

Summary Environmental Rules Board
Zoom Meeting
Indianapolis, Indiana
Wednesday, September 9, 2020

A. Call to Order

Chair Gard called the meeting to order at 1:31 p.m. A quorum was present.

Members present: Beverly Gard, William Etzler, Dr. Joanne Alexandrovich, Karen Valiquett, Calvin Davidson, Chris Horn, Katherine Nelson, Bruno Pigott, Angelique Collier, Michael Schuler, Paul Gilson, Dr. Ted Niemiec and Dan Bortner.

Chair Gard welcomed Dan Bortner to the Board. He is the new director for the Department of Natural Resources (DNR).

B. Approval of Meeting Summary of July 8, 2020

Chair Gard called for approval of the July 8, 2020, meeting summary, which was approved.

C. IDEM Reports

Commissioner's Report

Mr. Bruno Pigott, Commissioner of IDEM, welcomed Dan Bortner, Director of DNR to the meeting. Mr. Pigott announced the retirement of Keith Baugues, Assistant Commissioner in the Office of Air Quality, who will be retiring at the end of October. Another matter mentioned was the 401 Water Quality Certification program regarding the new definition of Waters of the United States. The effect on permits is not known.

Rules Update

Ms. Chris Pedersen, Chief, Rules Development Section (RDS), Office of Legal Counsel (OLC), spoke on the rulemakings that could come before the next Environmental Rules Board meeting, possibly November 18, 2020, which will be held as a Zoom Meeting.

D. Rules

1. Marion County SO₂ Redesignation Emergency

Chair Gard opened the discussion for adoption of an emergency rule that revises 326 IAC 1-4-50. Mr. Seth Engdahl, Rule Writer, RDS, OLC, spoke regarding the adoption of the emergency rule to revise 326 IAC 1-4-50 to redesignate Center, Perry, and Wayne townships in Marion County to attainment for the 2010 Sulfur Dioxide National Ambient Air Quality Standard. IDEM asked the board to approve the emergency rule as presented.

There were no questions or board discussion. There were no commenters and the hearing was concluded.

Dr. Alexandrovich moved to adopt emergency rule and Ms. Collier seconded. By a roll-call vote, the rule was adopted.

2. Vigo County SO₂ Redesignation Emergency Rule

Chair Gard opened the discussion for adoption of an emergency rule that revises 326 IAC 1-4-65. Ms. Krystal Hackney, Rule Writer, RDS, OLC, spoke for the agency and said the emergency rule is necessary to maintain the current federal designation until the regular rulemaking is completed. IDEM asked the board to adopt the emergency rule as presented.

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

Mr. Davidson moved to adopt the emergency rule and Dr. Alexandrovich seconded. By a roll-call vote, the rule was adopted.

3. Vigo County SO₂, Lake and Porter Counties Ozone Reclassification, and PM_{2.5} Updates for Clark, Floyd, Lake, and Porter Counties

Chair Gard opened the discussion for adoption of a rule that revises 326 IAC 1-4 for three different pollutants and five counties. Ms. Krystal Hackney, Rule Writer, RDS, OLC, spoke for the agency and said the rule was for 326 IAC 1-4-11, 326 IAC 1-4-23, 326 IAC 1-4-46, 326 IAC 1-4-65 and 326 IAC 1-4-85 regarding the revision of the designation status tables for SO₂, ozone, and PM_{2.5} for Clark, Floyd, Lake Porter and Vigo Counties. IDEM asked the board to adopt the rule as presented.

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

Ms. Valiquett moved to final adopt the rule and Mr. Davidson seconded. By a roll-call vote, the rule was adopted.

4. NPDES General Permits

Chair Gard opened the discussion for final adoption of amendments to rules 327 IAC 5 and 15, NPDES general permits. Ms. MaryAnn Stevens, Rule Writer, RDS, OLC spoke for the agency and said the goal is to change the process by which three categories of dischargers receive general permit cover from the existing permit coverage. The three categories are discharging stormwater run-off associated with construction activity, stormwater associated with municipal separate storm sewer system conveyances and on-site residential sewage discharging disposal systems within the Allen County On-Site Waste Management District. IDEM asked the board to adopt the rule for final adoption.

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

Mr. Horn moved to adopt IDEM's suggested changes to the NPDES General Permit rule and Mr. Etzler seconded. By a roll-call vote, the changes suggested were adopted.

Ms. Nelson moved to final adoption of amendments to the NPDES General Permit rule and Mr. Horn seconded. By a roll-call vote, the rule was adopted.

5. Transfer Station Reporting

Chair Gard opened the discussion for final adoption of amendments to 329 IAC 11-13.5, concerning solid waste transfer stations. Ms. Krystal Hackney, Rule Writer, RDS, OLC, spoke for the agency and said the rule removes the annual reporting requirement in 329 IAC 11-13.5-17 and moves the remaining record keeping requirements to 329 IAC 11-13.5-13. This rulemaking was preliminarily adopted by the board on January 8, 2020.

Mr. Horn moved to adopt IDEM's suggested changes to the Transfer Station Reporting rule and Mr. Etzler seconded. By a roll-call vote, the changes suggested were adopted.

Ms. Nelson moved to final adoption of amendments to the Transfer Station Reporting rule and Mr. Horn seconded. By a roll-call vote, the rule was adopted.

6. Title V Air Permit Fee Updates

Chair Gard opened the discussion for preliminary adoption of amendments to 326 IAC 2-1.1-7, concerning Air Permit Fees. Mr. Seth Engdahl, Rule Writer, RDS, OLC, spoke regarding the rule that would amend 326 IAC 2-1.1-7 to reflect the fee amounts currently being collected by IDEM. The rule is in response to a statutory change in Public Law 19-250.

Ms. Valiquett moved to preliminarily adopt the amendments to the Title V Air Permit Fee Updates rule and Ms. Collier seconded. By a roll-call vote, the rule was preliminarily adopted.

7. Management Standards for Hazardous Waste Pharmaceuticals and Other Hazardous Waste Updates

Chair Gard opened the discussion for the preliminary adoption of amendments to 329 IAC 3.1. Mr. Dan Watts, Rule Writer, RDS, OLC, spoke regarding updating the hazardous waste rules in 329 IAC 3.1 with the incorporation by reference of recently promulgated federal hazardous waste rules and to make improvements and corrections to the existing rule language, as needed.

Ms. Collier moved to preliminarily adopt amendments to the Management Standards for Hazardous Waste Pharmaceuticals and other Hazardous Waste Updates rule and Mr. Davidson seconded. By a roll-call vote, the rule was preliminarily adopted.

8. Public Hearing on Non-Expiring Rules under IC 13-14-9.5-1.1

Chair Gard opened the discussion for the Review of Rules that Do Not Expire under IC 13-14-9.5-1.1. IDEM is required to publish a list of rules that have been effective for seven years but are not subject to expiration because they are necessary for a federally delegated program or to receive or maintain federal funding. Notices were published for the air rules in Title 326, the water rules in Title 327, and the solid and hazardous waste rules in Title 329. A thirty-day comment period was provided for each notice.

There were no commenters and the hearing was concluded.

Mr. Etzler moved to take no further action on the listed rules and Ms. Collier seconded. By a roll-call vote, the board agreed that no further action on the listed rules was needed.

E. Other Matters

1. Open Forum


The Citizen's Petition Hearing will be at 1:30 pm on October 28, 2020, through a Zoom meeting.

2. Tentative Date and Location of Next Meeting

The next meeting is tentatively scheduled for 1:30 p.m. on November 18, 2020, through a Zoom meeting.

F. Adjournment

Chair Gard adjourned the meeting at 2:41 p.m.



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>.