

Summary Environmental Rules Board
Indiana Government Center South
Conference Center Room A
Teams Meeting
Indianapolis, Indiana
Thursday, August 13, 2026

A. Call to Order

Chair Graham called the meeting to order at 1:31 p.m. A quorum was present.

Members present: Dr. John Graham, William Etzler, Dr. Joanne Alexandrovich, Calvin Davidson, Chris Horn, Carrie Kozyrski, John Ketzenberger, Brianna Schroeder, Ric Zehr, Ryan Mueller, Eli Eckhart, David Bausman, and Clint Woods.

B. Approval of Meeting Summary

Chair Graham called for approval of meeting summary, which was approved.

C. IDEM Reports

Commissioner's Report

Commissioner Woods opened his report by noting that there are some exciting things happening in IDEM. Updated a few things from the December meeting regarding how IDEM operates on four statutory boards. The Environmental Rules Board has a critical rule to provide independent rulemaking and advice to the agency. The board make sures that we are informing the U.S. EPA.

We also had two announcements from the EPA. EPA's Clean Air Scientific Advisory Committee is made up of seven members, including IDEM's own Dr. Foti Kafantaris, Office of Air Quality. The EPA Science Advisory Board announced their roster with 37 new members, including Dr. Jit Weir, Office of Water Quality. Commissioner Woods mentioned that there are also four Hoosiers on the board, unrelated to IDEM, which is more state representation than any other participating state.

Commissioner Woods introduced Samantha Nunnery as IDEM's Small Business Ombudsperson. She will be working with small businesses to make sure that they are following state and federal rules. We are excited about relaunching this program as well as launching the Compliance Advisory Panel to provide the board with advice relating to small entity compliance.

IDEM's coal combustion residual permitting program has been preparing to submit an application to EPA for primacy. This would make Indiana the 6th or 7th state to achieve primacy for this program.

The Water Administrative Code will be cleaning up Title 13 to follow the changes that were laid out in Senate Enrolled Act 277. This bill comprehensively rewrites Title 13 by modernizing provisions, streamlining processes, and cleaning up the rules to better reflect current practices.

Similarly to Executive Order 25-38, regarding environmental regulation, IDEM has taken on the effort to look at various programs for professional licensing. This effort will provide insight into the perspective of operators certified or licensed in wastewater, drinking water, underground storage tanks, and asbestos contracting to remove unnecessary barriers in the certification or licensing processes that would put those positions in jeopardy of not being filled.

A workgroup has continued their efforts in cleaning up the Nonrule Policy Documents (NPDs) for the agency. While there are still many NPDs that will remain on our website, the effort being made is to remove outdated information and consolidate documents as needed.

Dr. Graham and Ms. Kozyrski had questions. Their questions were answered by Commissioner Woods.

Rules Update

Ms. Billie Franklin, Chief, Rules Development Section (RDS), Office of Legal Counsel (OLC), provided updates on upcoming rulemakings. The next Environmental Rules Board meeting is tentatively scheduled for July 9, 2026. At that meeting, we anticipate presenting the Open Burning amendments for preliminary adoption, Public Water Supply revisions, and NAAQS updates for final adoption. We will also present an interim rule for Lower Reid Vapor Pressure.

In addition, we will have a staff member from Office of Land Quality to present on how we will implement the Coal Combustion Residuals program.

D. Rules

1. Title 326 National Ambient Air Quality Standards (NAAQS) references Rule

Chair Graham opened the discussion for preliminary adoption of the rule of NAAQS Attainment Status References Update, Ms. Keelyn Walsh, Rule Writer, RDS, OLC, presented on behalf of the agency. She requested that the Board consider the preliminary adoption of the NAAQS rule, LSA #26-31. This rule is to comply with U.S. EPA's NAAQS attainment status designations maintained at 40 CFR 81. Indiana's designations, broken down by county and smaller subdivisions where necessary, are listed at 40 CFR 81.315.

On July 1, 2023, Public Law 25-2023 was codified at IC 13-17-3-14 which provides that any federal regulation adopting or amending a NAAQS designation for any area in Indiana is effective and enforceable upon the effective date of the federal regulation. Historically, Indiana's

rules-maintained NAAQS designation tables at 326 IAC 1-4, and IDEM individually updated each county for each criteria pollutant.

On October 9, 2024, a final rule repealed 326 IAC 1-4 and removed the NAAQS attainment status tables from state rules. This rulemaking proposes adding a new rule at 326 IAC 1-4.1 that incorporates 40 CFR 81.315 by reference.

Additionally, IDEM is cleaning up language in 326 IAC 1-2 and 326 IAC 6-5, indicating that the board makes NAAQS designations so that it correctly points to the federal NAAQS designations for purposes of convenience, IDEM program staff continues to maintain a separate compilation of the attainment status designations for all counties in Indiana, including federal amendments to those designations, posted for public review on the Office of Air Quality Air Programs web page.

Dr. Graham, Ms. Schroeder, and Dr. Alexandrovich had questions. Their questions were answered by IDEM staff.

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

2. Title 327 Public Water Supply Construction Fees Rule

Chair Graham opened the discussion for preliminary adoption of the rule for Public Water Supply Construction Fees. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, presented on behalf of the agency. She requested that the Board consider the preliminary adoption of the Public Water Supply Construction Fees rule, LSA #26-47. This rule requires all owners and operators of public water systems (PWSs) to comply with these standards. To ensure compliance, and in accordance with IC 13-18-16, IDEM's drinking water permits section regulates the construction of PWSs under the PWS construction permits rule at 327 IAC 8-3. 327 IAC 8-3-2 requires all PWSs to submit a drinking water construction permit application to IDEM before the construction, installation, or modification of any facility, equipment, or device. All PWSs are required to pay an associated permit fee when submitting a construction permit application unless they are excluded from the payment of this fee under 327 IAC 8-3-7.

There are five categories of PWS sources listed under the fee exemption under 327 IAC 8-3-7, including nonprofit organizations. However, all five categories must also be a "governmental entity" to qualify. Churches, most of which operate as nonprofit organizations, are not currently eligible for the exemption. As a result, small churches face a financial burden when required to pay PWS construction permits.

This rulemaking was initiated from a request by a local church and was supported by Representative Lawson. IDEM's initial discussions with him concerning exemptions for small churches formed the basis of this rule. Accordingly, the purpose of this rulemaking is to add a

new exemption category under 327 IAC 8-3-7 for nonprofit religious organizations while maintaining existing the category of nonprofit organizations that are also governmental entities.

Mr. Lawson spoke regarding this rule.

Mr. Ketzenberger had a question. His question was answered by IDEM staff.

Mr. Ketzenberger moved to preliminarily adopt the rule and Mr. Mueller. By a roll-call vote, the rule was preliminarily adopted.

E. Non-Rule Actions

1. Chair Graham said that at this time there were not any updates on the Fees and EO 25-38 Workgroups. Hopefully at the next meeting, updates for both workgroups will be given.

2. Air Permitting Report

Ms. Billie Franklin said that air permitting report was not presented but questions could be directed to Matt Stuckey, Assistant Commissioner for Air Quality.

F. Other Matters

1. Open Forum

No discussion

2. Tentative Date and Location of Next Meeting

The next meeting is tentatively July 9, 2026, Indiana Government Center-South, Conference Room A, 10 North Senate Avenue, Indianapolis, Indiana.

H. Adjournment

Chair Graham adjourned the meeting at 2:22 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:

<https://www.in.gov/idem/legal/rulemaking/environmental-rules-board-packets/>.