

Summary Environmental Rules Board
Indiana Government Center South
Conference Center Room A
Zoom Meeting
Indianapolis, Indiana
Wednesday, November 10, 2021

A. Call to Order

Chair Gard called the meeting to order at 1:30 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, R. T. Green, Michael Chambers, Mark Wasky, Katie Nelson, Dan Bortner, and Bruno Pigott.

Chair Gard welcomed Michael Chambers from Eli Lilly to the board. He replaced Paul Gilson, who moved out of state.

B. Approval of Meeting Summary of August 11, 2021

Chair Gard called for approval of the August 11, 2021, meeting summary, which was approved.

C. IDEM Reports

Commissioner's Report

Mr. Bruno Pigott, Commissioner of IDEM, mentioned 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 water and wastewater infrastructure for the communities, steel mill issues, the federal definition of "Water of the United States" and PFAS.

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 February 9, 2022, and asked if there were any questions on the 2021 Air Permitting Report.

D. Rules

1. Daviess and Pike SO₂ Redesignation

Chair Gard opened the discussion for the final adoption of amendments to 326 IAC 1-4-15 and 326 IAC 1-4-64. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke concerning Daviess and Pike Counties SO₂. The amendment of the rule is to update the attainment designation statuses in these two counties.

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

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

2. Fort Wayne CSO Wet Weather Limited Use Designation

Chair Gard opened the discussion for the preliminary adoption of 327 IAC 2-1-3.1 and 327 IAC 2-1.1 concerning Fort Wayne CSO Wet Weather Limited Use Designation. Ms. Mary Ann Stevens, Rule Writer, RDS, OLC, spoke for the agency and said the rule is being updated to provide a combined sewer overflow wet weather limited use subcategory of the recreational use designation for the City of Fort Wayne.

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.

3. Septage Management

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.

Ms. Nelson moved to adopt IDEM's suggested changes and Mr. Etzler seconded. By a roll-call vote, the changes were adopted.

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

4. Public Water System Definition

Chair Gard opened the discussion for the preliminary adoption of amendments to 327 IAC 8-3.4-1(24) and 327 IAC 8-2-1(74), concerning Public Water System Definition. 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.

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

5. Water Program Permitting Fees

Chair Gard opened the discussion for the preliminary adoption of amendments to 327 IAC 3-5-5, 327 IAC 5-3-2, 327 IAC 5-21-3, 327 IAC 8-3-7, 327 IAC 15-16-5, 327 IAC 15-16-10, and 327

IAC 19-7-1 and the addition of 327 IAC 5-3-17, 327 IAC 5-21-12 and 327 IAC 19-9-2, concerning Water Program Permitting Fees. Ms. MaryAnn Stevens, Rule Writer, RDS, OLC, spoke for the agency and said the rule is being updated to add the increase for the water permitting fees to help cover the costs of operating the water program.

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

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

6. Waste Program Permitting Fees

Chair Gard opened the discussion for the preliminary adoption amendments to 329 IAC 3.1-1-14.1, 329 IAC 10-11-8, 329 IAC 10-11-9, 329 IAC 11-9-4.1 and 329 IAC 15-3-4 and the repeal of 329 IAC 15-3-7 and 329 IAC 15-4-3 concerning Waste Program Permitting Fee. Ms. Christine Pedersen, Chief, RDS, OLC, spoke for the agency and said the rule is being updated to add the increase for the waste permitting fees to help cover the costs of operating the waste permitting program.

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

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

E. Non-Rule Policy Documents

Chair Gard opened the discussion for the presentation of four non-rule policy documents. Mr. Harold Templin, in the Office of Land Quality, presented the non-rule policy documents that are 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.

F. Citizen's Petition

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.

G. Other Matters

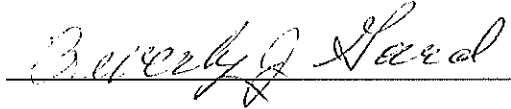
1. Open Forum

2. Tentative Date and Location of Next Meeting

The next meeting is tentatively scheduled for 1:30 p.m. on February 9, 2022.

H. Adjournment

Chair Gard adjourned the meeting at 3:07 p.m.

A handwritten signature in cursive script, reading "Beverly Q. Gard", is written over a horizontal line.

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>.