4	schedule (3) 51:9;54:22;55:10 scheduled (1) 22:21 Schuler (11) 3:13;29:21,22; 33:1,2;37:9,10;38:22, 23;43:1,2 SDS (1) 50:7 sealed (2) 19:17;48:22 second (18) 5:9,10,12;9:13; 27:10;29:14,16; 32:16,17,19;37:1,2; 38:14,16;42:16,17, 19;48:19 Section (6) 22:20;26:21;28:5, 9;34:14;40:13 Seeing (4) 3:3;32:1;36:14; 42:5 seeks (1) 26:23 seem (1) 15:15 Sen (2) 13:18;16:9 Senate (4) 9:14,15,16;12:14 Senator (1) 12:16 send (2) 56:18;59:14 sending (2) 8:1;47:14 sent (9) 18:21;46:16;50:22; 54:9;55:17,21;56:2,8, 16 serious (2) 27:12;53:4 serve (1) 51:18 Services (1) 57:14 servicing (1) 7:8 session (3) 9:13;12:13;13:4 set (1) 59:23 Seth (2) 26:19;31:11 several (1) 26:23 share (1) 48:20 sheet (3) 17:9,9;50:8 shifted (1)	7:9 show (1) 8:19 shows (1) 35:17 shutting (1) 9:22 sign (1) 22:11 signatures (2) 45:20;46:20 signed (1) 44:16 significant (1) 9:20 sign-in (1) 25:8 signing (1) 59:6 similar (2) 19:2;45:7 simple (2) 15:15;17:8 SIP (1) 51:19 site (2) 25:14,21 six (2) 44:22;49:8 six-year-old (1) 49:5 smaller (1) 20:5 snow (1) 48:17 SO2 (6) 25:1;34:6,20,22; 35:5;36:17 soil (4) 7:12,13,15;8:1 soils (2) 8:5;19:15 Solid (9) 25:2;40:1,5,18,22; 41:11,20;42:8,9 somebody (1) 21:16 someone (3) 26:16;34:10;40:9 sometimes (1) 56:14 soon (1) 12:16 sooner (2) 24:1;53:6 Sorry (1) 6:5 Sosnowski (3) 57:11,12,13 source (4) 35:22;46:3,4;47:2 sources (3) 6:17;28:5;56:10	south (1) 45:16 Southern (2) 19:11;28:3 spanned (1) 52:21 speak (5) 31:22;36:12;42:3; 45:11;51:22 speaker (3) 31:20;36:11;42:2 specific (1) 50:20 Specifically (2) 27:19;44:7 spending (1) 13:9 spent (1) 48:12 spill (1) 6:22 spilled (2) 6:11;7:13 sponsor (1) 12:17 staff (4) 11:19,20;22:12; 54:17 staffing (1) 20:1 stakeholders (1) 57:21 stand (1) 25:23 standards (1) 27:7 start (1) 21:3 started (2) 9:13;13:20 state (12) 23:8,19,21;25:23; 31:1;34:4;35:5,12; 36:1;40:3;41:12;52:7 statement (1) 44:14 states (6) 19:1,21;20:6,18; 21:10;46:2 status (5) 27:4,8,12,14,17 statute (3) 23:22;44:18;45:5 statutes (1) 52:8 statutory (2) 17:18;41:12 steady (1) 10:13 stepped (1) 10:15 steps (3) 14:16,20;46:10
	S			
	safe (2) 7:8;15:1 Safely-Kleen (2) 34:6;35:11 safety (1) 50:7 Safety-Kleen (9) 25:1;34:17,19,21; 35:4,8,15,18;36:17 salaries (1) 12:10 salary (1) 12:7 samples (1) 8:12 sampling (4) 19:9,12,13;34:18 Sanitation (1) 6:20 Saturday (1) 8:9 saying (2) 18:22;55:8			

<p>still (3) 6:22;7:4,5</p> <p>Storage (1) 23:7</p> <p>Street (6) 44:9;45:16;46:9; 48:6;50:21;58:15</p> <p>stringent (2) 23:10;51:20</p> <p>STUCKEY (1) 52:1</p> <p>study (1) 12:8</p> <p>stuff (5) 6:14;7:5;8:8;9:2; 19:14</p> <p>subbing (1) 52:3</p> <p>subject (2) 28:6;44:20</p> <p>submissions (2) 25:18;46:18</p> <p>submit (3) 14:18,20;57:17</p> <p>submitted (2) 35:23;50:21</p> <p>substantively (1) 31:13</p> <p>successfully (1) 51:1</p> <p>suggest (1) 53:6</p> <p>suggested (2) 34:8;36:21</p> <p>sulfur (2) 9:20;34:17</p> <p>sum (1) 48:12</p> <p>summary (2) 4:23;5:2</p> <p>summer (2) 17:15;48:12</p> <p>sunsetting (2) 15:1;16:2</p> <p>supersede (2) 27:2,10</p> <p>supported (1) 44:14</p> <p>sure (11) 7:6,7;9:5;10:20; 12:9,20;15:13;16:22; 20:14;24:2;59:19</p> <p>surprised (1) 21:5</p> <p>sweeper (1) 58:15</p> <p>sworn (1) 26:2</p> <p>systems (2) 9:9;35:1</p>	<p>table (1) 25:8</p> <p>talk (2) 46:6;50:17</p> <p>Tank (2) 23:7,12</p> <p>tarped (1) 19:18</p> <p>task (2) 17:14,16</p> <p>team (5) 8:10;46:8;47:13; 50:11,20</p> <p>Ted (3) 4:1,2;5:7</p> <p>temporarily (2) 26:12;28:3</p> <p>temporary (2) 26:23;27:17</p> <p>tentatively (1) 22:21</p> <p>ten-to-twelve-year-old (1) 49:11</p> <p>terms (1) 52:7</p> <p>test (1) 8:8</p> <p>tested (3) 8:2,3;9:2</p> <p>testify (1) 25:5</p> <p>testing (1) 7:5</p> <p>thankfully (1) 6:19</p> <p>third (3) 8:8;27:16;49:2</p> <p>thought (4) 10:17;23:13,23; 59:5</p> <p>three (1) 13:10</p> <p>Title (5) 9:17;10:8;18:21; 19:20;23:1</p> <p>today (17) 3:9;4:22;6:5;8:18; 15:4;23:14;24:18; 25:4;44:4;49:15,23; 51:6,9;52:3;57:7,16; 58:21</p> <p>today's (3) 25:6,9,16</p> <p>together (2) 15:3;56:18</p> <p>tomatoes (1) 48:10</p> <p>tomorrow (1) 15:4</p> <p>took (4) 8:12;49:16;52:23; 55:5</p> <p>totally (1)</p>	<p>55:2</p> <p>Totten (15) 4:13,14;5:6,20; 30:14,15;32:14; 33:17,18;37:2;38:2, 3;39:15;43:17,18</p> <p>towards (2) 17:6,15</p> <p>townships (4) 27:18,20;28:4,16</p> <p>track (2) 48:4;58:13</p> <p>train (5) 6:7,10;7:22;18:18; 22:10</p> <p>transcript (3) 25:16,17,20</p> <p>transfer-based (1) 41:2</p> <p>transitioning (1) 9:22</p> <p>Transportation (1) 19:6</p> <p>treated (1) 9:4</p> <p>treatment (1) 7:7</p> <p>treks (1) 48:13</p> <p>tried (1) 53:20</p> <p>truck (2) 9:10;19:17</p> <p>trucks (4) 18:18;19:4,5,12</p> <p>truly (1) 14:13</p> <p>Trust (1) 13:3</p> <p>try (2) 22:13;53:13</p> <p>trying (5) 13:18;15:12,13; 16:22;53:12</p> <p>turned (1) 20:22</p> <p>twelve-zero (1) 30:21</p> <p>two (5) 6:16;9:17;13:9; 18:17;58:11</p> <p>typical (4) 10:7,10;11:15; 13:23</p>	<p>23:7</p> <p>understands (1) 16:8</p> <p>understood (1) 9:6</p> <p>undertaken (1) 57:21</p> <p>unit (1) 49:17</p> <p>units (1) 35:22</p> <p>unless (2) 9:4;53:4</p> <p>up (6) 7:6;21:16;23:5; 27:21;50:15;51:11</p> <p>update (5) 22:17;23:1,2; 35:12;44:6</p> <p>updated (2) 34:22;47:18</p> <p>updates (6) 26:7,12;31:6;32:8; 34:18;40:17</p> <p>use (1) 15:18</p> <p>used (1) 48:10</p> <p>using (2) 11:21;34:23</p> <p>utilities (1) 7:4</p> <p>utilize (1) 6:17</p>	<p>visibly (1) 47:1</p> <p>voluminous (1) 54:10</p> <p>vote (10) 29:16;32:19;34:1; 37:4;38:17;42:19; 44:23;51:9,10;59:18</p> <p>votes (5) 30:21;34:1;38:9; 39:21;44:1</p>
				W
				<p>wait (1) 52:14</p> <p>waiting (2) 18:19;55:6</p> <p>washed (1) 48:21</p> <p>washer (1) 48:15</p> <p>waste (21) 6:7;7:10,17;13:2,8; 18:18;19:3,5;25:2; 40:1,5,15,18,19,22; 41:10,11,20,20;42:8, 9</p> <p>wastes (1) 7:11</p> <p>wastewater (1) 20:13</p> <p>water (5) 6:16,18;7:8;11:19, 20</p> <p>WATTS (2) 40:11,12</p> <p>way (3) 6:22;11:10;18:5</p> <p>Web (3) 21:9;25:14,21</p> <p>week (1) 25:14</p> <p>weeks (2) 6:10;13:10</p> <p>weighed (1) 19:7</p> <p>welcome (1) 3:10</p> <p>what's (2) 13:12;54:14</p> <p>white (1) 48:11</p> <p>whole (1) 20:14</p> <p>who's (1) 47:23</p> <p>wish (1) 25:5</p> <p>wishes (1) 57:9</p> <p>within (4) 26:20,21;34:14;</p>
			V	
			<p>vacatur (3) 40:20;41:1,8</p> <p>vacuum (1) 58:14</p> <p>various (1) 17:11</p> <p>verbatim (2) 48:2;49:2</p> <p>Vernon (1) 6:18</p> <p>version (1) 20:17</p> <p>videos (3) 47:14,21,22</p> <p>view (1) 54:9</p> <p>vine (1) 48:11</p> <p>vinyl (4) 6:12;7:14,21,22</p> <p>violation (3) 34:19;47:16;50:22</p> <p>violations (2) 55:19;56:2</p> <p>Virtual (2) 56:6,14</p>	
		U		
		<p>ultimately (1) 53:15</p> <p>under (6) 20:20;26:22;31:12; 44:11,18;51:7</p> <p>Underground (1)</p>		
T				

44:22 wonderful (1) 10:1 wondering (3) 18:23;51:17;59:13 work (5) 6:21;18:17;46:8; 51:1;57:21 working (5) 8:16;12:6;15:12; 17:6;35:10 works (1) 12:23 worried (1) 16:1 worrisome (1) 15:2 worse (1) 48:8 write (2) 20:6,12 writer (2) 26:20;34:13 write-up (1) 49:9 written (4) 25:16,17;44:12,14 wrong (1) 21:4 wrote (2) 16:13;20:11	1-4-23 (3) 27:3;31:3;32:4 1-4-46 (1) 27:11 1-4-65 (3) 27:11;31:3;32:5 14th (3) 22:22;24:6;59:23 15 (4) 11:18,23,23;12:3 155 (1) 9:16 15th (1) 28:22 1623 (1) 12:15 1st (1) 23:5	30th (1) 35:6 326 (21) 23:1;27:1,1,3,3,11, 11;28:5;31:2,3,3,3,4; 32:4,4,5,5,5;34:6,18; 36:17 329 (5) 40:4,5,16;42:8,9 3rd (1) 6:11		
	2	4		
		40 (2) 41:2,4 46 (2) 31:3;32:5		
		5		
	200 (1) 44:17 2008 (1) 27:13 200-plus (2) 45:19;46:19 2015 (3) 27:5,19;40:21 2019 (1) 9:19 2020 (2) 3:4;58:3 2021 (1) 35:3 2022 (11) 4:23;23:5;27:8,15; 28:1,12,19,21;35:6; 36:4;58:5 2023 (3) 3:1.5;22:22;59:23 20-23 (1) 40:14 20th (2) 27:15;35:3 22-38 (1) 34:16 260.43 (1) 41:4 2-6-1 (4) 27:1;28:5;31:4; 32:5 261.4a24 (1) 41:2	5th (1) 27:8		
		7		
		7-4.1-16 (1) 34:18 7-4.1-6 (2) 34:6;36:17 7th (3) 27:23;28:19,20		
Y		8		
year (6) 10:8;47:17;48:22; 49:1;52:23;55:5 years (6) 16:14;35:15;47:15; 48:7,7;58:11 yeoman's (1) 6:20 yesterday (2) 45:9;54:10		8 (1) 3:1.5 88 (2) 11:19,21 8th (1) 3:4		
		9		
1		96th (4) 44:9;45:16;46:9; 50:21 9th (2) 4:23;36:4		
1:30 (1) 59:23 1:31 (1) 3:1 1001 (1) 11:14 120-2022 (1) 41:12 13-14-8-5 (1) 44:11 13th (1) 25:12 1-4 (1) 27:1 1-4-11 (3) 27:3;31:2;32:4	3			
	3.1 (1) 40:16 3.1-5 (2) 40:4;42:8 3.1-6 (2) 40:5;42:9			