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BEFORE THE STATE OF INDIANA
ENVIRONMENTAL RULES BOARD

- - -

PUBLIC MEETING OF AUGUST 9, 2023

- - -

PROCEEDINGS

before the Indiana Environmental Rules Board,
Beverly Gard, Chairman, taken before me, Lindy L.
Meyer, Jr., a Notary Public in and for the State
of Indiana, County of Shelby, at the Indiana
Government Center South, Conference Center,
Room A, 402 West Washington Street, Indianapolis,
Indiana, on Wednesday, August 9, 2023 at
1:31 o'clock p.m.

- - -

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1 APPEARANCES:

2 BOARD MEMBERS:

- 3 Beverly Gard, Chairman
- 4 Carrie Kozyrski
- 5 Ric Zehr
- 6 Dr. Ted Niemiec
- 7 Dr. Joanne Alexandrovich
- 8 Ken Rulon
- 9 William Etzler
- 10 Calvin Davidson
- 11 Chris Horn
- 12 Jamie Brown
- 13 John Ketzenberger
- 14 Dan Bortner, Proxy, Indiana Department of
- 15 Natural Resources
- 16 Emily Totten, Proxy, Indiana Economic
- 17 Development Corporation
- 18 Brian Rockensuess, IDEM Commissioner
- 19 (Nonvoting)

20 IDEM STAFF MEMBERS:

- 21 Christine Pedersen
- 22 Nancy King
- 23 Christine Pedersen
- 24 Seth Engdahl
- 25 Krystal Hackney
- 26 Jason House
- 27 Karla Kindrick

28 PUBLIC SPEAKERS:

29 None

30 - - -

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32
33

1 1:31 o'clock p.m.
2 August 9, 2023

3 - - -

4 CHAIRMAN GARD: I'm going to call the
5 meeting of the Environmental Rules Board of
6 August the 9th, 2023 to order. Welcome,
7 everyone. This still seems strange to me. We
8 used to have a full room, and now we have people
9 looking over our shoulders to see the rest of
10 you, but several of us are here today, and
11 usually we Zoom, so I'm glad to have all of you,
12 whether you're here or whether you're Zooming.
13 We do have a quorum.

14 I'm going to now call on the Board members
15 to indicate their attendance at the meeting,
16 whether you're Zoom or whether you're in person.

17 Comm. Rockensuess?

18 COMM. ROCKENSUESS: Here.

19 CHAIRMAN GARD: Mr. Davidson?

20 (No response.)

21 CHAIRMAN GARD: I don't think he's
22 going to be with us today.

23 Mr. Etzler?

(No response.)

1 CHAIRMAN GARD: Dr. Niemiec?

2 DR. NIEMIEC: Here.

3 CHAIRMAN GARD: Mr. Horn?

4 MR. HORN: Present.

5 CHAIRMAN GARD: Mr. Rulon?

6 (No response.)

7 CHAIRMAN GARD: Mr. Rulon?

8 (No response.)

9 CHAIRMAN GARD: He was there --

10 MR. RULON: Present.

11 CHAIRMAN GARD: Okay.

12 Ms. Totten?

13 (No response.)

14 COMM. ROCKENSUESS: She's on there.

15 CHAIRMAN GARD: Is she on there?

16 COMM. ROCKENSUESS: Yeah.

17 CHAIRMAN GARD: Your mike's not on,

18 Ms. Totten.

19 Mr. Bortner?

20 MR. BORTNER: Here.

21 CHAIRMAN GARD: Ms. Brown?

22 MS. BROWN: Here.

23 CHAIRMAN GARD: And I'd like to

1 welcome Jaime Brown. She is new to the
2 Commission, representing manufacturing.

3 MS. BROWN: -- be here.

4 CHAIRMAN GARD: Dr. Alexandrovich?

5 DR. ALEXANDROVICH: I'm here by Zoom.

6 CHAIRMAN GARD: Ms. Kozyrski?

7 MS. KOZYRSKI: Here.

8 CHAIRMAN GARD: I'll get this sooner
9 or later.

10 (Laughter.)

11 CHAIRMAN GARD: Mr. Ketzenberger?

12 MR. KETZENBERGER: I'm here.

13 CHAIRMAN GARD: We're glad to see
14 you.

15 MR. KETZENBERGER: Thank you.

16 CHAIRMAN GARD: And we have another
17 new member, Ric Zehr.

18 MR. ZEHR: And I'm here.

19 CHAIRMAN GARD: And he represents
20 construction. And the Chair is present, so we do
21 have a quorum.

22 Our first order of business today is the
23 approval of the summary of the June 14th, 2023

1 Board meeting. Are there any additions or
2 corrections to the summary as presented?

3 DR. ALEXANDROVICH: Yeah. At the
4 bottom of page 1 there's a typo. It says,
5 "air -- airport fees." It should be "air permit
6 fees."

7 CHAIRMAN GARD: You're always good at
8 this.

9 Do we need a motion on that?

10 MS. KING: We'll just make the
11 amendment.

12 CHAIRMAN GARD: Yeah.

13 DR. NIEMIEC: If there are no
14 other -- no other corrections -- this is Ted
15 Niemiec -- also, I believe there should be a
16 correction in the second paragraph of the
17 Commissioner's report. The spelling of
18 Ms. Rennaker's name does not match what it is in
19 her e-mail, according to what we've received.
20 It's spelled with a first name C o l l e n in the
21 minutes summary.

22 COMM. ROCKENSUESS: Oh, Colleen.

23 CHAIRMAN GARD: And it should be how?

1 COMM. ROCKENSUESS: C o l l e e n.

2 CHAIRMAN GARD: Okay.

3 COMM. ROCKENSUESS: We can --

4 CHAIRMAN GARD: So noted.

5 Any other typos or anything like that?

6 (No response.)

7 CHAIRMAN GARD: Okay. Is there a

8 motion to approve --

9 DR. NIEMIEC: So approved --

10 CHAIRMAN GARD: -- as --

11 DR. NIEMIEC: -- this is Ted Niemiec.

12 CHAIRMAN GARD: -- as amended?

13 Is there a second?

14 MR. RULON: Second, Ken Rulon.

15 CHAIRMAN GARD: Voice vote. All in

16 favor, say aye.

17 (Board members responded, "Aye.")

18 CHAIRMAN GARD: Opposed, nay.

19 (No response.)

20 CHAIRMAN GARD: The summary of the

21 minutes are approved as amended.

22 Comm. Rockensuess, your report.

23 COMM. ROCKENSUESS: Good afternoon,

1 Chair Gard, members of the Board. Thanks for
2 being here or on-line today. Welcome, Jaime and
3 Ric, to the Board. Thanks for being here as
4 well.

5 So, as an update from the agency, the last
6 month and a half or so and then continuing on
7 until later this fall, Drake Abramson, my
8 Legislative Director, Parvonay Stover, my Chief
9 of Staff, and I have been traveling around the
10 state meeting with legislative leaders just to
11 talk about what issues they're seeing, providing
12 information to them on what we do as an agency,
13 why we do it, how we differ from EPA, what our
14 relationship is like with EPA.

15 The last couple of years, just listening
16 in and some of the issues Drake has dealt with
17 seems to focus on things where there's confusion
18 on where our authority lies and where EPA begins
19 or vice-versa, or why we do things and how we do
20 things. And so, we thought it was important to
21 travel around the state to meet with people in
22 their districts, to just start building
23 relationships with some of these folks.

1 There has been a decent number of
2 legislators that have turned over in the last
3 four or five years, and so, a lot of them come in
4 not knowing what every agency does, especially
5 one as technical and sometimes big, at least in
6 topics big, as we are.

7 So, so far we've been in New Albany --
8 New Albany and Evansville. Our next stop is in
9 Portage, Indiana and we're scheduling stops I
10 know near Goshen and Fort Wayne and Terre Haute.
11 We're going to be doing some regional ones with
12 legislators in the donut counties as well. So,
13 hoping the relationships start getting better and
14 we start communicating on a better clip than we
15 have been, because it just helps us stem off
16 issues before they become issues that the
17 legislature needs to deal with, which most of the
18 time they shouldn't have to.

19 I mentioned last time that, you know,
20 we've been heads down trying to figure out how
21 we're going to implement the new rules process
22 through House Enrolled Act 1623. Nancy and her
23 team recently met with Office of Management and

1 Budget and the Governor's Office to make sure
2 that the process in which we believe is how we
3 can move forward is correct.

4 IDEM's -- or the Environmental Rules
5 Board's process is still different than all of
6 the other rules boards, because we flow in and
7 out of Title 4 and Title 13, where all other
8 agencies are now under Title 4. So, it does
9 create a little bit of confusion, but we have a
10 road map set out.

11 Our next step is to check in with the
12 Attorney General's Office to make sure they agree
13 with that, because they sign off on all of our
14 rules, so we don't want to have any rules
15 invalidated. And then Nancy's team is working on
16 putting together documentation and flow charts,
17 et cetera, for the Board so everybody knows what
18 the path forward's going to be, and we'll have a
19 better update on that probably at our -- if we
20 have another Board meeting this year -- at our
21 next Board meeting.

22 We've been super active recently, and I
23 mentioned this a little bit last meeting, on the

1 topic of wetlands and WOTUS and all of that. The
2 Sackett decision came down, which I mentioned
3 last time, which changed the dynamics on who
4 regulates which wetlands in each state.

5 And so, with that discussion, we started
6 engaging with the Builders Association and their
7 members and the consultants to figure out, with
8 the isolated wetlands statutes, what's working,
9 what's not working. Largely what's not working
10 is the form we've been using, and there's
11 confusion on it.

12 So, the first meeting went really well.
13 Everybody was freely talking about issues, which
14 was great, because that doesn't always happen,
15 and then we had a subsequent meeting with a
16 smaller team of consultants and IDEM staff, and
17 what I heard coming out of that is there's a lot
18 of agreements on how to move that forward, which
19 is great.

20 There will be some kind of legislation
21 this next session to clarify some of these
22 things, but I think coming from it together
23 rather than on opposite ends of the spectrum is

1 super helpful to move whatever we move this next
2 session forward with hopefully low or little
3 amount of resistance.

4 We are also -- on staffing, a quick update
5 there. I guess I did mention Colleen Rennaker in
6 the last meeting, because we're correcting her
7 name. She is our new Deputy Assistant
8 Commissioner.

9 We are also working on hiring the 15 new
10 Drinking Water staff that we were -- we got
11 funding for this last session, and because of the
12 duties we're taking on from Homeland Security and
13 some of the other changes to the Excess Liability
14 Trust Fund statute, we'll be hiring another three
15 people in that area.

16 And I don't think she mentioned this at
17 the last Board meeting, but MaryAnn Stevens, our
18 longtime rule writer, especially on water quality
19 issues, retired after 47 years. She retired last
20 Friday, and what was really cool is I mentioned
21 it to the Governor's Office, and they quickly got
22 me a Distinguished Hoosier to give to her because
23 of her years of service to the state.

1 And then finally, part of 1623 as well has
2 to do with anybody that collects fines or
3 penalties or fees, anything like that, that stuff
4 has to be in rules now, which our fees are. Our
5 fines are not, our penalty dollars are not.
6 Those have always been through a nonrule policy
7 document that we've -- we haven't really changed
8 in 25 years.

9 So, because of that, we are taking that
10 policy, we will be drafting it into a rule form.
11 I actually have to go in front of the Budget
12 Committee to get that approved, and I have to do
13 it by the end of this year, so we will be going
14 -- they have a meeting in October -- September,
15 October and December, so I'll probably hit the
16 October or December meetings.

17 But our penalty policy was actually used
18 as the draft that other agencies should look at
19 to draft their own penalty policies. It's pretty
20 well laid out. It gives you like the maximum we
21 can do each day, and then it puts you into a
22 matrix on whether you're a minor/minor violator
23 or a major/major violator, or your violation is

1 that way.

2 And so, it should -- we're not changing
3 anything with the policy. It hasn't had any
4 issues over the years, so I'm hoping the Budget
5 Committee will go well and we'll get that moving
6 pretty quickly.

7 And that is it for my report.

8 CHAIRMAN GARD: Is there any change
9 to the way that this Board will do business in
10 the new spectrum?

11 COMM. ROCKENSUESS: The -- not
12 necessarily how you do business. I think there's
13 a potential change in how many hearings we have
14 to have on particular issues. If we don't get
15 substantive comments on a particular issue, so
16 like the air fees, right, because that's coming
17 up today, if we would have gotten substantive
18 comments that were -- in which we would need to
19 change that rule, we would have to have another
20 hearing, which we do anyway. So, that's really
21 not a change.

22 CHAIRMAN GARD: Uh-huh.

23 COMM. ROCKENSUESS: If we don't have

1 to do -- if we don't have substantive comments on
2 things, I think we can do one hearing and then
3 move it forward. So, it does potentially cut
4 down the amount of time that the Board has to
5 spend on a particular topic.

6 On our end, on the agency end, there are a
7 bunch of -- a lot of different things that we're
8 going to have to do now; right? So, when we
9 public notice a rule, the first notice is, "Hey,
10 we're thinking about doing a rule. What do you
11 think?"

12 We can't do that now; right? When we do,
13 we have to have the language with it. It has to
14 be a full rule that we're giving to the public at
15 that time, where today we do a first notice,
16 "Hey, what do you think? We don't have
17 language," then we do a second notice, "Here's
18 the language, what do you think?" And then we
19 have a hearing.

20 So, it kind of cuts out that -- it
21 combines the first and second notice together,
22 which is somewhat of a streamlined approach, but
23 we also only have a year now to get a rule done.

1 So, we have to have, on the agency side, all of
2 our ducks in a row before we put out a rule,
3 because we've got to make that year time frame.

4 And if we don't, we have to have a date
5 certain in which we're going to get that rule
6 done, and because some of our rules can be
7 contentious at times, we're going to have to do a
8 lot of that background first before we even
9 initiate like a first notice, like we would have
10 in the past.

11 CHAIRMAN GARD: So, no more 13-year
12 rules like we had?

13 COMM. ROCKENSUESS: There may be
14 13-year rules, but you won't see them until that
15 last -- that 12th or 13th year.

16 (Laughter.)

17 COMM. ROCKENSUESS: Yeah, no more
18 antidegs.

19 CHAIRMAN GARD: Anybody else have a
20 question for the Commissioner?

21 MS. KOZYRSKI: I did have a question
22 on the Department of Homeland Security
23 responsibilities that are transferring to IDEM.

1 I'm familiar with the -- with regard to
2 reporting. Is that staying with IDHS?

3 COMM. ROCKENSUESS: That's staying
4 with them. What we're taking on is: They had a
5 program in which they licensed people that
6 installed underground storage tanks.

7 MS. KOZYRSKI: Oh.

8 COMM. ROCKENSUESS: And it --
9 actually that whole program just fell on the Fire
10 Marshal, who is not in the business of
11 underground storage tanks. Now, why that got put
12 there, who knows? But we met with Director
13 Thacker, who was the Fire Marshal before he was
14 Director of Homeland Security, and he started
15 asking us questions about what we do with tanks.

16 And the meeting went on forever, because
17 we wouldn't shut up about what we do with tanks,
18 because that's what we do, and he was like,
19 "Well, you should probably take this on." And
20 then a legislator had a constituent issue, and
21 then it became his idea, which was great, that
22 this should move over to IDEM.

23 And so, that's -- it just made it -- it

1 makes it more cohesive, and then we are able to
2 see who -- from the minute it gets installed to
3 the minute there's an issue, what's going on in
4 that -- in the ground, because there's been times
5 when we have had people open up the ground to see
6 why the tanks were leaking, and the installer
7 literally took a pipe and bent it, put it on a
8 paint can, and because of the corrosion over
9 time, that was an easy place for it to fail.

10 MS. KOZYRSKI: Yeah.

11 COMM. ROCKENSUESS: We can hopefully
12 stop that from happening in the future.

13 MS. KOZYRSKI: Thank you.

14 COMM. ROCKENSUESS: Yeah.

15 CHAIRMAN GARD: Any other questions?

16 (No response.)

17 CHAIRMAN GARD: Anyone on Zoom have a
18 question for the Commissioner?

19 DR. ALEXANDROVICH: Yeah.

20 MR. RULON: Yeah, I do.

21 DR. ALEXANDROVICH: Oh, go ahead,
22 Ken.

23 MR. RULON: Yeah. So, Chairman Gard,

1 I have a quick question for Brian.

2 Have we had any more contact with the
3 people in Carmel? We kind of promised them that
4 we would stay in touch, or IDEM would, and has
5 that still been going on like we promised them?

6 COMM. ROCKENSUESS: Yeah, I actually
7 asked this morning, I met with Aaron this
8 morning, if we had had any more communication
9 from them. We did go out and do another
10 inspection. We didn't find issues, and we
11 haven't really heard back from them since we made
12 that initial contact. So, I did ask them to
13 reach back out and just make sure that we're not
14 dropping the ball anywhere, that -- because we
15 want to be responsive.

16 MR. RULON: Thank you. That's great
17 to hear.

18 COMM. ROCKENSUESS: Thanks, Ken.

19 CHAIRMAN GARD: Okay.

20 Dr. Alexandrovich?

21 DR. ALEXANDROVICH: Yes, thank you.

22 I'm just wondering on that new rulemaking,
23 is there anything to encourage more public

1 participation? I know sometimes -- you know,
2 it's been a while since we've really had a lot of
3 comments, and it's a little bit discouraging to
4 me that the public's not involved more.

5 COMM. ROCKENSUESS: Yeah. So, I mean
6 now with any kind of public notice, there has to
7 be rule language that goes into it, which, on one
8 hand, I can see why the public would maybe not
9 want to participate if you have -- if you don't
10 know our system and you have to comment once
11 about what you think and then comment again, you
12 may think, "Well, I already commented. Why do I
13 need to comment again?" So, that might help
14 encourage it a little bit.

15 All Board meetings and all across the
16 state now have to be live streamed and we have to
17 keep records of those, so hopefully that will
18 drive more interest into people participating or
19 at least paying attention to what's going on.

20 And really, it's -- most of the rules we
21 do affect different industries of some kind, and
22 we've been doing a lot of engagement with those
23 different industry groups, so they participate

1 more. Because the last -- the thing I hate
2 dealing with the most is, you know, that we're
3 passing a rule, and we don't hear about that
4 there's an issue with the rule from X industry or
5 X population of people until after the fact, and
6 then it becomes a legislative issue.

7 Well, if we would have dealt with that
8 while we were doing the rulemaking, maybe we
9 wouldn't be dealing with it with the legislature.
10 It makes it easier if we do it on the front end
11 than the back end.

12 DR. ALEXANDROVICH: I'm a fan of
13 streamed hearings. You know, Ken brought it up.
14 I wasn't going to bring it up, but you guys know
15 me. On transport trucks, you know, that are a
16 transporting gravel, what are the -- who enforces
17 the rules to cover all of that, to cover the
18 trucks?

19 COMM. ROCKENSUESS: Like when you're
20 driving down the road?

21 DR. ALEXANDROVICH: Yes.

22 COMM. ROCKENSUESS: DOT.

23 DR. ALEXANDROVICH: Because it seemed

1 to be one of the complaints of those folks, and
2 the videos we got from the companies there, you
3 couldn't see it till the very end, and the one
4 truck that they showed wasn't covered, and I've
5 kind of noticed around my town that there must be
6 something that those people don't want to cover
7 their trucks. You would think that there could
8 be something simple, that we could encourage them
9 to make sure that the trucks don't leave the
10 property without being covered. So, that was
11 just my observation and concern.

12 COMM. ROCKENSUESS: Yeah, we can
13 definitely reach out to the folks at INDOT about
14 that. I know when I'm driving down the road and
15 there's a truck that's not covered, I quickly
16 pass them, because I don't want the rocks hitting
17 my windshield.

18 DR. ALEXANDROVICH: Well, there must
19 be something hard about covering the trucks,
20 because --

21 COMM. ROCKENSUESS: It's not hard.

22 DR. ALEXANDROVICH: -- more and more
23 are not covered than are covered.

1 COMM. ROCKENSUESS: Yeah, it's not --
2 most of them have to have -- a certain size, they
3 have to have the screens that go over them.

4 DR. ALEXANDROVICH: Thank you.

5 COMM. ROCKENSUESS: Yeah.

6 CHAIRMAN GARD: Anybody else?

7 (No response.)

8 CHAIRMAN GARD: Okay. We'll move on.

9 Chris Pedersen for Rulemaking Report.

10 MS. PEDERSEN: Hello. I'm Chris
11 Pedersen, the Rules Development Section, Office
12 of Legal Counsel.

13 Before I start, I wanted to mention that
14 it appears that Bill Etzler and Cal Davidson are
15 both on the Zoom call now.

16 CHAIRMAN GARD: Okay.

17 MS. PEDERSEN: They weren't before,
18 but they appear to be on there now.

19 We do not have a recommendation for a date
20 for the next Board meeting, and this is in part
21 because with our rules that are currently in
22 process under the old rulemaking process, we just
23 don't have anything where we can predict when

1 they're going to be ready to come to the Board
2 meeting.

3 And then, as the Commissioner mentioned,
4 with the new rule process, we're still working
5 out some details, and those rules will have to be
6 fully developed before they can be noticed and
7 then brought to the Board.

8 So, we don't have a predicted date for the
9 next Board meeting to recommend, but as soon as
10 we have rules that are ready, then we will be in
11 touch with the Board and work out a schedule to
12 have another Board meeting.

13 CHAIRMAN GARD: Okay.

14 MS. PEDERSEN: That's all I have.

15 CHAIRMAN GARD: And --

16 MS. PEDERSEN: Any --

17 CHAIRMAN GARD: And we don't know if
18 this will be your last Board meeting or not --

19 MS. PEDERSEN: No.

20 CHAIRMAN GARD: -- because we don't
21 know when we'll have another one.

22 Chris is retiring, too, at the end of the
23 year, which we're going to really miss you.

1 MS. PEDERSEN: Thank you.

2 CHAIRMAN GARD: Okay. Any questions
3 for Chris, either here or Zoom?

4 (No response.)

5 CHAIRMAN GARD: Okay. Today we have
6 hearings for the following regular rule board
7 actions: Final adoption of the Title V
8 Permitting Fees, Wastewater Treatment Plant
9 Operator Certification. There will be -- also be
10 a presentation on the Nonrule Policy Document:
11 Allowable Substitutions for Prerequisite
12 Education and Experience, Wastewater Operator
13 Certification.

14 As a reminder, if you wish to testify at
15 any of today's hearings, please fill out a
16 comment card and give it to Karla Kindrick at the
17 sign-in table.

18 The rules being considered at today's
19 meeting were included in the Board packets and
20 are available for public inspection at the Office
21 of Legal Counsel, 13th Floor, Indiana Government
22 Center North. The entire Board packet is also
23 available on IDEM's Web site at least one week

1 prior to each Board meeting.

2 A written transcript of today's meeting
3 will be made. The transcript and any written
4 submissions will be open for public inspection at
5 the Office of Legal Counsel. A copy of the
6 transcript will be posted on the rules page of
7 the agency Web site when it becomes available.

8 Will the official reporter of the cause
9 please stand, raise your right hand, and state
10 your name?

11 (Reporter sworn.)

12 CHAIRMAN GARD: Thank you.

13 And I might add that those of you on Zoom
14 can also testify; you just have to hit the little
15 thing on the screen so they know you want to
16 speak.

17 This is a public hearing before the
18 Environmental Rules Board of the State of Indiana
19 concerning final adoption of 326 IAC 2-1.1-7,
20 Title V Permitting Fees.

21 I'll now introduce Exhibit A, the
22 preliminarily adopted rule, into the record of
23 the hearing.

1 Seth Ingersoll [sic] will present the
2 rule.

3 MR. ENGDAHL: Members of the Board,
4 good afternoon. My name is Seth Engdahl, and I
5 am a rule writer in the Rules Development Section
6 within IDEM's Office of Legal Counsel.

7 The rulemaking currently under
8 consideration is statutorily mandated and would
9 increase the annual base fee for two permit
10 types: Title V Operating Permits and Federally
11 Enforceable State Operating Permits, or FESOP's.
12 Currently, there are around eleven hundred
13 sources in Indiana that would be impacted by this
14 increase.

15 This rulemaking would increase the annual
16 base fees for these permits from the current fee
17 of \$2,381 to \$6,100, resulting in roughly 4.3
18 million dollars per year in revenue to support
19 the Title V permitting program.

20 For some background on this rulemaking,
21 the Clean Air Act requires state air permitting
22 programs to be supported by fees sufficient to
23 cover all direct and indirect costs incurred in

1 the development and administration of the
2 program. Without proper funding, the management
3 of the program would be ceded to U.S. EPA.

4 Currently, IDEM charges Title V sources
5 two fees: An annual fee and a fee based on the
6 tonnage emitted. Over the past decade, the
7 agency has seen a steady decline in billable
8 emissions. While a reduction in overall
9 emissions is certainly beneficial, it has
10 resulted in a growing deficit, currently two to
11 three million dollars, for the Title V permitting
12 program at IDEM.

13 Accordingly, the agency worked with the
14 Indiana General Assembly and interested
15 stakeholders to pass legislation to raise the
16 annual base fees to allow for a more predictable
17 income stream for the program and prevent the
18 program from being ceded to U.S. EPA.

19 This culminated in the passage of Senate
20 Enrolled Act 155, which was signed by the
21 Governor on April 20th of this year. This
22 rulemaking, and the legislation mandating it, are
23 necessary to fully fund the Title V permitting

1 program.

2 This is only the third time IDEM has
3 raised its Title V fees in the past 30 years,
4 with the most recent increase in 2019. A
5 statutory cap of one increase of ten percent or
6 less per five-year period remains in place;
7 however, the cap was bypassed by Senate Enrolled
8 Act 155 for this increase.

9 IDEM requests that the Board approve this
10 rule as presented, and I'm happy to answer any
11 questions that you may have.

12 CHAIRMAN GARD: Are there any
13 questions from anybody here?

14 (No response.)

15 CHAIRMAN GARD: Anybody on Zoom?

16 (No response.)

17 CHAIRMAN GARD: Okay. Thank you very
18 much.

19 The hearing is concluded. The Board will
20 now consider final adoption of 326 IAC 2-1.1-7,
21 Title V Permitting Fees. Is there Board
22 discussion?

23 (No response.)

1 CHAIRMAN GARD: Okay. I need a
2 motion to final adopt the rules as presented.

3 MR. BORTNER: Motion to approve.

4 MR. RULON: Ken Rulon, so moved.

5 MR. BORTNER: Second.

6 CHAIRMAN GARD: Okay.

7 Did you get that?

8 THE REPORTER: Yes.

9 CHAIRMAN GARD: Okay. Thank you.

10 Any further discussion?

11 (No response.)

12 CHAIRMAN GARD: Okay. I'll call the
13 roll.

14 Mr. Davidson?

15 (No response.)

16 CHAIRMAN GARD: Mr. Davidson?

17 (Inaudible response.)

18 THE REPORTER: I couldn't hear that.

19 CHAIRMAN GARD: I couldn't hear that,
20 either. Well, we'll check and see if he's really
21 here or not.

22 Mr. Etzler?

23 MR. ETZLER: Aye.

1 CHAIRMAN GARD: Dr. Niemiec?

2 DR. NIEMIEC: Yes.

3 CHAIRMAN GARD: Mr. Horn?

4 MR. HORN: Yes.

5 CHAIRMAN GARD: Mr. Rulon?

6 (No response.)

7 CHAIRMAN GARD: Mr. Rulon?

8 (No response.)

9 CHAIRMAN GARD: Mr. Rulon, do you
10 want to vote?

11 MR. RULON: Yes.

12 CHAIRMAN GARD: Ms. Totten?

13 (No response.)

14 CHAIRMAN GARD: Mr. Bortner?

15 MR. BORTNER: Yes.

16 CHAIRMAN GARD: Ms. Brown?

17 MS. BROWN: Yes.

18 CHAIRMAN GARD: Dr. Alexandrovich?

19 (No response.)

20 CHAIRMAN GARD: Dr. Alexandrovich, do
21 you want to vote?

22 UNIDENTIFIED SPEAKER: Yes.

23 CHAIRMAN GARD: Ms. Kozyrski?

1 MS. KOZYRSKI: Yes.

2 CHAIRMAN GARD: Mr. Ketzenberger?

3 MR. KETZENBERGER: Yes.

4 CHAIRMAN GARD: The Chair votes aye.

5 Is Mr. Davidson on?

6 (No response.)

7 CHAIRMAN GARD: I guess --

8 DR. ALEXANDROVICH: Chairman Gard, am
9 I not on your list? Joanne Alexandrovich votes
10 yes.

11 CHAIRMAN GARD: I called your name
12 and you said yes.

13 MS. TOTTEN: Same here for Emily
14 Totten with IEDC. I vote yes.

15 COMM. ROCKENSUESS: I think there's
16 issues with --

17 CHAIRMAN GARD: I called both -- all
18 of your names. Just be sure that your mike's on.

19 COMM. ROCKENSUESS: Did you call
20 Mr. Zehr?

21 CHAIRMAN GARD: Mr. -- oh, I'm sorry.
22 You're on this list. Mr. Zehr?

23 MR. ZEHR: Aye.

1 MR. RULON: Also, Ken Rulon votes
2 yes, Chairman Gard. Thank you.

3 CHAIRMAN GARD: Yeah, I called your
4 name, too.

5 Okay. Mr. Davidson, are you there?

6 (No response.)

7 COMM. ROCKENSUESS: Cal, do you want
8 to vote? You're on mute.

9 (No response.)

10 CHAIRMAN GARD: Well, I guess he's
11 not there.

12 The rule is adopted twelve to zero.

13 This is a public hearing before the
14 Environmental Rules Board of the State of Indiana
15 concerning final adoption of 327 IAC 5-23,
16 Wastewater Treatment Operator Certification.

17 I will now introduce Exhibit B, the rule
18 as preliminarily adopted with IDEM's suggested
19 changes, into the record of the hearing.

20 Krystal Hackney will present the rule.

21 MS. HACKNEY: Good afternoon, members
22 of the Board. My name is Krystal Hackney, and I
23 am a rule writer in the Rules Development Section

1 within the Office of Legal Counsel.

2 I am here to present Rule No. 18-365 for
3 Wastewater Treatment Plants and Operators. This
4 rulemaking repeals the existing rule at
5 327 IAC 5-22 and replaces it with 327 IAC 5-23.
6 This rule addresses state statutory requirements
7 made in 2015 and 2018 that affect IC 13-18-11.
8 These statutory changes allow electronic
9 examination through a third-party administrator,
10 add certification examination fees, require proof
11 of compliance with continuing education
12 requirements submitted with certificate renewal
13 applications, update the renewal cycle for
14 operators' certificates from two years to three
15 years, and add reciprocity for certified
16 operators from other U.S. territories applying
17 for a certification in Indiana.

18 The new rule reorganizes and restructures
19 sections as well as updating them with the
20 necessary changes.

21 Changes that have been made since
22 preliminary adoption have been indicated in the
23 Board packet on the Rule Information Sheet. A

1 clarification was made at 327 IAC 5-23-10(b)
2 and (c). These subsections have the same
3 intention and IDEM felt that it should be worded
4 similarly. There have been no additional changes
5 made to this rulemaking since preliminary
6 adoption.

7 IDEM will present a nonrule policy
8 document concerning the education and experience
9 substitutions to the Board here shortly.

10 IDEM requests that the Board final adopt
11 this rule as presented. Program experts and I
12 are available to answer any questions that you
13 may have.

14 Thank you.

15 CHAIRMAN GARD: Is there anyone here
16 that wants to speak on -- or do you have a
17 question?

18 MS. KOZYRSKI: Oh, I have a question
19 on the nonrule policy document --

20 CHAIRMAN GARD: Okay.

21 MS. KOZYRSKI: -- not on the rule
22 itself.

23 CHAIRMAN GARD: Anybody there have

1 any questions?

2 (No response.)

3 CHAIRMAN GARD: Is there any -- do we
4 have any speaker cards?

5 MS. KINDRICK: No, ma'am.

6 CHAIRMAN GARD: The hearing is
7 concluded. The Board will now consider final
8 adoption of 327 IAC 5-23, Wastewater Treatment
9 Plant Operator Certification. Is there any Board
10 discussion?

11 (No response.)

12 CHAIRMAN GARD: Any Board discussion?

13 (No response.)

14 CHAIRMAN GARD: Okay. I need a
15 motion to adopt IDEM's suggested changes.

16 MR. KETZENBERGER: So moved.

17 CHAIRMAN GARD: Is there a second?

18 MS. KOZYRSKI: Second.

19 CHAIRMAN GARD: Mr. Davidson?

20 COMM. ROCKENSUESS: So, I just got a
21 text from him.

22 CHAIRMAN GARD: Huh?

23 COMM. ROCKENSUESS: I just got a text

1 from him. He's dropping off.

2 CHAIRMAN GARD: Okay.

3 Mr. Etzler?

4 (No response.)

5 CHAIRMAN GARD: Mr. Etzler?

6 MR. ETZLER: I vote aye.

7 CHAIRMAN GARD: Dr. Niemiec?

8 DR. NIEMIEC: Yes.

9 CHAIRMAN GARD: Mr. Horn?

10 MR. HORN: Yes.

11 CHAIRMAN GARD: Mr. Rulon?

12 (No response.)

13 CHAIRMAN GARD: Mr. Rulon?

14 MR. RULON: Yes.

15 CHAIRMAN GARD: Ms. Totten?

16 (No response.)

17 CHAIRMAN GARD: Ms. Totten?

18 (No response.)

19 CHAIRMAN GARD: Ms. --

20 COMM. ROCKENSUESS: Mr. Rulon and

21 Mr. Totten [sic]?

22 CHAIRMAN GARD: Mr. Rulon?

23 MR. RULON: Yeah, Chairman Gard, the

1 mike is not flipping back to you sometimes after
2 Chris speaks, so that may be what the problem is.

3 CHAIRMAN GARD: Okay. I'm sorry.

4 COMM. ROCKENSUESS: Do you hear it
5 when I speak?

6 MR. RULON: Yes, Brian, very clearly
7 when you speak, yes.

8 CHAIRMAN GARD: Okay.

9 MR. RULON: Yeah, I'm having some
10 kind of problems and I don't know what's going
11 on, but I appear to have mine set up all right,
12 but I don't know.

13 DR. ALEXANDROVICH: We hear you.
14 Others may not --

15 CHAIRMAN GARD: I think it was the
16 microphone that I was using is malfunctioning.

17 MS. TOTTEN: I think that there may
18 be some roll-call issues. I haven't heard my
19 name, and I know Dr. Alexandrovich doesn't hear
20 her name.

21 COMM. ROCKENSUESS: Can you hear --

22 MS. TOTTEN: Perhaps it's worth going
23 over again.

1 COMM. ROCKENSUESS: Can you hear
2 Sen. Gard now?

3 CHAIRMAN GARD: Can you hear me now?

4 MR. RULON: Yes, I can.

5 CHAIRMAN GARD: Okay.

6 MS. TOTTEN: Not very well.

7 CHAIRMAN GARD: I'm speaking --

8 MR. RULON: The microphone may not be
9 very close to you.

10 CHAIRMAN GARD: It's --

11 (Laughter.)

12 CHAIRMAN GARD: -- unless I eat it.

13 What about this?

14 MR. RULON: Yes.

15 CHAIRMAN GARD: Okay. Well, we'll go
16 with this.

17 Ms. Totten? This -- we're voting on
18 accepting IDEM's suggested changes.

19 MS. TOTTEN: Thank you. I vote yes.

20 CHAIRMAN GARD: Mr. Bortner?

21 MR. BORTNER: Yes.

22 CHAIRMAN GARD: Ms. Brown?

23 MS. BROWN: Yes.

1 CHAIRMAN GARD: Dr. Alexandrovich?

2 DR. ALEXANDROVICH: Yes.

3 CHAIRMAN GARD: Ms. Kozyrski?

4 MS. KOZYRSKI: Yes.

5 CHAIRMAN GARD: Mr. Ketzenberger?

6 MR. KETZENBERGER: Yes.

7 CHAIRMAN GARD: Mr. Zehr?

8 MR. ZEHR: Yes.

9 CHAIRMAN GARD: The Chair votes aye.

10 The changes are adopted, twelve to zero.

11 Is there a motion to adopt the final rule
12 as amended?

13 MR. KETZENBERGER: So moved.

14 CHAIRMAN GARD: Is there a second?

15 MS. KOZYRSKI: Second.

16 CHAIRMAN GARD: I'm calling the roll.

17 Mr. Etzler?

18 (No response.)

19 CHAIRMAN GARD: Mr. Etzler?

20 MR. ETZLER: Yes.

21 CHAIRMAN GARD: Dr. Niemiec?

22 (No response.)

23 CHAIRMAN GARD: Dr. Niemiec?

1 DR. NIEMIEC: Yes. By the way, I
2 would say the microphone fades out with each
3 person, but yes.

4 CHAIRMAN GARD: Mr. Horn?

5 MR. HORN: Yes.

6 CHAIRMAN GARD: Mr. Rulon?

7 (No response.)

8 CHAIRMAN GARD: Mr. Rulon?

9 (No response.)

10 CHAIRMAN GARD: Mr. Rulon?

11 (No response.)

12 COMM. ROCKENSUESS: Ken?

13 CHAIRMAN GARD: Mr. Rulon?

14 MR. RULON: My mike is on. I don't
15 know what else to change on it.

16 MS. TOTTEN: We're hearing Mr. Rulon
17 on Zoom. We are not hearing the room right now.

18 MR. RULON: Okay. Thank you.

19 COMM. ROCKENSUESS: Mr. Rulon?

20 CHAIRMAN GARD: Mr. Rulon?

21 MR. RULON: Yes. Thank you.

22 COMM. ROCKENSUESS: Okay.

23 CHAIRMAN GARD: Ms. Totten?

1 MS. TOTTEN: Yes.

2 CHAIRMAN GARD: Mr. Bortner?

3 MR. BORTNER: Yes.

4 CHAIRMAN GARD: Ms. Brown?

5 MS. BROWN: Can I ask you to please
6 repeat what we're answering right now? Because
7 I'm not straight with the vote.

8 CHAIRMAN GARD: This is a -- this is
9 the vote on the final adoption of the rule as
10 amended.

11 MS. TOTTEN: Yes.

12 CHAIRMAN GARD: Dr. Alexandrovich?

13 DR. ALEXANDROVICH: Yes.

14 CHAIRMAN GARD: Ms. Kozyrski?

15 MS. KOZYRSKI: Yes.

16 CHAIRMAN GARD: Mr. Ketzenberger?

17 MR. KETZENBERGER: Yes.

18 CHAIRMAN GARD: Mr. Zehr?

19 MR. ZEHR: Yes.

20 CHAIRMAN GARD: The Chair votes aye.

21 The rule is adopted as amended.

22 We will now have a presentation on a
23 nonrule policy document by Jason House of IDEM's

1 Office of Water Quality regarding allowed
2 substitutions for prerequisite education
3 experience, wastewater operator certification
4 related to the rule adopted today on Wastewater
5 Treatment Plant Operator Certification in
6 327 IAC 5-23.

7 MR. HOUSE: Good afternoon, Board
8 members. My name is Jason House. I'm the Branch
9 Chief of Compliance and Enforcement in IDEM's
10 Office of Water Quality.

11 I come before you today to present the
12 Nonrule Policy Document Water-020-NPD for final
13 adoption. So -- and thank you for doing the
14 final adoption on our rulemaking to change
15 operator certification. This coincides with that
16 rulemaking to allow for substitutions for
17 education and experience for operators to sit for
18 an examination to become an operator in the State
19 of Indiana.

20 So, the Nonrule Policy Document does set
21 forth the circumstances where individuals
22 applying to become an Indiana certified
23 wastewater treatment operator who do not

1 currently possess all of the required education
2 and experience required by 327 IAC 5-23-9 may be
3 given credit for these deficits by substitution
4 of other qualifications that they may have.

5 The Nonrule Policy Document presents
6 specific guidance for allowable substitutions for
7 each of the ten wastewater operator license
8 classifications.

9 The basis for the language in the NPD was
10 derived from prior guidance, case examples,
11 discussions with individuals from the industry,
12 and considerations from IDEM staff in how to
13 provide better avenues for new individuals to
14 become certified, while maintaining the
15 professional integrity of the certification
16 program.

17 IDEM's goal with this Nonrule Policy
18 Document is to be transparent, consistent, clear,
19 and reasonable when reviewing applications to
20 determine when and how to apply the substitutions
21 to sit for the examination.

22 The document was placed on public notice
23 from June the 6th, 2023 through July the 21st,

1 2023. No public comments were received during
2 that period.

3 Thank you. I'd be happy to answer any
4 questions you may have about the Nonrule Policy
5 Document.

6 CHAIRMAN GARD: Thank you.

7 Ms. Kozyrski?

8 MS. KOZYRSKI: I did -- will you be
9 approaching any of the trade associations,
10 Alliance for Wastewater Treatment --

11 MR. HOUSE: We worked with the trade
12 associations during the rulemaking process and
13 during the development of the Nonrule Policy
14 Document, so they were involved in the
15 discussions when we were developing the
16 substitution outlines that we have laid out in
17 the Nonrule Policy Document.

18 MS. KOZYRSKI: Okay. Just -- I know
19 you -- in the past, you've worked with MSECA on
20 other issues related to that. I don't know if
21 there was any rollout other than just posting
22 this on the Web site.

23 MR. HOUSE: No, we worked directly

1 with them. They were provided the language and
2 provided input to us as we developed the Nonrule
3 Policy Document substitutions and experience.

4 MS. KOZYRSKI: Thank you.

5 MR. HOUSE: Yeah.

6 CHAIRMAN GARD: Any other questions?

7 (No response.)

8 CHAIRMAN GARD: Any questions from
9 Zoom people?

10 (No response.)

11 CHAIRMAN GARD: Okay.

12 MR. HOUSE: Thank you.

13 CHAIRMAN GARD: Thank you.

14 Okay. This is an Open Forum. There's one
15 thing that I want to mention before I ask for
16 anyone else. There were several questions
17 concerning the issue that we had talked about up
18 on 96th Street with gravel pits. I have had a
19 couple of quick conversations with a resident
20 there who actually is going to be helping them, I
21 think, with the issue and wasn't really
22 previously involved.

23 And the one thing that occurred to me, and

1 I discussed this with Nancy the other day, that
2 it might be -- and I think you agreed with me,
3 and if you didn't, say so, but --

4 MS. KING: Oh, I will.

5 CHAIRMAN GARD: -- that we -- that we
6 have just a one-pager that's just suggested
7 guidelines for how you -- how people that are
8 going to bring a petition, citizen's petition,
9 before us, you know, what -- what they need to
10 bring with the original petition to essentially
11 convince us that they have an issue that's not
12 devoid of merit, and that it might be a little
13 bit helpful to have that -- something for them.

14 And Nancy, do you want to mention that?

15 MS. KING: Yeah, we did talk about
16 that, and I do think it's a good idea. I mean
17 I've given -- whenever we have these, and we
18 don't have them very often, but whenever we do,
19 we provide those folks as well as you with what
20 the statute says. The statute is not
21 particularly deep in terms of what the discussion
22 is.

23 You have to have a certain number of

1 petitioners sign off. There's no information as
2 to what the -- the opening statement or what
3 you -- how you explain what you're petitioning
4 for is on there. We've tried to put together a
5 pretty rudimentary, "This is how it works, this
6 is what we're going to do," and we've based that
7 on how this Board, over the years, has handled
8 these, and they don't come by very often, but
9 when they do, it's always sort of a different
10 situation.

11 The situation we had with the various
12 towns that are working with their long-term
13 control planning is a good example of one that
14 was very different from the ones that we've had
15 in the past, where someone says, "I have a
16 problem with this rule. It seems out of date.
17 You're talking about something that doesn't
18 happen anymore, so maybe we should update it."
19 Something more concrete like that, I think, is
20 what the statute was sort of intended for, to a
21 certain extent, and it hasn't changed in years.

22 I'm not suggesting that the statute
23 change, but I do think that basically this is

1 another avenue for people to be able to address
2 the Board, and they don't -- I'm used to you guys
3 and how we do our Board stuff, but people don't
4 get that.

5 And so, I think that -- as Chair Gard
6 said, we did talk about me putting together
7 something or our office putting together
8 something that explains what it is that makes
9 sense for folks to bring when they have a
10 petition.

11 Yes, we have to verify that there's enough
12 petitioners on it in accordance with the statute,
13 and basically what the statute requires is: If
14 the Board hasn't had a hearing on this particular
15 issue -- and that is not defined either -- on
16 this issue in the last six months, then they can
17 make a determination as to whether whatever is
18 brought before them is -- has merit or, as the
19 statute says, is devoid of merit.

20 I did get a question about sort of what
21 that means. I tried to provide a pretty simple
22 just one-pager to the Board members as to what
23 the concept of "devoid of merit" can mean, and

1 because it is the Board's decision, as bossy as I
2 am, I can't tell you, "Well, this is what you
3 need to do, and do it, and this is fine, and just
4 vote on it." I could never do that.

5 (Laughter.)

6 MS. KING: But -- no laughing,
7 Commissioner. But I do think that this is a good
8 situation that proves that, you know, when
9 someone sees that there's a petition out there,
10 like the quarry folks sent information to the
11 Board members about how they follow the rule and
12 all of that stuff.

13 You know, I'm not sure the folks that were
14 on the petitioners' side were aware of that,
15 because it wasn't something that we sent out, it
16 was something that they chose to get ahold of the
17 Board members about. And on one hand, we
18 certainly want to encourage people to talk to the
19 Board members; that's why there are various
20 representatives on this Board.

21 On the other hand, we certainly don't want
22 you inundated with things, you know, that you
23 don't even know -- like "I haven't gotten

1 anything from IDEM. Why am I getting all of this
2 stuff?" It's a fine line, but by the same token,
3 we certainly want to be as transparent as
4 possible, and we want the Board to have the
5 information necessary to decide whether something
6 is a meritorious thing, too.

7 And you have to look at it this way: It's
8 only asking to have a hearing, it's not saying,
9 "You have to adopt a rule." Again, the example
10 of the cities and towns working with their
11 long-term control planning, it turned out that it
12 turned into a work group with our folks in Water
13 that has worked out well.

14 So, it didn't really involve changing
15 rules or anything, but it is the Board guiding
16 the agency on how best to deal with an issue that
17 someone brings up, and I don't think that that
18 has been made as clear as we can make it, and
19 this is an example for us to learn.

20 I do think that, again, you know, when the
21 Board had the discussion at our last meeting
22 about this particular petition, I think probably
23 the petitioners felt like, "Well, we shouldn't

1 really get into the whole thing until the Board
2 says, 'Let's have a hearing,'" and they maybe
3 thought, "Well, that's just what they're going to
4 do. That's the next step. They'll say, 'The
5 next thing we'll do is have a hearing.'"

6 So, I think there was a bit of confusion,
7 you know, from their perspective on that, and I
8 do certainly feel bad that they felt that they
9 were, you know, sort of boxed out. It was not
10 the intent. We were just following how we've
11 done it in the past. So, maybe something like
12 this is something that we can clarify.

13 And I can draft something up and I can
14 bring it to this Board, you know, at the next
15 meeting, or I can send it out to you beforehand
16 and just get your thoughts on it, but I don't
17 want it to be, you know, a hundred pages or
18 anything, but I want it to be helpful for people,
19 sort of a guidance on how we see this statute and
20 how the process works based on what we've done in
21 the past. So, that's kind of the plan, I think.

22 CHAIRMAN GARD: Yeah, I think that
23 will be good, and these are so few and far

1 between that we have new people coming on this
2 Board oftentimes --

3 MS. KING: Right.

4 CHAIRMAN GARD: -- between petitions,
5 and I'm sure it would help clarify it for them as
6 well, because the statute is a little strange.

7 MS. KING: Well, it happens every
8 once in a while.

9 CHAIRMAN GARD: Yeah.

10 (Laughter.)

11 MS. KING: Thank you.

12 CHAIRMAN GARD: Okay. This is an
13 Open Forum. Is there anyone else that would like
14 to address the Board?

15 DR. ALEXANDROVICH: Chairman Gard,
16 this is Joanne.

17 CHAIRMAN GARD: Yes.

18 DR. ALEXANDROVICH: I'm just going to
19 throw this out there, because I've had this
20 thought, and I already brought it up earlier,
21 after our last meeting, to help with their
22 problem. I don't know if it will or if it won't,
23 but it seems to me that there could be some kind

1 of a permit requirement, some kind of enforcement
2 mechanism that the trucks have to be covered
3 before they go through the weigh station, that
4 they can't get through without covering the
5 truck. So, that's my idea to throw out there for
6 whoever wants to hear it.

7 CHAIRMAN GARD: Okay. That -- it
8 would be interesting to see the reaction to that,
9 which I agree, uncovered trucks are a menace. I
10 mean just on the highway I've been hit by stones,
11 and I think most everybody has at one time in
12 their driving career. So, yeah, that -- that
13 that's one thought. Thank you.

14 Anybody else?

15 (No response.)

16 CHAIRMAN GARD: Okay. If there's no
17 other issue to come before the Board, we will be
18 in touch with you as to the next Board meeting.
19 It's a little up in the air right now, depending
20 on what they have to present to us, and we don't
21 need to just be meeting.

22 So, with that, is there a motion to
23 adjourn?

1 MR. BORTNER: So moved.

2 DR. NIEMIEC: So moved, this is Ted
3 Niemiec.

4 CHAIRMAN GARD: Is there a second?

5 MR. BORTNER: So moved.

6 CHAIRMAN GARD: All in favor, say
7 aye.

8 (Board members responded, "Aye.")

9 CHAIRMAN GARD: Those opposed, nay.

10 (No response.)

11 CHAIRMAN GARD: Okay. Thank you all
12 for your participation.

13 - - -
14 Thereupon, the proceedings of
15 August 9, 2023 were concluded
16 at 2:23 o'clock p.m.
17 - - -

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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Wednesday, August 9, 2023 in this matter and transcribed by me.

Lindy L. Meyer Jr.

Lindy L. Meyer, Jr.,
Notary Public in and
for the State of Indiana.

My Commission expires August 26, 2024.

Commission No. NP0690003

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