

Summary Environmental Rules Board
Zoom Meeting
Indianapolis, Indiana
Wednesday, May 12, 2021

A. Call to Order

Chair Gard called the meeting to order at 1:32 p.m. A quorum was present.

Members present: Beverly Gard, William Etzler, Dr. Joanne Alexandrovich, Calvin Davidson, Angelique Collier, Michael Schuler, Paul Gilson, Dr. Ted Niemiec, R. T. Green, Chris Horn, Jordan Seger, Dan Bortner, and Bruno Pigott.

B. Approval of Meeting Summary of February 10, 2021

Chair Gard called for approval of the February 10, 2021, meeting summary, which was approved with one correction made.

C. IDEM Reports

Commissioner's Report

Mr. Bruno Pigott, Commissioner of IDEM, announced the retirement of several people within IDEM. He discussed the staff that are still working remotely and in the office. He said the agency is still issuing permits as in the past, but there is some slowdown in the number of applicant submissions. He also discussed the legislative session, the VW Committee, the water and waste fee rules, and recognized a citizen's good environmental stewardship.

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 August 11, 2021.

D. Rules

1. NO_x Emissions Monitoring

Chair Gard opened the discussion for final adoption of amendments to rules at 326 IAC 10-2, NO_x Emissions Monitoring. Ms. Keelyn Walsh, Rule Writer, RDS, OLC spoke for the agency and said the rule revises the requirement for large affected units to monitor emissions as specified in 40 CFR 75, and instead allows these sources to report emissions to IDEM at the end of the ozone season based on emission factors or continuous emission monitoring system data. IDEM asked the board to final adopt the rule.

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

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

2. Satellite Manure Storage Structure Reference Updates

Chair Gard opened the discussion for preliminary adoption of amendments to 327 IAC 20 concerning Satellite Manure Storage Structure Reference Updates. Ms. Krystal Hackney, Rule Writer, RDS, OLC, spoke for the agency and said the rule is being updated to provide consistency in the design and construction standards and requirements of future satellite manure storage structures across state rules.

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

Ms. Collier moved to preliminary adopt the rule and Mr. Green seconded. By a roll-call vote, the rule was preliminary adopted.

3. Solid Waste Financial Assurance

Chair Gard opened the discussion for the preliminary adoption amendments to 329 IAC 10, 329 IAC 11.5m 329 IAC 11.6, and 329 IAC 11.7. Mr. Dan Watts, Rule Writer, RDS, OLC, spoke concerning Solid Waste Financial Assurance. The rule makes updates and corrections to address issues in the solid waste facility financial assurance rules across different articles in Title 329.

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

Mr. Horn moved to preliminary adopt the rule and Mr. Bortner seconded. By a roll-call vote, the rule was preliminary adopted.

4. BP Temporary Alternative Opacity Limitations

Chair Gard opened the discussion for the preliminary adoption of amendments to 326 IAC 5-1-8. Ms. Krystal Hackney, Rule Writer, RDS, OLC, spoke concerning BP Whiting Refinery Temporary Alternative Opacity Limitations (TAOL). The amendment of the rule is to establish a temporary alternative opacity limitation and ensure it will not impact maintenance of National Ambient Air Quality Standards and worker safety.

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

Mr. Green moved to preliminary adopt the rule and Ms. Collier seconded. By a roll-call vote, the rule was preliminary adopted.

E. Non-Rule Policy Document

Chair Gard opened the discussion for the presentation of a non-rule policy document on the applicability of RCRA Corrective Action Laws to current owners of hazardous waste sites. Mr. Don Stilz, Section Chief of the Hazardous Waste Permits in the Office of Land Quality, presented the non-rule policy document that outlines factors that may be considered when determining who is responsible for addressing cleanups at former hazardous waste facilities that are closed.

F. Board Remote Meeting Policy

Chair Gard opened the discussion on the draft policy for partially remote Environmental Rules Board meetings. Ms. Nancy King presented the policy to the board.

Several board members asked questions and discussed the policy and commented on some changes to the policy.

Dr. Niemiec moved to adopt the policy and Mr. Wasky seconded. By a roll-call vote, the policy was adopted.

G. Non-Rule Actions

1. Water Quality Standard Review Hearing

Chair Gard opened the discussion on the Water Quality Standard Review. Eileen Hack from IDEM Office of Water Quality presented the current and planned activities that will affect Indiana's Water Quality Standards. The Water Quality Standards are reviewed every 3 years.

No comments were made. The hearing was concluded.

There was no action by the board on the hearing.

2. Metal Criteria Rule Presentation

Chair Gard opened the discussion on the Selenium Criterion that is related to the Metal Criteria rulemaking. Martha Clark Mettler from the IDEM Office of Water Quality presented information about the proposed changes to the selenium criteria.

No comments were made. The hearing was concluded.

There was no action by the board on the hearing.

3. Citizen's Petition Discussion

Chair Gard opened the discussion on the Citizen's Petition. Mr. Craig Williams, representing the Petitioners updated the board on what is going on with the petition. The work group has been working on language that will satisfy both the agency and Petitioner concerns. Mr. Williams requested the Board to table the request to set a specific deadline for IDEM to provide recommended rule language as they continue to work together.

H. Other Matters

1. Open Forum

There were no topics for Open Forum

2. Tentative Date and Location of Next Meeting

The next meeting is tentatively scheduled for 1:30 p.m. on August 11, 2021.

I. Adjournment

Chair Gard adjourned the meeting at 3:38 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>.