

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

A. Call to Order

Mr. Davidson called the meeting to order at 1:30 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, Alan Morrison, Eli Eckhart, David Bausman, and Clint Woods.

B. Rules

1. Title 326 Low Reid Vapor Pressure Requirements Interim Rule

Mr. Davidson opened the discussion for final approval of the rule for Low Reid Vapor Pressure Requirements Interim Rule, Ms. Keelyn Walsh, Rule Writer, RDS, OLC, presented on behalf of the agency. She requested that the Board consider the final approval of interim rulemaking, Low Reid Vapor Pressure Requirements, LSA# 26-150.

This interim rule suspends gasoline requirements specific to Clark and Floyd counties for three main reasons:

- First, these counties are part of the Louisville metro area, but these fuel requirements no longer apply in Kentucky. This makes Clark and Floyd counties outliers in the metro area despite being a significantly smaller portion of the fuel market.
- Second, EPA has waived these requirements nationally. State rulemaking action is necessary to make this waiver effective for purposes of state law.
- Third, these requirements are no longer necessary for purposes of air quality.

To expand a bit on the first reason, Reid vapor pressure (RVP) is a common measure of a gasoline's volatility. U.S. EPA regulates the RVP of gasoline sold during the summer ozone season to reduce VOC emissions. Section 211(h) of the Clean Air Act sets gasoline RVP limits that may not exceed 9.0 pounds per square inch during the summer season.

Indiana initially incorporated low Reid vapor pressure, or LRVP, requirements into its State Implementation Plan (SIP), to satisfy Section 182 of the Clean Air Act. That section required all ozone nonattainment areas to submit plans to reduce VOC emissions by 1996. Clark and Floyd counties were subject to this requirement, and Indiana used LRVP as a control measure to reduce VOC emissions in the counties. Under LRVP, gasoline must have a Reid vapor pressure of less than 7.8psi during the summer fuel season. Instead of LRVP, Kentucky opted in to the federal Reformulated Gasoline program (RFG), which is a blended fuel that results in cleaner burning.

Although the Indiana and Kentucky portions of the Louisville metro area were subject to different fuel standards, EPA allowed RFG fuel to be distributed to the entire metro area because RFG fuel achieves a slightly higher level of emission reductions than LRVP. As a result, RFG has historically been the only type of summer fuel distributed to the Louisville metro area.

In February 2025, Kentucky petitioned U.S. EPA to opt out of the federal RFG program. On February 26, 2026, U.S. EPA approved Kentucky's opt-out petition, with an effective date of May 27, 2026. As a result, Clark and Floyd counties are subject to unique "boutique" fuel requirements, while the majority of the Louisville metro area is not. IDEM originally planned a similar petition to remove its LRVP requirements by the 2027 summer fuel season, but EPA's unexpected approval of Kentucky's petition has significantly expedited Indiana's SIP petition timeline.

Relating to the second reason, on March 25, 2026, U.S. EPA issued a waiver to allow the production and distribution of a single national gasoline pool with 9 to 15 percent ethanol content at a common RVP standard of 10 psi, effective May 1, 2026. State rulemaking action is necessary to remove these requirements for purposes of state law. Governor Braun's Executive Order 26-10 directs IDEM to undertake rulemaking to align state law with this waiver.

Lastly, these fuel requirements are no longer necessary for emissions reductions. Recent photochemical modeling indicates that the Louisville area is now more responsive to reductions in oxides of nitrogen as opposed to VOCs. The LRVP program for Clark and Floyd counties is obsolete and removing this requirement will not interfere with the area's ability to maintain compliance and will not result in adverse air quality consequences.

In conclusion, this interim rule brings Clark and Floyd counties into alignment with both the Louisville metro area and the federal waiver. by suspending the unnecessary LRVP requirements under 326 IAC 13-3 for Clark and Floyd counties. Additionally, IDEM initiated a regular rulemaking to address this matter and remove LRVP fuel requirements as a control measure from Indiana's SIP. An interim rule is necessary because the regular rule would not become effective before the end of the 2026 summer fuel season.

Mr. Morrison moved to final adopt the rule and Dr. Graham seconded the vote. By a roll-call vote, the rule was final adopted.

F. Other Matters

1. Open Forum

Commissioner Woods thanked the board for attending this time-sensitive interim rulemaking session, which serves as a preview for upcoming permanent changes required by the state implementation plan.

We also have an update regarding an ongoing review of IDEM's professional licensing and certification programs, initiated under Governor Braun's executive order. The agency is actively seeking public feedback on the main IDEM website until the end of this month regarding requirements, hours, testing, and fees for drinking water, wastewater, asbestos, and underground storage tank operators. Over 50 substantive comments have already been collected, and board members are encouraged to review the input and participate.

The second update involves the Coal Combustion Residual Permitting Program. IDEM plans to submit its final package for state primacy to the US EPA in the coming days, which will then be published in the Federal Register and open for a 180-day public comment period.

Consequently, the next board meeting will feature a robust discussion on how IDEM will implement this state permitting program and manage it under the Resource and Conservation Recovery Act and Clean Air Act.

2. Tentative Date and Location of Next Meeting

The next meeting is tentatively scheduled for August 13, 2026, Indiana Government Center-South, Conference Room C, 10 North Senate Avenue, Indianapolis, Indiana.

H. Adjournment

Mr. Davidson adjourned the meeting at 1:47 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/>.