1. **CALL TO ORDER**
Chair Beverly Gard called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Commissioner Bruno Pigott; Calvin Davidson; Dr. Joanne Alexandrovich; Chris Horn; William Etzler; Dr. Ted Niemiec; Devin Hillsdon-Smith; Gail Boydston; Ken Rulon; Angelique Collier; Mike Mettler; and Jeffrey Cummins.

Vice Chair Etzler congratulated Chair Gard on receiving the Nancy Maloley Outstanding Public Servant Award.

2. **APPROVAL OF MEETING SUMMARY**
Chair Gard called for approval of the January 10, 2018, meeting summary, which was approved as presented.

3. **REPORTS**
   **Commissioner’s Report**
Commissioner Pigott congratulated Senator Gard on receiving the Nancy Maloley Outstanding Public Servant Award and her continued service. He said IDEM is working to investigate assuming control over the 404 Wetlands Program in Indiana. He congratulated Ms. Nancy King, General Counsel, Office of Legal Counsel, and Brian Rockensuess, Chief of Staff, for their work in the last legislative session toward that assumption and IDEM’s progress taking over the Federal 404 program.
Commissioner Pigott explained the $41 million Volkswagen settlement process, and that the Commission led by Senator Gard has held five public meetings throughout the state for feedback regarding the beneficial mitigation program (BMP). Commissioner Pigott said other IDEM priorities are getting permits completed on time (no backlogs), improving the inspection reports process, and creating a citizen portal. He said IDEM is looking at other potential lead sites in Indiana. He said U.S. Steel, U.S. EPA, and IDEM have been working on a Consent Decree in response to U.S. Steel having a pipe rupture that released some hexavalent chrome into the waterways. He also spoke about a Marathon Oil diesel fuel spill and said the state is taking enforcement action. In relation to the coal combustion residual article in the Indianapolis Star, he said IDEM is working with U.S. EPA and the Board has taken action to help us assume authority through developing rules to help regulate those facilities. The Commissioner announced new staff: Ms. Laura Dresen, Health and Safety Director, John Erickson, External Relations Director, and Erin Moorhous, Business and Legislative Liaison.

   **Rules Update**
Ms. Chris Pedersen, Section Chief, Rules Development Branch (RDB), Office of Legal Counsel (OLC), spoke on the rulemakings that would come before the next Environmental Rules Board (ERB) meeting, possibly July 11, 2018, which will be held in Conference Center Room A.

4. **RULEMAKING ACTIONS**
   **Lawrenceburg Township, Dearborn County Ozone Redesignation Emergency Rule**
Chair Gard opened the discussion for adoption of the Lawrenceburg Township, Dearborn County Ozone Redesignation Emergency Rule. Ms. Keelyn Walsh, Rule Writer, RDB, OLC, spoke for the agency and explained that this rule temporarily revises 326 IAC 1-4-16 to redesignate Lawrenceburg Township in Dearborn County to attainment for the 2008 eight-hour ozone standard until the regular rulemaking is completed. Ms. Walsh stated this emergency rule would allow affected sources to be permitted under the Prevention of Significant Deterioration Program under 326 IAC 2-2, instead of the more restrictive Emission Offset Program under 326 IAC 2-3.

There were no questions and no board discussion. There were no commenters.

Mr. Etzler moved to adopt the emergency rule and Mr. Cummins seconded. The emergency rule was adopted unanimously.

**LSA #18-1, Attainment Status Updates**
Chair Gard opened the discussion for adoption of amendments to 326 IAC 1-4, Attainment Status Updates. Ms. Keelyn Walsh, Rule Writer, RDB, OLC, said Indiana’s attainment status tables at 326 IAC 1-4 are periodically updated to show each county’s attainment status and said this rulemaking updates the terminology used in the tables to reflect the language used in the federal rule at 40 CFR 81.315.

Dr. Alexandrovich asked about the rule being inconsistent with the federal rule because it didn’t include the 2010 SO2 and the 2015 ozone standard. Ms. Walsh replied that the SO2 standard is being dealt with in a separate rulemaking. Regarding the ozone standard, Mr. Keith Baugues, Assistant Commissioner, Office of Air Quality (OAQ), said U.S. EPA will not issue designations until April 30, 2018, so it’s not effective yet. Ms. Boydston asked if elimination of some updated emergency rules were included in this rule, to which Ms. Walsh answered in the affirmative.

There were no commenters. Mr. Cummins moved to final adopt the rule and Mr. Hillsdon-Smith seconded. With a roll call vote, the rule was adopted unanimously.

**LSA #17-563, Cross Connection Reference Updates**
Chair Gard opened the discussion for adoption of amendments to 327 IAC 8-10, Cross Connection Reference Updates. Ms. MaryAnn Stevens, Rule Writer, RDB, OLC, spoke for the agency and explained how unprotected cross connection and backflow contamination could pose a public health risk and cause a public water system’s failure to maintain the federal Safe Drinking Water Act standards. She said this rulemaking is to update information in 327 IAC 8-10 regarding where to find reference documents for cross connection control and to make administrative and formatting changes to conform to current rule drafting standards.

There was no board discussion and no commenters. The hearing was concluded.

Mr. Rulon moved to preliminarily adopt the rule, and Mr. Etzler seconded. By a roll call vote, the rule was preliminarily adopted unanimously.

**LSA #15-427, Volatile Organic Liquid Storage Tanks**
Chair Gard opened the hearing for final adoption of amendments to 326 IAC 8-9, Volatile Organic Liquid Storage Tanks. Jack Harmon, Rule Writer, RDB, OLC, spoke for the agency. He said this rulemaking affects owners and operators of large storage vessels that contain volatile organic liquids
(VOL) in Clark, Floyd, Lake and Porter counties. He explained how the rulemaking allows for an affected source to request an alternative inspection method. Mr. Harmon said that at preliminary adoption of this rule at the January 10, 2018 Board meeting, IDEM was informed that the applicability section of the rule at 326 IAC 8-9-1 could be incorrect. At that meeting, IDEM advised that it would review and correct the language prior to final adoption. Since that time, IDEM has clarified the language and made modifications.

There were no commenters and no board discussion.

Mr. Cummins moved to adopt IDEM’s suggested changes, and Mr. Davidson seconded. With a voice vote, IDEM’s suggested changes were adopted. Mr. Davidson moved to final adopt the rule as amended, and Mr. Hillsdon-Smith seconded. By a roll call vote, the rule was final adopted unanimously.

**LSA #15-414, NO\textsubscript{x} Emissions from Large Affected Units**

Chair Gard opened the hearing for final adoption of amendments to 326 IAC 10 and 326 IAC 24, NO\textsubscript{x} Emissions from Large Affected Units. Jack Harmon, Rule Writer, RDB, OLC, spoke for the agency. He said this rulemaking affects owners and operators of large affected units that were previously regulated under the NO\textsubscript{x} Budget Trading Program and the Clean Air Interstate Rule (CAIR). Mr. Harmon said because of a change in the blast furnace gas language, IDEM held a third comment period after preliminary adoption, and no comments were received. Mr. Harmon stated that since preliminary adoption, IDEM has added language that had inadvertently been omitted from the draft rule in the record keeping and reporting section, and also modified language to clarify the requirements in other areas.

There were no commenters. There was no board discussion. Chair Gard concluded the hearing.

Mr. Cummins moved to adopt IDEM’s suggested changes, and Mr. Davidson seconded. With a voice vote, IDEM’s suggested changes were adopted. Mr. Davidson moved to final adopt the rule as amended, and Mr. Cummins seconded. By a roll call vote, the rule was final adopted unanimously.

5. **NON-RULE ACTIONS**

**2018 303(d) List of Impaired Waters and Consolidated Assessment under the Clean Water Act**

Chair Gard opened the hearing and introduced Ms. Jody Arthur, Technical Environmental Specialist, Watershed Assessment and Planning, Office of Water Quality (OWQ). Ms. Arthur noted that the list is presented every two years to the Environmental Rules Board and is submitted with IDEM’s Integrated Water Monitoring and Assessment Report to U.S. EPA. Ms. Arthur gave a PowerPoint presentation and said this information could be found on IDEM’s website, and the list was published today (April 11, 2018) in the Indiana Register.

There were questions from Board members which Ms. Arthur answered.

**Notice of Review of Water Quality Standards**

Chair Gard opened the hearing and introduced Ms. Martha Clark Mettler, Assistant Commissioner, OWQ. Ms. Clark Mettler said the notice was published in the Indiana Register on February 28, 2018, and was open for comments until April 26, 2018. She said federal regulations require that IDEM periodically ask for comments on its Water Quality Standards and also requires that there be a public meeting.
Chair Gard asked if there was anyone who wished to speak. Dr. Bill Beranek said he was speaking on behalf of 750 people in the 1980’s who worked on the Great Lakes Initiative and said he was concerned about one sentence in the notice that says, “a priority for IDEM is to make standards consistent for all waters across the State of Indiana”, but that he liked “where appropriate.” He said there were a lot of things that could be made more consistent if it’s appropriate. He said the wording is clearer in the Great Lakes Initiative than the wording in the downstate rules. He expanded on reasons why “make it consistent” should be “make it consistent scientifically and appropriately.” Mr. Rulon asked Commissioner Pigott to verify that the wording was not intended to imply we were going to soften it. Commissioner Pigott replied that it wasn’t. He said he thought Dr. Beranek’s point is there was a reason that the Great Lakes Water Quality Standards are different from downstate, and he wants IDEM to be careful and to use sound science in determining what Water Quality Standards should be made consistent with the Great Lakes Standards, and that it be done with a scientific approach that’s consistent in terms of appropriateness and for the same reasons to adjust those standards, to which Dr. Beranek agreed.

6. OPEN FORUM
There were no questions for the Open Forum.

7. ADJOURNMENT
The next meeting is tentatively scheduled for 1:30 p.m. on July 11, 2018, at the Indiana Government Center South Conference Room A. Chair Gard adjourned the meeting at 2:50 p.m.

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CHAIRPERSON

The summary is derived from Rules Development Branch staff members’ notes. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management and will be made available on the IDEM rules website. To view approved summaries, you may go online to http://www.in.gov/idem/legal/2355.htm.