

Summary Environmental Rules Board  
Zoom Meeting  
Indianapolis, Indiana  
Wednesday, August 11, 2021

**A. Call to Order**

Chair Gard called the meeting to order at 1:34 p.m. A quorum was present.

Members present: Beverly Gard, William Etzler, Dr. Joanne Alexandrovich, Calvin Davidson, Angelique Collier, Michael Schuler, Dr. Ted Niemiec, Chris Horn, Ken Rulon, Mark Wasky, Shelby Huff, Dan Bortner, and Bruno Pigott.

**B. Approval of Meeting Summary of May 12, 2021**

Chair Gard called for approval of the May 12, 2021, meeting summary, which was approved.

**C. IDEM Reports**

Commissioner's Report

Mr. Bruno Pigott, Commissioner of IDEM, announced the retirement of several people within IDEM. 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 regarding the regulated wetland statute and the water and waste fee rules.

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 10, 2021.

**D. Rules**

1. BP Temporary Alternative Opacity Limitations

Chair Gard opened the discussion for the final 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 will protect worker safety.

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

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

2. Solid Waste Financial Assurance

Chair Gard opened the discussion for the final adoption amendments to 329 IAC 10, 329 IAC 11.5, 329 IAC 11.6, and 329 IAC 11.7. Ms. Christine Pedersen for 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. Bortner moved to adopt IDEM's suggested changes and Mr. Davidson seconded. By a roll-call vote, the changes were adopted.**

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

### 3. Satellite Manure Storage Structure Reference Updates

Chair Gard opened the discussion for final 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.

**Mr. Etzler moved to final adopt the rule and Mr. Horn seconded. By a roll-call vote, the rule was final adopted.**

### 4. Metals Criteria

Chair Gard opened the discussion for the final adoption of amendments to 326 IAC 2-1-6 and 327 IAC 2-1.5-8, concerning Metal Criteria. Ms. MaryAnn Stevens, Rule Writer, RDS, OLC, spoke for the agency and said the rule is being revised to reflect updates based on the most recent science and National Recommended Water Quality Criteria developed by U.S. EPA.

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

**Mr. Rulon moved to adopt IDEM's suggested changes and Mr. Davidson seconded. By a roll-call vote, the changes were adopted.**

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

### **E. Hearing on Non-Expiring Rules**

Chair Gard opened the discussion for the rules that do not expire under IC 13-14-9.5-1.1. Air rules in Title 326 and water rules in Title 327 were published for 30 days for comment. There were no questions or board discussion. There were no commenters.

**Mr. Rulon moved to take no action and Mr. Wasky seconded. By a roll-call vote, the motion was approved by acclamation.**

**F. Non-Rule Policy Document**

Chair Gard opened the discussion for the presentation of a non-rule policy document on Community Involvement. Ms. Lynette Schrowe, in the Office of Land Quality, presented the non-rule policy document that is to keep communities informed of the environmental activity in the area and how it will continue through the clean-up of contaminated sites and beyond.

**G. Other Matters**

1. Open Forum


Chair Gard asked for an update on the Citizens petition. Craig Williams stated that there have been three or four meetings and the group has made excellent progress on the petition. Paul Higginbotham, Deputy Assistant Commissioner of Office of Water Quality, also said that the meetings were moving well. The group is looking into how to handle each use attainability analysis to help the smaller communities. Mr. Bill Etzler has been part of the meetings and he said that there has been a lot of information and discussion exchange between the agency and the petitioners. There are still some gaps that need to be filled in as they approach a final solution to the petition.

2. Tentative Date and Location of Next Meeting

The next meeting is tentatively scheduled for 1:30 p.m. on November 10, 2021.

**H. Adjournment**

Chair Gard adjourned the meeting at 2:56 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>.

