

BEFORE THE STATE OF INDIANA
ENVIRONMENTAL RULES BOARD

PUBLIC MEETING OF MARCH 12, 2025

PROCEEDINGS

10 before the Indiana Environmental Rules Board,
11 William Etzler, Chairman, taken before me,
12 Lindy L. Meyer, Jr., a Notary Public in and for
13 the State of Indiana, County of Shelby, at the
14 Indiana Government Center South, Conference
15 Center, Room A, 402 West Washington Street,
16 Indianapolis, Indiana, on Wednesday, March 12,
17 2025 at 1:34 o'clock p.m.

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1 APPEARANCES:

2 BOARD MEMBERS:

3 William Etzler, Chairman
4 Carrie Kozyrski (remote)
5 Ric Zehr
6 Dr. Ted Niemiec (remote)
7 Dr. Joanne Alexandrovich
8 Jamie Brown (remote)
9 Chris Horn
10 John Ketzenberger
11 Calvin Davidson
12 Eli Elkhart, Proxy, Indiana Economic
13 Development Corporation
14 Katherine Nelson, Proxy, Lieutenant
15 Governor
16 Ryan Mueller (remote), Proxy, Indiana
17 Department of Natural Resources

18 Clint Woods, IDEM Commissioner
19 (Nonvoting)

20 IDEM STAFF MEMBERS:

21 Billie Franklin
22 Hilary Alderete
23 Krystal Hackney
24 Dan Watts
25 Karla Kindrick
26 Kevin Bump

27 PUBLIC SPEAKERS:

28 None

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1 1:34 o'clock p.m.
2 March 12, 2025
3 - - -

4 CHAIRMAN ETZLER: Good afternoon.

5 I'm Bill Etzler, acting Chair of the
6 Environmental Rules Board, and we do have a
7 quorum, so we'll call the meeting to order.

8 First, I would like to introduce our new
9 Commissioner, Mr. Woods.

10 Welcome.

11 COMM. WOODS: I appreciate it.

12 CHAIRMAN ETZLER: Second, I would
13 like the Board members to introduce yourselves
14 and tell us what segment you represent, please.

15 Ric, we'll start with you.

16 MR. ZEHR: I'm Ric Zehr, from
17 Northeast Indiana, and I represent the
18 construction industry.

19 MR. HORN: My name is Chris Horn. I
20 represent labor, and I'm out of Southwest
21 Indiana.

22 MR. DAVIDSON: I'm Calvin Davidson,
23 solid waste.

24 CHAIRMAN ETZLER: Bill Etzler, I'm

1 from Fort Wayne, and I represent small business.

2 DR. ALEXANDROVICH: I'm Joanne
3 Alexandrovich, Vanderburgh County and Evansville,
4 and I represent local government.

5 MS. NELSON: Hi, everyone. I'm Katie
6 Nelson. I'm the Deputy Director of the Indiana
7 State Department of Agriculture, and I represent
8 the Lieutenant Governor's seat.

9 MR. ELKHART: Eli Elkhart, with the
10 Indiana Economic Development Corporation, and
11 representing Secretary Adams.

12 CHAIRMAN ETZLER: And then those
13 members that are remote.

14 Dr. Niemiec, if you'd start.

15 DR. NIEMIEC: This is Ted Niemiec
16 here, representing health care.

17 (Mr. Ketzenberger arrived.)

18 MS. KOZYRSKI: I'm Carrie Kozyrski,
19 representing energy utilities.

20 MR. MUELLER: Good afternoon. This
21 is Ryan Mueller, representing the Department of
22 Natural Resources, sitting in for Director Alan
23 Morrison.

1 CHAIRMAN ETZLER: John, would you
2 like to introduce yourself?

3 MR. KETZENBERGER: First of all, I
4 want to apologize for being late. My name is
5 John Ketzenberger. I represent the environment,
6 the Nature Conservancy.

7 CHAIRMAN ETZLER: And we'd also like
8 to introduce our new Chief of Staff.

9 Hilary?

10 MS. ALDERETE: Hilary Alderete, Chief
11 of Staff for IDEM.

12 CHAIRMAN ETZLER: Thank you all.

13 So, we'll call the meeting to order for
14 the March 12th, 2025 meeting of the Environmental
15 Rules Board. We do have a quorum present.

16 Our first order of business today is the
17 approval of the meeting summary from
18 December 11th, 2024.

19 DR. ALEXANDROVICH: I move we approve
20 the minutes.

21 MS. NELSON: The chat says that the
22 audio is still really difficult to hear on-line,
23 so we may need to make sure we're speaking into

1 the mics better.

2 MR. ZEHR: I'll second that motion.

3 CHAIRMAN ETZLER: I have motion and
4 a --

5 MS. BROWN: I'm sorry; this is Jamie
6 Brown. It looks like -- it looks like the wrong
7 date was included on the meeting minutes, unless
8 I'm reading this wrong.

9 MS. NELSON: Yeah.

10 DR. ALEXANDROVICH: Yep. Okay.

11 MS. FRANKLIN: It is correct on
12 there. We put March 12th as today's date, but
13 then below, we are approving December 11th, 2024.

14 CHAIRMAN ETZLER: Yeah, it's
15 December 11th, it's meeting minutes, meeting
16 summary from December. So, we have a motion and
17 a second. All those in favor, say aye.

18 (Board members responded, "Aye.")

19 CHAIRMAN ETZLER: So, the summary is
20 approved. Next, we'll call on Comm. Woods for a
21 report.

22 COMM. WOODS: Thanks so much,
23 Chairman Etzler, and for members of the Board.

1 So, my name's Cliff Woods. I just started a
2 little over a month ago as the Commissioner here
3 at IDEM. I really appreciate you all taking the
4 time to help us, provide us with advice in a
5 number of different perspectives as guided by the
6 General Assembly as we go through our rulemaking
7 process for a couple of important rules.

8 And I wanted to just maybe share a few
9 highlights from my first month and a week or so
10 on the job. I know I had a chance to meet with a
11 number of you, get out to some of your
12 communities. We still have some work to do.

13 As mentioned, we've got a new Chief of
14 Staff, Hilary Alderete, who previously was our
15 Chief Financial Officer, and a number of other
16 important changes in our office. We'll have a
17 new General Counsel starting soon. Our former
18 Comptroller, Briony Towler, is now our new Chief
19 Financial Officer.

20 I've got a new Legislative Director, Jake
21 Torre, and others, and folks that are hard at
22 work at the products that you see in terms of
23 rulemaking, but then also the tip of the spear as

1 it relates to engagement with communities
2 throughout Indiana, across our permitting
3 functions in Air, Land and Water.

4 And I'm just excited to be here. I'm
5 coming most recently from Columbus, Ohio. I've
6 been there the last five years, where I've worked
7 in the private sector, done a few other things,
8 but before that, I worked at U.S. EPA as the
9 Deputy Assistant Administrator for Air and
10 Radiation, and then worked on Capitol Hill for a
11 bit, on the Science, Space and Technology
12 Committee, and then previously had run a group of
13 state air agencies, including IDEM and the local
14 agencies, the Association of Air Pollution
15 Control Agencies, with a few other things in
16 between.

17 So, I'm new to Indiana and new to IDEM,
18 but not new to a lot of the issues, and actually
19 started my career working for the RV Industry
20 Association, so there's some good Hoosier
21 manufacturing that I got to know early on and
22 spent a lot of time in Elkhart County. So,
23 really thrilled to be here, to be part of

1 Gov. Braun's administration.

2 I wanted to maybe just provide a few quick
3 highlights of some items that I thought may be of
4 interest, one being obviously we've got a lot of
5 transitions here in Indiana, but also in
6 Washington, D.C., that affect IDEM's work.

7 Gov. Braun came in with a lot of energy and some
8 new changes, so we're part of a new vertical
9 reporting up to Sec. Suzie Jaworowski, our
10 Secretary of Energy and Natural Resources.

11 So, it's a new structure, and from our
12 perspective, it's great. We've got ten agencies
13 and quasi agencies within our vertical, handling
14 everything from natural resources within the
15 Department of Natural Resources and the White
16 River State Park Commission, some agriculture
17 issues with the Board of Animal Health as well as
18 the State Chemist's Office and Seed Commissioner,
19 energy issues with the Indiana Utility Regulatory
20 Commission and the Office of Consumers Counsel.

21 And so, I think some tremendous
22 opportunities for us to break down silos,
23 obviously agencies that have been worked with

1 extensively in the past, but to have an even
2 closer relationship, one that allows us to speak
3 with one voice as an executive branch of
4 government, and to help, you know, bridge those
5 gaps on these crosscutting issues as relates to
6 even some of the topics we're going to talk about
7 today. So, really excited about that.

8 We also have some connective tissue
9 between IDEM and our vertical -- our former Chief
10 of Staff, Parvonay Stover, is now
11 Sec. Jaworowski's Chief of Staff, so that's great
12 for us, obviously recognizing talent and having
13 folks who know about our agency.

14 The second area I just wanted to cover
15 real quickly is some happenings with the General
16 Assembly, and obviously we're right in the thick
17 of things with our session, and a couple
18 high-priority items for us, our agency bill is
19 related to water cyber security, trying to
20 address some potential vulnerabilities,
21 particularly in smaller water systems and water
22 treatment facilities throughout the state.

23 That was passed out of the Senate and is

1 being considered by the House in the near future,
2 but it helps to ensure that IDEM and the Indiana
3 Office of Technology are notified when there's a
4 cyber security event, that there's not super
5 burdensome but very critical assessments of cyber
6 security vulnerability, making sure that people
7 have passwords that are better than "password" in
8 their systems, and help to close some gaps for
9 facilities that are a unique threat for cyber
10 security and hackers from around the world.

11 Also been some interest in our confined
12 feeding operation program and the frequency with
13 which we conduct inspections, and some
14 legislation that Chairman Niemeyer has been
15 pursuing, and lot of interest, and I know we're
16 probably going to get some continuing interest,
17 on emerging chemicals like PFAS and a few other
18 topics.

19 So, I wanted to just give you an update.
20 Obviously we're part of the way through the
21 session. Tomorrow we'll be presenting to the
22 Senate Appropriations Committee on our budget,
23 which includes a small overall reduction, but

1 some significant investments in things like our
2 new -- new and revised -- it's actually older
3 system, but one that we're dramatically
4 refreshing called TEMPO, which is an
5 environmental central data hub.

6 Several other state agencies around the
7 country use it, but it's really designed to try
8 to get all of our data systems and legacy systems
9 across air, water and land speaking to each
10 other, sharing information that allows us to
11 really move into the 21st and hopefully 22nd
12 Century as an agency, and I'm really excited
13 about the progress we have there.

14 We are looking at several opportunities
15 and challenges. We have a number of executive
16 orders that were signed in the first few days of
17 office by Gov. Braun for everything from reducing
18 regulation, becoming more competitive with other
19 states in our region, looking at opportunities to
20 make sure we're identifying the right metrics and
21 sharing data across agencies, and also important
22 things related to our personnel, including
23 getting people back in the office by July.

1 So, some challenges, but also some
2 opportunities. We've very excited. We're
3 looking also at some opportunities for developing
4 memoranda of understanding with key agencies
5 where we have important intersections on
6 everything from avian influenza to opportunities
7 to share data with various offices to some ways
8 to work smarter around some of our major funding
9 programs that help provide resources for key
10 environmental improvements.

11 So, very excited about some opportunities
12 to present there, but also some challenges as it
13 relates to making sure that we're getting the
14 most bang for our buck as it relates to taxpayer
15 dollars for IDEM's key priorities.

16 And with that, I think we're having a very
17 good discussion about how, as an agency, we are
18 attracting and retaining, growing, and thinking
19 about succession for a work force. And so, we've
20 had some very good conversations with an extended
21 leadership team around how we create an IDEM of
22 the future that's one team, that we break down
23 those silos even between media offices, but also

1 with our four regional offices, as well as our
2 laboratories on Shadeland.

3 So, some really exciting stuff, and then
4 ultimately, I think, how we measure our success
5 is a very thorough discussion we're having about,
6 you know, what is the right way to measure things
7 we're really, really good at, like permitting and
8 compliance efficiency, but also how we tell more
9 stories and make further progress as it relates
10 to air, water and land improvement that we're
11 really proud of here, and it's -- I think we have
12 opportunities to do even more.

13 And then finally, I think some
14 opportunities with our federal counterparts at
15 U.S. EPA as well as other parts of the Federal
16 Government. Obviously major transitions
17 happening there. Even today we've had a few
18 announcements. Gov. Braun signed a couple of
19 executive orders on environmental matters, and
20 EPA, apparently -- Administrator Zeldin, who was
21 confirmed recently, announced this morning on
22 Twitter, or whatever we're calling it these days,
23 the greatest day of deregulation in history.

1 So, they made some announcements related
2 to Waters of the U.S., and it sounds like a
3 handful of other announcements coming, which
4 obviously affect IDEM's programs. As with any of
5 our major environmental laws, it's on a framework
6 of cooperative federalism, where our partners at
7 EPA, with delegation from Congress, are setting,
8 generally, national standards, helping to oversee
9 permitting programs, but ultimately a lot of the
10 responsibility falls to us.

11 And so, I think there's some great
12 opportunities and some new faces at EPA to make
13 sure we've got some certainty around those
14 national standards, around certainty for grant
15 programs that IDEM relies on for a lot of our
16 activities.

17 And so, we're looking forward to the
18 opportunities to share, make sure we've got a
19 seat at the table, which includes not only
20 identifying opportunities to work together, but
21 also speaking frankly as friends with our
22 colleagues at EPA when we think they've got the
23 wrong priorities.

1 So, we're still waiting to hear about a
2 few key roles, including the Region V, so our
3 Regional Administrator, which is based in
4 Chicago, who that person's going to be as a
5 political appointee, but a number of the other
6 offices have been filled.

7 They're going through the confirmation
8 process, including, obviously, the head of the
9 agency, the Deputy Administrator, the lead
10 person, so the Assistant Administrator for the
11 Offices of Water, Air, and their Legal Counsel,
12 and a handful of the regional administrators in
13 other parts of the U.S. have been announced, and
14 obviously more to come in that space.

15 So, looking forward to really building a
16 strong relationship with our federal
17 counterparts, but I think we'll position Indiana
18 to be a premier environmental agency in the U.S.,
19 both in terms of our environmental performance,
20 how we outcompete other states, and, frankly,
21 show an example for how the Federal Government
22 can help improve some of their environmental
23 programs.

1 So, very excited about all of those
2 activities, and I'll just say I'm thrilled to be
3 here. Thank you for the time that you dedicate
4 to IDEM, to the Environmental Rules Board.

5 I'll just mention one other area that we
6 are really excited to provide some more clarity
7 and certainty around. So, one is we're still
8 working with the Governor's Office as it relates
9 to various boards and commissions across
10 agencies.

11 We're not alone. I think there's
12 something like in excess of 15,000 folks serving
13 on various boards and commissions throughout
14 Indiana, but try to make sure we get some clarity
15 on the Environmental Rules Board, because it is
16 directed very clearly by the General Assembly,
17 how it operates, what it does. It emanates from
18 what used to be an Air, Water and Land Pollution
19 Control Boards that have been consolidated into
20 the Environmental Rules Board.

21 But we're going through a process to go
22 back to basics, looking at Title 13 of the
23 Indiana Code, making sure we're getting it right,

1 across the suite of issues, but one of those that
2 we're going to be starting on in the very near
3 future is related to our boards and commissions,
4 making sure we -- our process makes sense, that
5 we're getting you all of the information you need
6 in advance that will provide certainty.

7 And so, obviously that will involve
8 sharing some more information as the Governor
9 ultimately makes decisions about appointments and
10 everything else, but we've been in close contact
11 with them about the important work of the
12 Environmental Rules Board, and so, I just wanted
13 to share, because I think we're taking a
14 proactive approach to making sure we have you as
15 a tremendous resource to give perspective on a
16 rulemaking.

17 And then I think that also extends to a
18 number of other areas, how we do public hearings
19 across our programs, how we're looking at -- how
20 we approach enforcement activities, how we tackle
21 a handful of other topics that are common to each
22 of our programs, but it may be good to take a
23 fresh look at the direction we got from the

1 General Assembly and how we carry out those
2 things.

3 So, I'm really thrilled that you all are
4 here. Thank you for the time and dedication and
5 effort. Reading these rules sometimes can be a
6 little bit arcane, but really appreciate you all
7 weighing in. I'm happy to maybe pause there,
8 with my great appreciation, and see if you have
9 any questions or comments.

10 CHAIRMAN ETZLER: Any questions?

11 DR. ALEXANDROVICH: I do.

12 CHAIRMAN ETZLER: Sure.

13 DR. ALEXANDROVICH: Well, you may
14 not -- or you may know the answer to this,
15 because that one -- one of the executive orders
16 signed this morning was about "no more stringent
17 than," and I think we have a law on the Indiana
18 books that if there's some emergency or
19 something, we go to the -- some office up there
20 to say that we could move forward. Does that
21 remain in effect, or is it like really hard-core,
22 we can't do anything other than what's on the
23 federal?

12 DR. ALEXANDROVICH: Yeah, because,
13 for instance, if there was a petition to do
14 rulemaking, that would probably be for something
15 that's not on the fed books, though.

16 | COMM. WOODS: Uh-huh.

17 DR. ALEXANDROVICH: And my other --
18 it's not a question, but a suggestion. When
19 you're meeting with the powers that be, like Lee
20 Zeldin, I remember asking Commission -- two
21 Commissioners ago how many SIP approvals were
22 outstanding. He didn't know the answer, and I
23 think we should get SIP amnesty --

1 COMM. WOODS: I like that.

2 DR. ALEXANDROVICH: -- because the
3 rest of us -- I mean the Air people, they know
4 all of the submissions that they made to EPA, but
5 the regular people, even the Board, don't know.

6 COMM. WOODS: Uh-huh.

7 DR. ALEXANDROVICH: So, SIP
8 approve -- SIP amnesty, yeah.

9 COMM. WOODS: Yeah, that's a great --
10 a great comment, yeah. And I think we can
11 probably follow up with some more details between
12 now and future meetings, but I think there's a
13 number -- and they're not all created equal, the
14 same thing as anything else -- that's, you know,
15 more impactful for us as we wait.

16 I do believe EPA's announcing something,
17 maybe even as we speak, related to addressing the
18 SIP backlog, which counts in the hundreds, and a
19 lot of those emanate from states like California.
20 We have a much smaller list that EPA's not yet
21 acted upon.

22 But there are some very important ones
23 that are important to Indiana that we need to get

1 approved so it becomes both a federally
2 enforceable state implementation plan, so we are,
3 you know, properly implementing our delegated
4 program under the Clean Air Act.

5 And so, I think we can get you some more
6 numbers there, but we'd love to talk further
7 about how we approach that, and I like the idea
8 of SIP amnesty as a possibility.

9 DR. ALEXANDROVICH: Thank you.

10 CHAIRMAN ETZLER: Any other
11 questions?

12 (No response.)

13 CHAIRMAN ETZLER: Thank you. Great
14 question.

15 I'd like to call on Billie Franklin for a
16 rulemaking report.

17 MS. FRANKLIN: Do we need to do that
18 one first? We need to swear in Lindy.

19 CHAIRMAN ETZLER: No, that comes in
20 the next portion.

21 MS. FRANKLIN: Oh, I'm sorry.

22 MR. DAVIDSON: Did you write the
23 script?

(Laughter.)

MS. FRANKLIN: I'll start this over.

3 Good afternoon. My name is Billie Franklin. I
4 am the Section Chief over Rules Development in
5 the Office of Legal Counsel.

6 Currently, our next Board meeting is
7 tentatively scheduled for May 14th. At our next
8 meeting, we anticipate presenting Lead & Copper
9 Amendments and Coal Combustion Residuals for
10 final adoption, and we are also planning on
11 having NO_x RACT ready for preliminary adoption.

12 That is all I have at this time. I'm
13 happy to answer any questions.

14 (No response.)

15 || CHAIRMAN ETZLER: Thank you.

16 MS. FRANKLIN: Okay.

17 CHAIRMAN ETZLER: Today we have
18 hearings on the following regular Rule Board
19 actions: Preliminary adoption of the Lead &
20 Copper Rule, and final adoption of the Waste Tire
21 Rule. As a reminder, if you wish to testify in
22 any of today's hearings, please fill out a
23 comment card and give it to Karla Kindrick at the

1 | sign-in table.

9 A written transcript of today's meeting
10 will be made. The transcript and any written
11 submissions will be open for public inspection at
12 the Office of Legal Counsel. A copy of the
13 transcript will be posted on the rules page of
14 the agency Web site when it becomes available.

15 Will the official reporter for the cause
16 please stand, raise your right hand and state
17 your name?

18 (Reporter sworn.)

19 || CHAIRMAN ETZLER: Thank you.

20 The next item on the agenda is a public
21 hearing for the adoption of the Lead & Copper
22 Rule. This is a public hearing before the
23 Environmental Rules Board of the State of Indiana

1 concerning preliminary adoption of the Lead &
2 Copper Rule.

3 I will now introduce Exhibit A, the
4 proposed rule, into the record of the hearing.

5 Krystal Hackney will present for this
6 rule.

7 MS. HACKNEY: All right. Good
8 afternoon, members of the Board. My name is
9 Krystal Hackney, and I'm a rule writer in the
10 Office of Legal Counsel. I'll be presenting the
11 Drinking Water Reference Updates, Lead and Copper
12 rulemaking LSA No. 24-428, for preliminary
13 adoption. U.S. EPA published a final rule on
14 January 15th of 2021, located at 86 FR 4189, to
15 revise the Lead and Copper Rule at 40 CFR 141.
16 These revisions require all community water
17 systems to conduct lead-in-drinking-water testing
18 and public education in schools and childcare
19 facilities, as well as provide accelerated lead
20 service line replacements.

21 On June 16th of 2021, U.S. EPA published
22 an update to the Lead and Copper Rule to delay
23 the rule's effective date from January 16th

1 of 2024 to October 16th of 2024. IDEM's
2 rulemaking amends Indiana's drinking water rule
3 to be consistent with the 2021 federal rule.

4 On October 30th of 2024, U.S. EPA
5 published a new final rule called the Lead and
6 Copper Rule Improvements, also known as LCRI.
7 IDEM's current rulemaking is only to update
8 IDEM's rules to the -- to include the 2021
9 revisions to the Lead and Copper Rule, not
10 the LCRI. IDEM will consider incorporation of
11 the LCRI in a future rulemaking.

12 This rulemaking also includes replacing
13 the current full text language located in
14 327 IAC 8 with equivalent incorporation by
15 reference to the federal drinking water
16 regulations. The purpose of this change is to
17 ensure consistency and to allow for faster rule
18 updates when the federal rules change.

19 Lastly, this rulemaking also updates
20 references to the Recommended Standards for Water
21 Works and the American Water Works Association
22 standards that are cited in 327 IAC 8 to the
23 versions in place as of December 31st, 2023. By

1 updating these standards to the more current
2 editions, this rulemaking will ensure that 327
3 IAC 8 is consistent with the design, engineering,
4 and testing standards that public water systems
5 are already implementing.

6 IDEM requests that the Board preliminarily
7 adopt this rule as presented. Program staff
8 experts and I are available to answer any
9 questions that you may have.

10 Thank you.

11 CHAIRMAN ETZLER: Thank you.

12 Do we have anybody that wishes to speak on
13 this matter?

14 MS. KINDRICK: No.

15 CHAIRMAN ETZLER: Thank you.

16 MS. KINDRICK: You're welcome.

17 CHAIRMAN ETZLER: So, this hearing is
18 concluded. The Board will now consider
19 preliminary adoption of the Lead & Copper Rule.
20 Does the Board have any questions?

21 DR. ALEXANDROVICH: I have one
22 comment. I talked with Krystal earlier about
23 some of the formatting on the repealed rules, so

1 I asked her to double-check that the language is
2 correct.

3 CHAIRMAN ETZLER: Thank you.

4 Anyone else?

5 (No response.)

6 CHAIRMAN ETZLER: So, we need a
7 motion to preliminary -- preliminarily adopt the
8 rule as presented.

9 MR. DAVIDSON: So moved.

10 CHAIRMAN ETZLER: Do we have a
11 second?

12 MR. HORN: Second the motion.

13 CHAIRMAN ETZLER: So, we have a
14 motion and a second. This is a roll-call vote.

15 Mr. Davidson?

16 MR. DAVIDSON: Yes.

17 CHAIRMAN ETZLER: Dr. Niemiec?

18 DR. NIEMIEC: Yes. I will mention,
19 though, that I will have some comments about the
20 actual regulatory analysis later, but my vote is
21 yes.

22 CHAIRMAN ETZLER: Thank you.

23 Mr. Horn?

1 MR. HORN: Aye.

2 CHAIRMAN ETZLER: Mr. Zehr?

3 MR. ZEHR: Aye.

4 CHAIRMAN ETZLER: Ms. Nelson?

5 MS. NELSON: Aye.

6 CHAIRMAN ETZLER: Mr. Elkhart?

7 MR. ELKHART: Aye.

8 CHAIRMAN ETZLER: Mr. Mueller?

9 MR. MUELLER: Yes.

10 || CHAIRMAN ETZLER: Ms. Brown?

11 MS. BROWN: Yes.

12 CHAIRMAN ETZLER: Dr. Alexandrovich?

13 DR. ALEXANDROVICH: Yes.

14 CHAIRMAN ETZLER: Ms. Kozyski?

15 MS. KOZYRSKI: Yes.

16 CHAIRMAN ETZLER: Mr. Ketzenberger?

17 MR. KETZENBERGER: Yes.

18 CHAIRMAN ETZLER: And the Chair votes
19 aye. That's twelve ayes, no nays. The rule is
20 preliminarily adopted. Thank you.

21 The next item on the agenda is a public
22 hearing before the Environmental Rules Board of
23 the State of Indiana concerning final adoption of

1 the Waste Tire Financial Assurance Rule.

2 I will now introduce Exhibit B, the final
3 rule, into the record of the hearing.

4 Dan Watts will present this rule.

5 MR. WATTS: Good afternoon, Chairman,
6 members of the Board. Dan Watts of the Rules
7 Development Section. I'm presenting LSA
8 Document 24-322 for final adoption. IDEM is
9 proposing updates to the waste tire management
10 rules to be consistent with recent statutory
11 changes for waste tire definitions and financial
12 assurance for waste tire facilities. The
13 rulemaking is limited to rule amendments that are
14 directly related to these statutory changes and
15 other amendments to comply with the
16 administrative rules drafting standards.

17 The specific rule changes include an
18 update to the definition of "used tire" to
19 reference the amended statutory definition, and
20 the addition of the corporate financial test as
21 another financial service option for waste tire
22 storage sites. The General Assembly enacted
23 statutory authority for this financial assurance

1 option, and IDEM has proposed detailed rule
2 language that is based on the federal financial
3 test at 40 CFR 258.74(e).

4 These changes also are meant to conform
5 with Indiana's rules drafting standards and make
6 the financial test applicable to waste tire
7 storage sites, as that financial funding --
8 federal financial test is designed for solid
9 waste disposal facilities rather than waste tire
10 facilities.

11 Representatives from IDEM are available to
12 answer any questions you may have about this
13 rulemaking, and the Department requests that the
14 Board adopt -- final adopt this rule so Indiana's
15 waste tire program can be consistent with these
16 recent statutory updates for waste tire
17 management.

18 Thank you. Any questions?

19 CHAIRMAN ETZLER: Any questions?

20 (No response.)

21 CHAIRMAN ETZLER: Thank you.

22 Do we have any speaker cards?

23 MS. KINDRICK: No, sir.

1 CHAIRMAN ETZLER: Thank you.

2 MS. KINDRICK: You're welcome.

3 CHAIRMAN ETZLER: This hearing is

4 concluded. The Board will now consider final

5 adoption of the Waste Tire Financial Assurance

6 Rule. Is there any Board discussion?

7 (No response.)

8 CHAIRMAN ETZLER: Seeing none, we

9 need a motion for final adoption of the rule as

10 presented.

11 MS. NELSON: So moved.

12 CHAIRMAN ETZLER: We have a motion.

13 Do we have a second?

14 MR. KETZENBERGER: Second.

15 CHAIRMAN ETZLER: Thank you.

16 We have a motion and a second. This will

17 be a voice vote.

18 Mr. Davidson?

19 MR. DAVIDSON: Yes.

20 CHAIRMAN ETZLER: Dr. Niemiec?

21 DR. NIEMIEC: Yes.

22 CHAIRMAN ETZLER: Mr. Horn?

23 MR. HORN: Yes.

1 CHAIRMAN ETZLER: Mr. Zehr?

2 MR. ZEHR: Yes.

3 CHAIRMAN ETZLER: Ms. Nelson?

4 MS. NELSON: Yes.

5 CHAIRMAN ETZLER: Mr. Elkhart?

6 MR. ELKHART: Yes.

7 CHAIRMAN ETZLER: Mr. Mueller?

8 MR. MUELLER: Yes.

9 CHAIRMAN ETZLER: Ms. Brown?

10 MS. BROWN: Yes.

11 CHAIRMAN ETZLER: Dr. Alexandrovich?

12 DR. ALEXANDROVICH: Yes.

13 CHAIRMAN ETZLER: Ms. Kozyrski?

14 MS. KOZYRSKI: Yes.

15 CHAIRMAN ETZLER: Mr. Ketzenberger?

16 MR. KETZENBERGER: Yes.

17 CHAIRMAN ETZLER: And the Chair votes

18 aye, so that's twelve ayes, no nays. The rule is

19 finally adopted as presented. Thank you.

20 That concludes the items on the agenda.

21 This is an Open Forum. Is there anyone that

22 wishes to address the Board today?

23 (No response.)

1 CHAIRMAN ETZLER: Does the Board have
2 anything that they would like to bring forth?

3 (No response.)

4 CHAIRMAN ETZLER: So, the next Board
5 meeting of the Environmental Rules Board is
6 tentatively set for May 14th, 2025 at 1:30 p.m.
7 in Conference A -- Room A of the Indiana
8 Government Center. We look forward to seeing you
9 again at that time.

10 Do we have a motion to adjourn?

11 MR. DAVIDSON: So moved.

12 DR. NIEMIEC: So moved. This is Ted
13 Niemiec.

14 CHAIRMAN ETZLER: Second?

15 MR. KETZENBERGER: Second.

16 CHAIRMAN ETZLER: Voice vote. All in
17 favor?

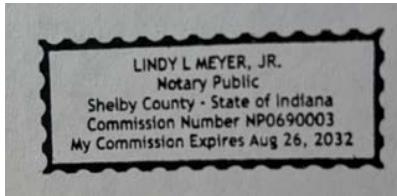
18 (Board members responded, "Aye.")

19 CHAIRMAN ETZLER: Motion -- meeting
20 is adjourned.

21
22 Thereupon, the proceedings of
March 12, 2025 were concluded
at 2:03 o'clock p.m.

1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned
3 Court Reporter and Notary Public residing in the
4 City of Shelbyville, Shelby County, Indiana, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings taken by me
7 on Wednesday, March 12, 2025 in this matter and
8 transcribed by me.



10 Lindy L. Meyer, Jr.

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

14
15 My Commission expires August 26, 2032.

16 Commission No. NP0690003

17

18

19

20

21

22

23

<p>1</p> <p>11th [3] - 5:18, 6:13, 6:15 12th [5] - 1:5, 1:16, 3:1, 34:22, 35:7 12th [2] - 5:14, 6:12 13 [1] - 17:22 13th [1] - 24:5 141 [1] - 25:15 14th [2] - 23:7, 34:6 15,000 [1] - 17:12 15th [1] - 25:14 16th [3] - 25:21, 25:23, 26:1 1:30 [1] - 34:6 1:34 [2] - 1:17, 3:1</p> <p>2</p> <p>2021 [4] - 25:14, 25:21, 26:3, 26:8 2023 [1] - 26:23 2024 [5] - 5:18, 6:13, 26:1, 26:4 2025 [7] - 1:5, 1:17, 3:1, 5:14, 34:6, 34:22, 35:7 2032 [1] - 35:15 21st [1] - 12:11 22nd [1] - 12:11 24-322 [1] - 30:8 24-428 [1] - 25:12 258.74(e) [1] - 31:3 26 [1] - 35:15 2:03 [1] - 34:22</p> <p>3</p> <p>30th [1] - 26:4 317 [1] - 1:22 31st [1] - 26:23 327 [3] - 26:14, 26:22, 27:2</p> <p>4</p> <p>40 [2] - 25:15, 31:3 402 [1] - 1:15 4189 [1] - 25:14 46032 [1] - 1:22</p> <p>5</p> <p>543 [1] - 1:21</p> <p>8</p> <p>8 [3] - 26:14, 26:22, 27:3</p>	<p>848-0088 [1] - 1:22 86 [1] - 25:14</p> <p>A</p> <p>accelerated [1] - 25:19 ACCURATE [1] - 1:21 accuratereportingofi ndiana@gmail.com [1] - 1:23 Act [1] - 22:4 acted [1] - 21:21 acting [1] - 3:4 actions [1] - 23:19 activities [3] - 15:16, 17:2, 18:20 actual [1] - 28:20 Adams [1] - 4:11 addition [1] - 30:20 address [2] - 10:20, 33:22 addressing [1] - 21:17 adjourn [1] - 34:10 adjourned [1] - 34:20 administration [1] - 9:1 administrative [1] - 30:16 administrator [4] - 14:20, 16:3, 16:9, 16:10 Administrator [1] - 8:9 administrators [1] - 16:12 adopt [4] - 27:7, 28:7, 31:14 adopted [2] - 29:20, 33:19 adoption [12] - 23:10, 23:11, 23:19, 23:20, 24:21, 25:1, 25:13, 27:19, 29:23, 30:8, 32:5, 32:9 advance [1] - 18:6 advice [1] - 7:4 affect [2] - 9:6, 15:4 afternoon [5] - 3:3, 4:20, 23:3, 25:8, 30:5 agencies [10] - 8:13, 8:14, 8:15, 9:12, 9:13, 9:23, 12:6, 12:21, 13:4, 17:10 agency [7] - 10:13, 10:18, 12:12, 13:17, 16:9, 16:18, 24:14 agenda [3] - 24:20, 29:21, 33:20 ago [2] - 7:2, 20:21</p>	<p>agriculture [2] - 4:7, 9:16 Air [1] - 22:4 air [9] - 8:3, 8:9, 8:13, 8:14, 12:9, 14:10, 16:11, 17:18, 21:3 Alan [1] - 4:22 Alderete [3] - 2:14, 5:10, 7:14 ALDERETE [1] - 5:10 ALEXANDROVICH [13] - 4:2, 5:19, 6:10, 19:11, 19:13, 20:12, 20:17, 21:2, 21:7, 22:9, 27:21, 29:13, 33:12 Alexandrovich [4] - 2:5, 4:3, 29:12, 33:11 allow [1] - 26:17 allows [2] - 10:2, 12:10 alone [1] - 17:11 amended [1] - 30:19 Amendments [1] - 23:9 amendments [2] - 30:13, 30:15 amends [1] - 26:2 American [1] - 26:21 amnesty [3] - 20:23, 21:8, 22:8 analysis [1] - 28:20 animal [1] - 9:17 announced [2] - 14:21, 16:13 announcements [3] - 14:18, 15:1, 15:3 announcing [1] - 21:16 answer [5] - 19:14, 20:22, 23:13, 27:8, 31:12 answered [1] - 20:11 anticipate [1] - 23:8 apologize [1] - 5:4 APPEARANCES [1] - 2:1 applicable [1] - 31:6 appointee [1] - 16:5 appointments [1] - 18:9 appreciate [3] - 3:10, 7:3, 19:6 appreciation [1] - 19:8 approach [3] - 18:14, 18:20, 22:7 Appropriations [1] - 11:22 approval [1] - 5:17</p>	<p>approvals [1] - 20:21 approve [2] - 5:19, 21:8 approved [2] - 6:20, 22:1 approving [1] - 6:13 arcane [1] - 19:6 area [2] - 10:14, 17:5 areas [1] - 18:18 arrived [1] - 4:17 Assembly [5] - 7:6, 19:1, 19:1, 30:22, 32:5 assessments [1] - 11:5 assistant [1] - 16:10 Assistant [1] - 8:9 association [3] - 8:14, 8:20, 26:21 assurance [4] - 30:1, 30:12, 30:23, 32:5 attracting [1] - 13:18 audio [1] - 5:22 August [1] - 35:15 authority [1] - 30:23 available [5] - 24:4, 24:7, 24:14, 27:8, 31:11 avian [1] - 13:6 aye [9] - 6:17, 6:18, 29:1, 29:3, 29:5, 29:7, 29:19, 33:18, 34:18 ayes [2] - 29:19, 33:18</p>	<p>backlog [1] - 21:18 bang [1] - 13:14 based [2] - 16:3, 31:2 basics [1] - 17:22 becomes [2] - 22:1, 24:14 becoming [1] - 12:18 BEFORE [1] - 1:1 below [1] - 6:13 better [2] - 6:1, 11:7 between [4] - 8:16, 10:9, 13:23, 21:11 bill [1] - 10:18 Bill [2] - 3:4, 3:23 Billie [3] - 2:14, 22:15, 23:3 bit [2] - 8:11, 19:6 board [13] - 3:5, 3:12, 5:15, 17:4, 23:18, 24:6, 24:8, 27:18, 27:20, 29:22, 32:4, 32:6, 34:5 BOARD [2] - 1:1, 2:2</p>
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