

Summary Environmental Rules Board
Indiana Government Center South
Conference Center Room A
Teams Meeting
Indianapolis, Indiana
Wednesday, March 12, 2025

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, Dr. Ted Niemiec, Chris Horn, R. T. Green, Carrie Kozyrski, Dan Bortner, Jaime Brown, Ric Zehr, John Ketzenberger, Matt Jaworowski, Katherine Nelson, and Parvonay Stoner.

B. Approval of Meeting Summary of December 11, 2024

Chair Gard called for approval of December 11, 2024, meeting summary, which was approved.

C. IDEM Reports

Commissioner's Report

Mr. Brian Rockensuess, Commissioner, said that the last couple of months has been about transition with the new Governor and a new cabinet level position. Suzie Jaworowski will be the Energy Secretary.

A brief update on the issue of cybersecurity attacks. IDEM has joined forces with IOT to provide communities with a one-stop shop when it comes to reporting an incident. IOT has a grant program with Purdue University to help the communities with cyber security. The grant program currently covers municipalities, but we hope to expand it to include water and wastewater utilities.

Our leadership program just celebrated their first class's graduation. This program will help us build the next generation of leaders since we have a lot of people retiring.

We have received the money to start a project in January on a new database that will eliminate the need to use multiple databases and streamline agency processes.

Also, we will be talking about CCR, the Coal Combustion Residual Rule that has been going on for some time.

Chair Gard and Mr. Davidson had a question. The commissioner answered them.

Rules Update

Ms. Billie Franklin, Chief, Rules Development Section (RDS), Office of Legal Counsel (OLC), spoke on the rulemakings. We are anticipating having Coal Combustion Residuals (CCR) and Waste Tire Revisions rules up for final adoption. We are also looking at having No_xRact and

Lead & Copper amendments ready for preliminary adoption in our next Environmental Rules Board meeting which is tentatively scheduled for March 12, 2025.

The board had no questions.

D. Rules

1. Title 329 Kaiser Aluminum

Chair Gard opened the discussion for final adoption of the Kaiser Aluminum rule. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke for the agency. Ms. Walsh requested that the board consider final adoption of Kaiser Aluminum rule. The rulemaking to update the Warrick Operations facility in Newburgh, IN from Alcoa Corporation to Kaiser Aluminum Warrick LLC. Kaiser is requesting IDEM to delist the wastewater treatment sludge under their name as it was delisted under Alcoa. Additionally, Kaiser is upgrading the wastewater treatment equipment. The proposed rulemaking will increase the sampling requirements and the new point of sludge generation.

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

2. Title 326 Emergency Affirmative Defense Rule

Chair Gard opened the discussion for final adoption of the Emergency Affirmative Defense Provisions (EADP) rule. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke for the agency. Ms. Walsh requested that the board consider the final adoption of the EADP rule. U.S. EPA requires each state with a Part 70 program to submit a program revision. IDEM submitted and received approval by U.S. EPA for an extension until August 21st, 2025. This rulemaking proposes to revise rule language at 326 IAC 2-7-16 and 326 IAC 2-8-12 to remove the EADP provisions from Indiana's Title V program to be consistent with the federal rule's removal of those provisions. This rule will also remove those provisions from IDEM's FESOP program, as well as removing definitions related to the provisions in 326 IAC 2-7-1 and 326 IAC 2-7-5. Finally, this rule amends the malfunction rule at 326 IAC 1-6-1 to ensure regulatory continuity with the reporting and recordkeeping requirements being removed by the repeal of the emergency provisions.

Mr. Davidson, Dr. Alexandrovich, Ms. Kozyrski and Ms. Tafolla had questions. Their questions were answered by IDEM staff.

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

3. Title 329 Waste Tire Financial Assurance Update

Chair Gard opened the discussion for preliminary adoption of the Waste Tire Financial Assurance. Mr. Dan Watts, Rule Writer, RDS, OLC, spoke for the agency. Mr. Watts requested that the board consider the preliminary adoption of the Waste Tire Financial Assurance rule. This rule is proposing updates to the waste tire management rule to be consistent with recent statutory changes for waste tire definitions and financial assurance for waste tire facilities.

The proposed rule would be consistent with the recent statutory updates for waste tire management.

Dr. Alexandrovich had a question. Her question was answered by IDEM staff.

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

4. Title 329 Coal Combustion Residuals

Chair Gard opened the discussion for preliminary adoption of the Coal Combustion Residuals rule. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke for the agency. Ms. Walsh requested that the board consider the preliminary adoption of the Coal Combustion Residuals rule. This rule is to comply with the U.S. EPA standards at 40 CFR 257, Subpart D and amend parts of 329 IAC 10-3-1, 329 IAC 10-9-1. Also, 329 IAC 10-9-1(b) and 329 IAC 10-9-1(c) rule language will be repealed. The incorporation by reference of 40 CFR 257, Subpart D will be updated to the July 1, 2025, edition before the rule is promulgated or as a separate rulemaking to include the upcoming federal rule correction.

Dr. Alexandrovich, Mr. Rulon, Mr. Davidson, Mr. Horn, Mr. Ketzenberger had questions. Their questions were answered by IDEM staff.

Dr. Frank, Mr. Jensen, Mr. Diamon, Ms. Reiss, Ms. Thomas, Mr. Steagall, Ms. Chapman, Ms. Williams and Ms. Tafolla each one presented comments. Their comments were answered by IDEM staff.

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

F. Non-Rule Actions

1. 2024 Water Quality Standards

Chair Gard opened the discussion on the Water Quality Standard Review. Gabby Ghreichi from IDEM's 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.

Ms. Kozyrski and Mr. Ashton Eller had questions. Both their questions were answered by IDEM staff.

2. Air Permitting Report

Chair Gard opened the discussion for the presentation and Ms. Jenny Acker, in the Office of Air Quality, presented the report on Air Permitting for Fiscal Year 2024

G. Other Matters

1. Open Forum

No discussion

2. Tentative Date and Location of Next Meeting

The next meeting is tentatively March 12, 2025, Indiana Government Center-South, Conference Room A, 10 North Senate Avenue, Indianapolis, Indiana.

H. Adjournment

Chair Gard adjourned the meeting at 4:13 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 rulemaking website. To view approved summaries, you may go online to <https://www.in.gov/idem/legal/rulemaking/environmental-rules-board-packets/>.