

Summary Environmental Rules Board
Indiana Government Center South
Conference Center Room A
Zoom Meeting
Indianapolis, Indiana
Wednesday, February 9, 2022

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, Michael Schuler, Dr. Ted Niemiec, Chris Horn, Ken Rulon, Carrie Kozyrski, Mark Wasky, Shelby Huff, Dan Bortner, and Brian Rockensuess.

Chair Gard welcomed Brian Rockensuess as the new IDEM Commissioner. He replaced Bruno Pigott. Chair Gard welcomed Carrie Kozyrski from Duke Energy to the board. She replaced Angelique Collier.

B. Approval of Meeting Summary of November 10, 2021

Chair Gard called for approval of the November 10, 2021, meeting summary, which was approved.

C. IDEM Reports

Commissioner's Report

Mr. Brian Rockensuess, Commissioner of IDEM, mentioned the retirement of several people within IDEM. He introduced the new Chief of Staff, Parvonay Stover. 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 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, which has not yet been scheduled.

D. Rules

1. State SO₂ and Porter County Ozone Designations

Chair Gard opened the discussion for the final adoption of amendments to 326 IAC 1-4 and 326 IAC 1-4-65. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke concerning State SO₂ and Porter County Ozone Designations. The rule is to update the attainment designation statuses for 90 of Indiana's 92 counties for SO₂ and the Porter County ozone designations.

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

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

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

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

3. Public Water System Definition

Chair Gard opened the discussion for the final adoption of amendments to 327 IAC 8-1-3, 327 IAC 8-2-1, 327 IAC 8-2.5-2, 327 IAC 8-3.4-1, 327 IAC 8-4.1-1 and IAC 327 8-10-1, 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.

Mr. Davidson moved to adopt IDEM's suggested changes and Mr. Rulon 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.

4. Water Program Permitting Fees

Chair Gard opened the discussion for the final 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. Rulon moved to adopt IDEM's suggested changes and Mr. Etzler seconded. By a roll-call vote, the changes were adopted.

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

5. Waste Program Permitting Fees

Chair Gard opened the discussion for the final 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. Davidson moved to final adopt the rule and Mr. Etzler seconded. By a roll-call vote, the rule was final adopted.

E. Non-Rule Actions

1. Non-Rule Policy Document

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.

2. 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.

F. Other Matters

1. Open Forum

No discussion

2. Tentative Date and Location of Next Meeting

The next meeting is To be determined, 1:30 p.m., Indiana Government Center-South, Conference Room A, 10 North Senate Avenue, Indianapolis, Indiana.

G. Adjournment

Chair Gard adjourned the meeting at 3:12 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>.