1 BEFORE THE STATE OF INDIANA ENVIRONMENTAL RULES BOARD 2 3 4 5 PUBLIC MEETING OF JUNE 11, 2025 6 7 8 9 PROCEEDINGS 10 before the Indiana Environmental Rules Board, 11 Dr. John Graham, 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, June 11, 17 2025 at 1:31 o'clock p.m. 18 19 20 21 ACCURATE REPORTING OF INDIANA, LLC 543 Ponds Pointe Drive 22 Carmel, Indiana 46032 TELEPHONE: (317) 848-0088 23 EMAIL: accuratereportingofindiana@gmail.com

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     APPEARANCES:
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     BOARD MEMBERS:
        Dr. John Graham, Chairman
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        William Etzler
        Carrie Kozyrski
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        Dr. Ted Niemiec
        Dr. Joanne Alexandrovich
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        Jamie Brown
        Ken Rulon
 6
        Chris Horn
        John Ketzenberger
 7
        Calvin Davidson
        R. T. Green
 8
        Eli Eckhart, Proxy, Indiana Economic
          Development Corporation
 9
        David Bausman, Proxy, Lieutenant
          Governor
10
        Clint Woods, IDEM Commissioner
11
          (Nonvoting)
12
     IDEM STAFF MEMBERS:
13
        Billie Franklin
        Keelyn Walsh
14
        Scott Deloney
        Karla Kindrick
15
        Kevin Bump
16
     PUBLIC SPEAKERS:
                                       55
17
        Allen Halline
                                       60
        Mike Oles
18
        Susan Thomas
                                       66
                                       70
        Wanda Torres
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        Hilary Lewis
                                       74
        Terry Steagall
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        Susie Talevski
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        Connie Wachala
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                                      1:31 o'clock p.m.
                                      June 11, 2025
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                 CHAIRMAN GRAHAM: We're going to call
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    this meeting to order, get on schedule. Welcome,
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    everyone. Good afternoon. My name is John
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    Graham, and I'm a professor at Indiana
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    University. I'm delighted to be here to lead
    this effort and learn a lot of the process.
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            I'm going to start with the reading of the
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     order so we see if we have a quorum here.
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    Mr. Green, are you with us?
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                 MR. GREEN: Yes.
                 CHAIRMAN GRAHAM: Mr. Rulon?
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                 MR. RULON: Yes.
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                 CHAIRMAN GRAHAM: Mr. Davidson?
                 MR. DAVIDSON: Yes.
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                 CHAIRMAN GRAHAM: Mr. Nieminic [sic]?
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                       (No response.)
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                 CHAIRMAN GRAHAM: Mr. Horn?
                 DR. NIEMIEC: Ted Niemiec is here.
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                 CHAIRMAN GRAHAM: I'm sorry.
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    mispronounced that.
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            Mr. Horn?
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1	MR. HORN: Present.
2	CHAIRMAN GRAHAM: Mr. Bausman?
3	MR. BAUSMAN: Present.
4	CHAIRMAN GRAHAM: Mr. Eckhart?
5	MR. ECKHART: Present.
6	CHAIRMAN GRAHAM: Ms. Flittner?
7	(No response.)
8	CHAIRMAN GRAHAM: Ms. Brown?
9	MS. BROWN: Here.
10	CHAIRMAN GRAHAM: Dr. Alexandrovich?
11	DR. ALEXANDROVICH: I'm here.
12	CHAIRMAN GRAHAM: Okay. I hear you.
13	Ms. Kozryski [sic]?
14	MS. KOZYRSKI: Kozyrski, yes.
15	CHAIRMAN GRAHAM: Sorry about that.
16	MS. KOZYRSKI: It's all right.
17	CHAIRMAN GRAHAM: Mr. Ketzenberger?
18	MR. KETZENBERGER: Present.
19	CHAIRMAN GRAHAM: Mr. Etzler?
20	(No response.)
21	CHAIRMAN GRAHAM: So, we do have a
22	quorum, so we are ready to roll.
23	I was not here at our last meeting, so I

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do know that we have to approve our meeting
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     summary from last meeting, so I'm going to let
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     those of you who were here see if we can find a
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    motion and a second for approval of that summary.
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    Do I have a motion?
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                 MR. DAVIDSON: So moved.
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                 CHAIRMAN GRAHAM: Do I have a second?
                 DR. ALEXANDROVICH: There is --
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                 DR. NIEMIEC: Seconded.
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                 DR. ALEXANDROVICH: There is -- there
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     is an error --
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                 CHAIRMAN GRAHAM: Okay. Let's fix
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     it.
                 DR. ALEXANDROVICH: -- on the
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    minutes, and this issue kind of came up at the
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     last meeting. On Item B, "Approval of Meeting
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     Summary, " it should read December 11th, 2024,
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    because our last meeting was in March, so the
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    March meeting approved the December meeting
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    minutes.
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                 CHAIRMAN GRAHAM: Okay. Very good.
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    Thank you so much. As corrected, and I'm glad
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     somebody's reading those summaries so we know
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whether they're accurate.

All of those in favor of approval of the as-corrected, say aye.

(Board members responded, "Aye.")

CHAIRMAN GRAHAM: Opposed?

(No response.)

CHAIRMAN GRAHAM: All right. We got everybody, I think.

Okay. I think we're going to move now to Clint Woods to give us his report on what's happening at the agency.

COMM. WOODS: Well, thank you so much, Dr. Graham.

And I wanted to, first and foremost, thank all of you for being here. I know this is the second ERB meeting I've been to. The first one, we got in and out in like 30 minutes, and I'm told that's not necessarily always the norm, but I really appreciate the time and the expertise that you all bring to help advise our agency.

As you all know, under Title 13 and other provisions of the Indiana Code, the Environmental Rules Board is absolutely critical for helping

make sure that IDEM's rulemakings are rigorous and fit within the technical and scientific and legal requirements.

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I want to thank Dr. Graham for being willing to serve as our Chair and representative of the general public, and all of you, many whom have served in the past, and we really appreciate the combined expertise. We've got a new proxy for the Lieutenant Governor, David. I want to welcome him from the Indiana State Department of Agriculture.

I know Stephanie Flittner, a relatively
new General Counsel from the Department of
Natural Resources I think will be joining us
perhaps later this meeting and also at future
meetings. I'm really glad to have some new faces
and folks willing to help us out as we go through
this rulemaking process.

As you all know, I'm still relatively new to IDEM. I joined the agency with Gov. Braun in February. I'm thrilled to be here. I know many of you got a chance to meet, just before the meeting, our Secretary of Energy and Natural

Resources, Suzie Jaworowski, and we're very excited to be part of the Energy and Natural Resources vertical, where we have all kinds of fun agencies doing exciting things from setting rates for electric utilities to overseeing our state parks and fish and wildlife to helping out visitors and students visit our state museums and War Memorial, as well as other things we're seeing tremendous benefits from.

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That structure, having ten agencies and quasi-agencies all within one foxhole and getting a chance to compare notes, like that's been a real benefit to us, with the new administration, with some of the challenges we have, and uncertainties coming from Washington D.C., where there's also -- an important transition is taking place, through the legislative session.

And then as we move to implement a lot of executive orders that Gov. Braun has issued, I think largely directives to do things quicker and more efficiently, and also in a better coordinated fashion across agencies and with key stakeholders and customers throughout the state.

So, we're thrilled to be part of that and be taking advantage and, you know, be able to benefit from the vertical structure and the chance to break down those silos between our agencies and hopefully serve Hoosiers better.

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I thought I'd maybe just mention a few -a couple of quick things that I think are
renewable items that -- I think some are a
preview of coming attractions, because I know we
rely heavily on this Board to help us make sure
that we're going through our various processes
for our rulemaking. We've got a few open-ended
requests that we may be coming to you within the
not-too-distant future to explore some topics
that I think are really going to be critical to
IDEM, in addition to some specific rulemakings
that correspond with federal environmental
regulations.

But I wanted to just mention three quick things. First, as you all likely know, a few weeks back -- it's the better part of a month -- we wrapped up our legislative session. Our General Assembly had a lot of activity, had some

challenges. We got a fairly negative revenue forecast at the tail end of their session, and trying to figure out our next biennium budget while facing a 2.5-million-dollar shortfall in our general appropriations.

So, as you all likely know, IDEM is funded kind of from three different pie pieces. Some, as a smaller pie piece, state general appropriations; some, federal grant money that flow through core capital local grants that implement the Clean Air Act and Clean Water Act and the Research Conservation and Recovery Act and other environmental statutes.

And then a pretty big pie piece that's also dedicated funds that come through permitting fees, annual fees for permits, things like tipping fees that is generally the largest piece of the pie. But certainly for us and other state agencies, we're -- our belts were already pretty tight, but we are looking at opportunities to save costs, to make sure that we're being good stewards of taxpayer dollars. And so, that was our big-ticket item that also was taking place

during our legislative session.

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There were several pieces of legislation enacted for IDEM issues, including our agency priority bill, so that was Senate Enrolled Act 459, which dealt primarily with water cybersecurity, where we've had some threats from hostile actors for some of our smaller water systems, making sure we have baseline cybersecurity protections in place that will ultimately protect public health if Russian hackers or somebody else tried to -- tried to take advantage of some of those water treatment and other water systems throughout the state. So, we're working very closely and already starting to implement that law, working with local governments, working with those utilities, as well as with the Indiana Office of Technology.

That bill also provided authority to this
Board to potentially set future standards for
water reuse, which may be a critical issue. This
is one that we've been looking at under one of
Gov. Braun's executive orders. There's also some
related legislation around interbasin transfers,

how we do a better job of coordinated planning.

We have a lot of water in Indiana. It's not

always where we need it to be, but making sure we
have a good inventory, regional studies that our

Indiana Finance Authority is taking advantage of.

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So, that may be something we're coming back to talk to you about in the not-too-distant future as we work through our interagency process to -- over the next 18 months or so that will report back to the Governor's Office and the legislature.

There was also legislation enacted around our Confined Feeding Operation Permitting program, the frequency of inspections, legislation around air quality in Northwest Indiana to ask us to think outside the box about emissions reductions and tools for regulatory relief for the portions of Lake and Porter Counties in the Chicagoland area that have been in nonattainment for the Ozone National Ambient Air Quality Standards for many years.

But we think there's an opportunity, with a fresh set of eyes, with new information we have

about the source of some of those emissions, with opportunities we have, including with rulemakings today, that will lead to emissions reductions in the area, about how we get that area out of nonattainment, and hopefully, you know, to avoid those attendant impacts with inspection and maintenance programs, stationary source requirements, new source review nonattainment requirements that sometimes can inhibit growth in those areas. So, it's a challenge to us at IDEM to report back to the legislature later this year about some creative ideas, also working with U.S. EPA.

And then legislation on continued interest in PFAS and other virgin contaminants, several bills that were introduced, a few related provisions that were enacted in unrelated bills, but I think the continued interest obviously here and in other state capitals around the country around forever chemicals and how to communicate risk and how regulatory agencies can face that challenge. And so, I think, a lot of the things that we'll likely be revisiting in the future,

future sessions, but wanted to just give you a quick update on that one.

And then two other topics I wanted to just flag for you in the future, one being we have a lot of executive orders. So, Gov. Braun has issued, I think, 65 executive orders up to this point, and President Trump still has the lead against him, he has a few more, but a lot of direction for us.

And that extends to a lot of agency activities, things like getting our employees back to the office come July 1st, a lot around efficiency, making sure that all of our agencies are up to speed when it comes to transparency and making sure we're permitting in a transparent way, that folks know when and how quickly we turn around a permit or an inspection report, things that IDEM, I think, does really well. So, we're excited to have the opportunity to toot our own horn a little bit.

And then a lot of executive orders around the need to coordinate better with other agencies, to think about budget discipline, and

to review many of our regulations and prepare for the future. So, there's specific executive orders on things like advanced nuclear, the need to plan for the potential energy source of the future at IDEM and the IURC, the Indiana Utility Regulatory Commission, as well as other agencies with an interest in those issues. That's a lot in our vertical.

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Some directives around, as I mentioned, statewide water planning, natural gas and coal inventories, make sure we know about the infrastructure and production capabilities that exist, and have a sense of how long those facilities that are currently operating and providing our electricity are going to keep running.

Directives around things like rare earth recovery potentially from reclaimed coal lands, and a few other topics that I think are challenges for us. They're new issues for IDEM and ones we're very excited to be participating in, helping to plan to make sure that we're a destination for those investments and that we're

outcompeting other states in our region and around the country.

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We also have a lot of directives around reviewing our regulations and making sure that we're meeting the moment. So, there's several different executive orders, some of which are specific to energy and environmental matters, some are more general.

But one thing that we did that I wanted to make sure to flag for this group is: A week and a half ago, we announced a 30-day comment period prompted by one specific executive order, although there's about six that have kind of related provisions.

So, this is one related to ensuring that we don't have excessive environmental regulation, and it asks us to report several times this year, once on July 1st, and then on a couple of other matters in October and December, to the Governor's Office and, I think, the Legislative Council, on state regulations that are unduly burdensome, that are not grounded in the best law or the best available science, or that are not

environmentally beneficial.

And so, we started kicking around some ideas. A lot of -- as you all know, a lot of IDEM's rules emanate from federal requirements or federal environmental laws and ultimately are, you know, determined to be incorporating kind of U.S. EPA standards that were no more stringent than them, hopefully were less burdensome than their standards.

We do have a few programs that the General Assembly has authorized us to run that are a little bit different from how EPA does it, things like confined feeding operations and our isolated wetlands statute, but it's a challenge for us. You know, we're a regulatory agency, we're not always in deregulatory mode, so we wanted to open up that process and ask the public for their feedback.

So, folks in the public have the opportunity to provide comments in writing to us by June 30th to an e-mail address that we have prominently on the IDEM Web site at efficiency@idem.in.gov. And so, we'll be taking

those comments.

And there are similar executive orders that I think folks -- it would be great for them to take a look at, while we don't have the same reporting requirements, things like an executive order that asks us to identify unnecessary barriers to environmentally beneficial projects in conservation, so ideas that may move in many different directions, but where we can be working smarter and not creating unnecessary red tape.

So, we're very excited to get feedback on that topic, and I wanted to flag it for you all because I think, one, obviously you all and the public that's participating in this meeting, we want to make sure to spread the word on this and get as much feedback from diverse perspectives throughout the state as possible.

Secondly, I think if we are looking to revisit any of our existing regulations, we're obviously going to be coming to this Board.

You're all playing a very important role there.

And so, I think one thing we're hoping to do is take all of those comments -- we've already

gotten a couple of dozen in e-mail form, and some real spirited suggestions and great ideas -- and we're going to package those and sort them, and then come back to you and say, "Hey, what do you think?"

And so, that's the process we're following, and I think other agencies have been talking about maybe having them do something similar for some of their related executive orders. We think it's a great opportunity to crowd source those ideas, to provide that feedback, to hopefully set an agenda for us.

And frankly, I think it has also supercharged us, thinking about maybe the secondary questions those orders don't ask of us, like "Okay. If we have a completely irrational state regulation but we can blame it on EPA or blame it on Congress because they did something in federal law or federal regulation, what are we doing about it?"

Obviously there's an enthusiasm at the federal level right now for looking at some of their existing standards for right-sizing

regulation, for executive orders. I mean just today EPA -- kind of floodgates have opened on a lot of their reconsiderations of existing rules.

Today the announcement was related to the mercury and air toxics standards for electric utilities as well as greenhouse gas standards for the power sector under Section 111 of the Clean Air Act, but a lot more to come. They've announced a lot in that space. And so, you know, I think it's an opportunity for us as well to think of some ideas about how we want to be advocating to our colleagues in Washington, D.C. as well as our Regional Office for EPA in Chicago.

And so, for us, it's, you know, a great opportunity to get feedback to help shape those actions, to help shape comments we may file on federal regulations, help to set the agenda for where we want to be in the future. So, I wanted to flag that as one opportunity we're very excited about.

And then I'll just mention one other one, which is -- I think folks -- several folks on the

Board were involved in this going back years and years and years, but Indiana as a great success story that I get called about just about every week by someone else who runs a different state environmental agency, and it's related to the changes that we have undertaken in the structure of our Title V air permitting fees. This was a legislation passed in 2023.

Like I say, every week -- we just talked to the Ohio EPA Director last week in a meeting we had with our senior managers, and they said, "We are copying literally word for word from your playbook in Indiana, because you successfully changed the structure of your base fees, which is, in and of itself, a success story."

So, under the Clean Air Act, state agencies like ours were permitting, and the fees were based upon how much emissions you had, and because we've reduced emissions so dramatically since 1990 and going back to the 1970's there was less money coming in and not enough to administer the program.

And so, working with this Board, working

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with the General Assembly, working with the regulated community and environmental organizations and otherwise, we were able to work through a legislative solution that resulted in the signing of the law by Gov. Holcomb in late 2023. So, we want to seize on that success, and there are some specific provisions in Section 13 of the Indiana Code that asks this Board to regulatory -- regularly review our various permit fees and look at potentially adjusting them.

Now, there's limited authority to make big changes, so I think it's limited to a certain percentage and every ten years, and other than that, we have to go to the General Assembly. But I think, for us, it's a great opportunity, given some of our state financial challenges in terms of the revenue shortfall, given some of the federal uncertainty about those core categorical grants that do fund IDEM programs.

One thing we do have -- potentially have control over is, you know, what you pay to get an NPDES permit, whether that's an application fee

or an annual fee, things like tipping fees, where Indiana is much, much, much lower in terms of disposal to landfills than surrounding states.

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with a little bit of back to the inflow math -we've got some reports we've kind of contracted
out in the past that we draw from -- and present
to you what we think about how much it costs to
administer some of those programs and get the
Board's insights that may ultimately inform your
actions or the General Assembly's actions in this
space, to make sure that we have programs that
have the revenue they need to make sure we're
serving Hoosier customers, that we're protecting
the environment, that we're efficiently
permitting.

And so, it's an area that will be a challenge, and we want to make sure to speak openly with all stakeholders about it. I haven't had -- there's a few members of the General Assembly that still aren't crazy about our Title V fees. They call them taxes, and, well, to some degree, they're absolutely right, and we

are very cognizant that it may be a challenge for us. It might maybe take a little bit longer.

We hope to come back to you at a future meeting on this issue with a little bit more analysis to help seek your advice on what we need to do on those dedicated funds and maybe opportunities we have to ensure that we have the certainty of the revenues to keep IDEM running and keep serving Hoosiers in some of those key air, land and water quality programs.

So, those are the only things I was hoping to share with you all. I know we have a very important rulemaking today, and a lot of interest from the public in weighing in on our NOx RACT Rule, and I'll leave it to the team.

But I wanted to thank the Board, thank our staff, and thanks to the Rules Development

Board -- the Rules Development Section and Karla and Billie and our new General Counsel, Bill

Anthony, who I don't think was here at the last meeting, but has joined us from the Office of the Attorney General.

The rule writers that helped on the

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program, in this case, the Office of Air Quality, they do a lot of work ahead of these meetings to prepare these rules and rule packages, and I really appreciate you all. We take a look at them, provide our feedback, listen to the public's concerns as we move through this process.

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But I really appreciate everybody's time and continued help that you provide us in this critical path of making sure our regulations fit the moment. And with that, I'll stop unless -- I'm happy to answer any questions if any members of the Board may have them.

CHAIRMAN GRAHAM: Yeah, you did cover a lot of ground pretty quickly there, so why don't we open it up and just ask the Board members whether they have any questions or comment on that?

I'm going to start with one, because I didn't realize that the Federal Government was a funder of IDEM. Can -- and you said it was a small amount. Can you quantify that a little bit? And how much is it at risk with what's

happening now in Washington? A lot of the agencies are experiencing big cuts in their federal support.

COMM. WOODS: Great question. I'll maybe make a couple of additional comments about our federal counterparts, because I think there's some challenges and opportunities that we face right now.

So, a couple of different things that are happening in D.C. There is the F -- Fiscal Year 2026 appropriations process, by which federal agencies and grants and everything else that the federal government does are funded through the next fiscal year.

That is currently starting the process in the House, and what partially informs that is the President's budget request. So, about a month ago, the President issued an FY '26 skinny budget request that substantially reduced EPA dollars overall. Really, the bulk of those cuts were in state and tribal assistance grants, which is a broad category.

It includes a lot of programs that are

supposed to be authorized by Congress under the Clean Air Act, where hundreds of billions of dollars are dedicated in future fiscal years to states like ours for formula, because they're distributed to carry out a lot of our core responsibilities in terms of permitting and compliance and enforcement, development of air -- Title V and other permit programs, the Safe Drinking Water Act, Clean Water Act, RCRA, substantial state grants.

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Now, I will say that those programs, if you look over the last 20 years or so, have been virtually flat-funded every year, despite many new administrations, as you may imagine, whether it's the Bush Administration, the Trump Administration, the Obama Administration, the Biden Administration.

Each of them have had different ideas on how that these state grants are a good opportunity to make it look like they're reducing spending, knowing that Congress will restore that money, and that has been the trend over the last 20 years as those dollars have generally

been restored.

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I think that's likely to happen, based upon some of the early budget hearings. Having said that, we also want to make sure to advocate for the value of those dollars; right? Those are taxpayer dollars that came from Hoosiers, and we think being reinvested in the state agencies that have the primary responsibility for virtually all activities under most of the air, land and water statutes is a good investment.

There's also efforts under the reconciliation process, the so called "Big Beautiful Bill," that would impact some specific grant programs, mostly under the Inflation Reduction Act and a few other recently enacted legislation that would affect some grants, some of which IDEM or Indiana may be affected by, but less significantly.

So, we're working very closely with intergovernmental organizations like the Environmental Council of States. We also have air, land and water state agents -- state agency representatives that are trying to advocate. I

think in the coming weeks the House
Appropriations Committee will be telling the
world what they think the budget should be
for EPA and ultimately those dollars that get
passed through to agencies like ours.

So, it's a challenge, but I also think, if we're betting on at least the last 20 years of track record, we'll probably end up with the same or slightly less money, and not the significant, close to 80-plus percent reduction in some of these grant programs that have been proposed in the President's budget.

The only thing I'll just maybe mention is there's also a number of other options, so the executive orders, EPA reconsiderations, there's some activity under the Congressional Review Act, where several rules have recently been just approved by Congress and, I think, will likely be signed into law by the President in the near future that affect environmental matters.

And then we have a lot on the personnel side. So, this morning I spent some time up in Lafayette, where we had an announcement of a

two-million-dollar Brownfield grant from

U.S. EPA. So, this is more of a kind of return

to regular business, to help redevelop an area

near the Wabash River, turn it into an oceanfront

park.

It used to be a riverfront park, but it used to be a paperboard facility for the better part of the century and the land was contaminated with PCB's and dioxin and other toxins, and to fund that cleanup and ultimately converting that land into a productive use in Lafayette.

So, we were very excited to have U.S. EPA and our new Regional Administrator, her name is Anne Vogel, she's out of the Chicago Office.

She's one of ten Regional Administrators who've been installed in ten Regional EPA Offices, and that's a very quick pace to get folks in those roles.

But we're really excited. It helps to make sure we have a partner who's looking out for our region, someone we can talk to, obviously someone who's willing to come to Indiana and then, in this case, provide some resources to

invest in land quality.

So, lots of other personnel changes, some similar Senate-confirmed positions that are being confirmed, positive priorities coming from Administrator Zeldin around key pillars, as well as some deregulatory and regulatory priorities that his administration's undertaking.

So, I think a lot happening in that space, but I do think the grant certainty is one that's a -- is a concern for us that we're watching very closely, communicating with our Congressional delegation, and we'd love to give you all some updates in like a month from now. We'll have a much better picture.

I do think, as the dust settles, we'll probably end up in not an ideal place in terms of environmental investments as a country, but probably pretty close to where we've been in the past is what is our best guess as to where these things wind up, but we're definitely taking every opportunity, whether that's EPA to the White House to the Congressional delegation as appropriate.

CHAIRMAN GRAHAM: Thank you for that answer.

Other members have questions?

(No response.)

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CHAIRMAN GRAHAM: Okay. So, now we go to Billie Franklin for the rulemaking report.

MS. FRANKLIN: Good afternoon. My name is Billie Franklin. I am the Section Chief over Rules Development within the Office of Legal Counsel.

There are a couple of items I want to bring to your attention. First off, I wanted to let you know that we made a slight change in the NO<sub>x</sub> RACT draft rule that sits in front of you. You will find the corrected -- I'm sorry. You will find the corrected version in front of you. We made corrections based on LSA administrative style guideline, and we had to correct preferences for what we use for time. We had to use a figure versus writing those out, so it's a very minor change to those that would have been changed by LSA anyhow.

The other quick item that I wanted to give

you a heads-up on, Karla will be sending an e-mail to you, asking you your preference on how you receive your Board packet going forward. Would you prefer to receive a hard copy as usual, or would you prefer an electronic copy? When you do receive that e-mail, I'd appreciate it if you could let her know as soon as possible prior to our next meeting. Currently, we have our next Board meeting

scheduled for -- tentatively scheduled for August 13th, and that at that next meeting we anticipate presenting NO, RACT for final adoption, and we are also planning on having Lead and Copper ready for final adoption.

That is all I have, if anyone has any questions.

MS. KOZYRSKI: I do. The CCR rulemaking, is that not anticipated to be --

MS. FRANKLIN: Not at this time. We are still reviewing some of the comments and making some changes there.

MS. KOZYRSKI: Thank you.

MS. FRANKLIN: Also, Kevin will be --

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Would you like to go ahead and make your announcement?

MR. BUMP: Sure. Let me back up here. I apologize. Thank you.

Good afternoon to those attending the meeting on-line. All participants will be muted when they join the meeting, but participants will be able to address the Board during the Open Forum portion of the meeting, towards the end. We do ask that you identify yourself when speaking. Participants must only send chat messages to the host.

For those joining us via Teams, or if you have a question or a technical issue during the meeting, please use the raised hand or chat feature. To access the raised hand or chat feature, at the top of your screen, depending on your device, you'll see a menu bar, and you may have to touch your screen for that menu bar to pop up on your mobile device.

At the beginning of that menu, there is a chat icon, which you can click on to show the chat dialogue box. You should see the raised

hand option also. Please utilize the raised hand or chat features if you have any questions or comments, and you'll be called upon at the appropriate time.

If any members of the media have joined us via Teams, please utilize the chat feature, or e-mail media@idem.in.gov if you have any questions.

For those also in the room today, I would remind the Board members to please speak up so that everyone attending the meeting on-line are able to hear. And for those who may be answering questions in today's meeting, please repeat those questions prior to providing your response.

I will now return the meeting back over to Mr. Chair.

CHAIRMAN GRAHAM: Thank you so much for that guidance. We appreciate it.

Also, as a reminder, if you wish to testify in today's hearings, please fill out a comment card and give it to Karla Kindrick at the sign-in table.

The rule being considered at today's

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meeting were [sic] included in the Board packets and are available for public inspection at the Office of Legal Counsel, 13th floor, Indiana Government Center North. The entire Board packet is also available on IDEM's Web site at least one week prior to each Board meeting.

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

I'd now like to turn to the swearing in of the court reporter. Will the official reporter for the cause please stand, raise your right hand and state your name?

(Reporter sworn.)

CHAIRMAN GRAHAM: Thank you, sir. I appreciate it.

Okay. We'll turn to the public hearing portion on preliminary adoption of the  $\mathrm{NO_x}$  RACT Rule. This is a public hearing of the Environmental Rules Board of the State of Indiana

concerning the preliminary adoption of the  ${\rm NO_x}$  -- I believe that's nitrogen oxides -- RACT -- I believe that's Reasonably Achievable Control Technology -- Rule.

And I will now introduce Exhibit A, the proposed rule, into the record of the hearing, and Keelyn Walsh will present the rule.

MS. WALSH: Good afternoon, members of the Board. My name is Keelyn Walsh, and I'm a rule writer with the Rules Development Section of the Office of Legal Counsel.

And the rulemaking currently under consideration with you today is federally required under the Clean Air Act. In October 2022, U.S. EPA changed the nonattainment status for the Chicago area, which includes the northern portions of Lake and Porter Counties in Indiana, from marginal to moderate nonattainment for the 2015 8-hour ozone NAAQS.

The Clean Air Act requires states with moderate nonattainment areas to implement reasonably available control technologies, or RACT, for nitrogen oxides or,  $NO_x$ , gases. The

Clean Air Act requires  $\mathrm{NO_x}$  RACT to be applied to sources that have the potential to emit 100 tons of any pollutant per year.  $\mathrm{NO_x}$  gases are most often produced during the combustion of fossil fuels and are precursor emissions to ozone.

In October 2023, U.S. EPA determined that Indiana failed to submit  $NO_x$  RACT for major sources in the Chicago area, which encompasses the northern townships of Lake and Porter Counties. U.S. EPA requires that IDEM make this SIP submission within 18 months of November 17th, 2023.

If IDEM fails to amend the SIP by this deadline U.S. EPA will impose what is known as an "offset sanction" that requires a two-to-one ratio of emission reductions to be achieved within the nonattainment area to offset emissions from new or modified major facilities. If the SIP is not appropriately amended within the six months of the offset sanction, then U.S. EPA will impose highway sanctions, which would withhold an average of 183.7 million dollars annually in federal transportation funding from Lake and

Porter Counties.

In response to this situation, IDEM began consulting with every major stationary source in the affected region. In general, IDEM relied on affected sources to conduct their own analysis of RACT using this cost-effectiveness threshold of \$5,000 per ton to \$14,000 per ton of NO<sub>x</sub> reduced, which is the most conservative threshold approved by U.S. EPA. Those studies were provided to IDEM in mid-2024, and the agency relied on them to determine RACT -- to determine RACT limits for the units assessed.

Would be required to apply new controls under the draft rule: W.R. Grace and Cleveland Cliffs.

W.R. Grace already planned to replace the burners for its sodium silicate furnace and this draft rule would simply accelerate this timeline by less than one year.

Cleveland Cliffs Indiana Harbor would be required to install low  ${\rm NO_x}$  burners -- oh, sorry, yeah -- low  ${\rm NO_x}$  burners for one of its boilers. It should be noted that Cleveland Cliffs does not

oppose this requirement because the affected boiler is part of the iron production plant that's been idle for over a decade and may be require -- or retired because it is not essential to Cleveland Cliff's operations.

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Overall, this rulemaking puts in place an enforceable mechanism that will satisfy U.S. EPA's requirements and prevent the imposition of highway sanctions. The rule would impose RACT requirements for  $NO_x$  emissions from major stationary sources in the northern counties of Lake and Porter Counties. The RACT requirement on all sources fall within a \$5,000 to \$14,000 per ton of  $NO_x$  reduced cost threshold and, therefore, only two sources are required to implement new control technologies.

And then regarding the rulemaking process, during the first notice of comment period, IDEM received a number of comments and questions from the regulated community seeking further clarification, and these have been resolved with no major changes to the rule language. IDEM has also been consulting with U.S. EPA throughout the

development of the first notice to ensure consistency with federal requirements and to ensure approval of this rule into the State Implementation Plan.

Finally, a request was submitted by environmental organizations around the state for IDEM to provide the opportunity to review the technical support documents that are required to be included in the SIP submission for this rule. These documents are not typically made available for public review prior to a SIP submission because they are not finalized until after the conclusion of the underlying rulemaking action. However, IDEM has agreed to this request, and IDEM provided a link to these documents in its response to comments on the Web site.

Therefore, IDEM requests that the Board preliminarily adopt this rule as presented, and program staff or I are happy to answer any other questions that you have.

Thank you.

CHAIRMAN GRAHAM: Questions from the

23 Board?

MR. DAVIDSON: I have one, I'm sorry. 1 2 Keelyn, thank you for that. The acronyms 3 go quick. I may have missed this, but I heard 4 reasonably achievable, reasonably attainable, and 5 reasonably available. Which is it: Achievable, 6 attainable, or available? 7 CHAIRMAN GRAHAM: Actually, I'm the one who's created this problem, because I said 8 9 achievable, and my dear colleague to my right 10 corrected me and says it's available, and I think 11 our court reporter might really be interested to 12 know this. So, RACT is reasonable available 13 control technology, and I'm sure there's some 14 good lawyers who can say that those two words 15 mean solidly different things, so I'm glad that I 16 have been corrected to reasonable available 17 control technology. 18 MR. DAVIDSON: How many times can you 19 believe it? 20 (Laughter.) 21 Thank you, Mr. Chair. MS. WALSH: 22 CHAIRMAN GRAHAM: Other comments or 23 questions? Yeah, go ahead.

1 MS. KOZYRSKI: I have a question. You mentioned that one of the two units 2 3 that would be required to install the RACT have 4 been essentially idle for ten years, so the 5 change applying to only one unit will be 6 sufficient to achieve the goals of the rule? 7 MS. WALSH: Uh-huh, yes, I do believe 8 so, unless --9 MR. DELONEY: I didn't hear the 10 question. 11 MS. WALSH: Yeah. The lift on the 12 idle station being discounted would still -- I'm 13 sorry; can you repeat the last part of that? 14 MS. KOZYRSKI: The question was: Ιf 15 only two units require modification and one has 16 been idle, essentially you're modifying only one 17 unit to achieve the goals of the program. 18 wanted to verify that that is true. 19 MS. WALSH: Yes. 2.0 MR. RULON: Is it also true, then, 21 that we really aren't cleaning up the air at all?

Is that correct, or not? Because it sounds like

you're not doing anything except changing the

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1 paperwork. Is that true? 2 MS. WALSH: So, Scott, do you want 3 to 4 MR. DELONEY: Sure, sure, sure. 5 Hi. My name's Scott Deloney. I'm with 6 the Office of Air Quality. 7 A couple of things to clarify. One is, is that Boiler No. 8 for Cleveland Cliffs, it's the 8 9 iron plant side of the facility that's been idle, 10 but that unit hasn't been idle. It's still 11 providing comfort heating. 12 MS. KOZYRSKI: That's -- that's --13 MR. DELONEY: Yeah. And the other 14 is, is the rule does establish limits for 15 existing units that are tied into the current 16 permit, so that's another way that it is going to 17 achieve reductions. 18 MR. RULON: Thank you. 19 MS. KOZYRSKI: Thank you. 2.0 CHAIRMAN GRAHAM: By the way, just a 21 quick clarification there. When I read the 22 document, I had the same read. I thought the 23 thing had been shut down for ten years, and I was

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1
    wondering to myself, "Why are they spending their
 2
     time writing this regulation?" Just something --
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    so, I think you may want to report -- in the
 4
    final, clean that up a little bit, because
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    that's --
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                 MR. DELONEY: Yeah, and that unit is
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    still very important to them because they don't
    know what the fate of their iron operation is
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9
    going to be, especially with developments at the
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     federal level for steel manufacturing.
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                 MS. KOZYRSKI: Okay. Thank you.
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                 CHAIRMAN GRAHAM:
                                   Thank you.
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                 MR. DELONEY: We're continuing to
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    work closely with the source.
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                 CHAIRMAN GRAHAM: Other comments?
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    Yeah.
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                 MR. KETZENBERGER: A quick question,
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    and it's about the dates here.
                 MS. WALSH: Uh-huh.
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                 MR. KETZENBERGER: Eight -- there
    are 18 months from the citation for the
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     nonattainment to enactment of the rule. Have we
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    already passed that? Was November 17th, 2023 the
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trigger date?
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                 MS. WALSH: Yes, yes, we did pass
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    that.
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                 MR. KETZENBERGER: Are we in the
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    period where we were for the initial sanction --
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                 MS. WALSH:
                            Yes --
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                 MR. KETZENBERGER: -- two for one?
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                 MS. WALSH: -- we are, yes.
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                 MR. KETZENBERGER: And if we pass
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     this rule, then that will bring us into
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     compliance and avoid the highway sanctions.
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                 MS. WALSH: (Nodded head yes.)
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                 MR. KETZENBERGER: Okay. I just
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    wanted to make sure I understood the timeline.
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                 MS. WALSH: Yes.
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                 MR. KETZENBERGER:
                                    Thank you.
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                 DR. ALEXANDROVICH: This is Joanne
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    Alexandrovich. I do have questions. I -- just
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     like the people also in the -- live in the room,
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    we're having really bad audio quality coming
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    through the computer. So, you may have answered
    this question or not, so I've got -- the
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     rulemaking provides an enforceable mechanism that
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satisfied U.S. EPA requirements. Has the U.S. EPA been over that and say that's okay?

And then the other thing was spoken by the last questioner that I don't even know who it was because the audio was so bad about the offset.

So, we didn't pass this by May, so the offsets are already in place, and when will -- if that's true, when will the offsets be removed? Is that a nonattainment question? I'm going to have to read the transcript to hear the answers, because the audio is just awful. Sorry.

MS. WALSH: I'm sorry about that.

I'll try to speak clearly. In regard to your first question, yes, program staff have been working diligently with U.S. EPA throughout the course of the development of the rule, so they are up to speed and in on the approval process thus far for the rule.

In regard to the second question, yes, it's true that we are currently in the initial sanction period for the emissions, but provided that we approve the rule by the deadline stated therein, then we will be removed from the

sanctions. Sanctions will be removed. Does that answer your question?

DR. ALEXANDROVICH: That's the offset sanctions?

MS. WALSH: Correct.

CHAIRMAN GRAHAM: So, I have a follow-up question on the same theme, if I may. So, I presume something wasn't done right to get us to the point where we're in a sanction period. So, what are the lessons learned about how we don't end up in this kind of situation in the future? Since I might be here at future meetings and I'm kind of curious what the agency has learned about how they can avoid this kind of problem.

MS. WALSH: To my knowledge, the main reason for the delay in progression of this rule was due to the turnover of a new administration and lots of changes within the organization that created a situation where, you know, things were not able to be approved as quickly as we would have hoped and that kind of thing. So, I think that, moving forward, we can ensure that we make

the review of the rules a priority, especially for the ones that are under a deadline like this. And I don't know if there was anything else program staff wanted to add, but I know that was the main -- one of the main reasons.

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MR. DELONEY: Yeah. This -- this is the second time that we've been in this situation with Lake and Porter Counties. The 2008 Ozone Standard, the area got bumped up and we were on the hook for  $\mathrm{NO_x}$  RACT, but the area attained the standard prior to being on the sanction clock.

So, when this happened, we watched it very closely. We were conducting photochemical modeling to see if we were going to attain the standard in time, and then once we had failed to attain, that's when we started initiating the process in order to get the regulatory requirements in place in order to get out from under the sanction clock.

But we've been under the sanction clock before, and we know exactly what it takes to get out from under it before highway sanctions kick in. And so, that's what we've been doing is

working backwards from November, when those sanctions were kicked in, to make sure that we have all of our ducks in a row to avoid it.

CHAIRMAN GRAHAM: Thank you.

MR. RULON: I just really want to look, you know, Dr. Graham, at the -- I think it's come before. If you look at the timeline here and look at the noncompliance up there, it was a hundred percent at one point. And we got under the -- we met it because of COVID, because all of the plants were shut down, and then we -- and then the economy's grown far beyond what your modeling would have suggested, and so, now we're out.

So -- and then the second part of that is that it takes us about 18 to 24 months to do a rulemaking statutorily. So, I think they did a pretty good job given the situation, because this is such a moving target. As you were saying, if the economy -- if they were to make less steel, we would have been in attainment; isn't that right?

MR. DELONEY: Well, there were a

variety of factors, but really the one that I would say was the fatal blow was 2023 ozone season. That ozone season was affected adversely by wildfires primarily deriving from Canada, and we had more exceedence days for ozone in the Chicago area in '23 than we had had in any previous year since the eight-hour standard had been put in place in 1997.

So, our fourth high for 2023 was extremely high, and even though our fourth high values for the year before and the year after were actually below the standard, '23 is what's weighting that. And so, our wait-and-see didn't play out the way 2020 -- with 2023 ending up the way that it did. That was the primary factor, and it really wasn't anything associated with emissions deriving from the Greater Chicago area; it really was from forest fire snow that blanketed the Upper Midwest most of the summer during 2023.

MR. RULON: Thank you.

CHAIRMAN GRAHAM: Thank you for the background. That's very helpful. Other comments? Yeah, we have one.

MR. KETZENBERGER: A quick question about -- we're anticipating that this rule and the actions taken by the committees will reduce the levels, but we've heard that they are not the sole reasons why this can sometimes be out of attainment. What happens if we don't see the reductions necessary, and what is -- what is our course of action going forward?

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MR. DELONEY: In the grand scheme, this regulatory action, it's going to decrease the net emissions for the Greater Chicago area by less than one percent. Right now, our forecasting is showing that that is going to make a very, very small blip with regard to future ozone concentrations.

So, what's going to be more important for us is what drives ozone in the Greater Chicago area, and that is mobile sources, and primarily from Northeast Illinois, not necessarily Northwest Indiana. What happens is, is that emissions work their way over Lake Michigan. As the sunlight, you know, works and helps with the formation of ozone, you get a Lake breeze and it

pushes back and hits the monitors closest to the water.

So, Michigan City is a good example, where we've traditionally had, you know, high readings in Michigan City because of its proximity to the Lake late in the afternoon. The wind comes out of the north, the monitor gets hit. The same thing happens in Southeast Wisconsin and Northeast Illinois, so --

MR. KETZENBERGER: And that's understandable and makes sense, but we still suffer the consequence of nonattainment if that's the case; right?

MR. DELONEY: That is -- that is correct. And right now what we are doing, and I think it's probably good background for the Board to understand, is we're addressing requirements associated with a bump up to a moderate classification. Most recently, EPA has actually reclassified the area and bumped it up again to serious, and we're looking at a threshold of sources that are over a hundred tons per year right now of NO<sub>x</sub>. The threshold that we have to

address for serious is at 50. 2 So, as Comm. Woods mentioned earlier, 3 Senate Bill 103 does require the agency to take a 4 closer look at the ozone problem in Northwest 5 Indiana and explore other avenues for being able 6 to address the attainment problem, particularly 7 the issues that are beyond our control --MR. KETZENBERGER: 8 Thank you. 9 MR. DELONEY: -- so that we're not 10 responsible for having to do this over and over 11 and over again, because right now we don't have 12 any type of forecast that shows this area is 13 going to be able to attain the standard within 14 the next five years. 15 CHAIRMAN GRAHAM: Very useful 16 background, sobering as it is. 17 Other comments, questions? 18 (No response.) 19 CHAIRMAN GRAHAM: Okay. Now, do we 20 have public speakers? Do we have speakers cards? 21 MS. KINDRICK: Yes, sir. 22 CHAIRMAN GRAHAM: Oh, my gosh, you're 23 going to make me pronounce these names?

quite prudent that's not my strong suit. 2 (Laughter.) 3 MS. KINDRICK: Kind of pull the mike 4 up to you, because they're having a hard time 5 hearing us. 6 CHAIRMAN GRAHAM: So, this mike, 7 you're saying, is not close enough? 8 MS. KINDRICK: Just letting you guys 9 know. 10 CHAIRMAN GRAHAM: Okay. 11 So, Allen Halline is first, representing 12 Just Transition NWI and GARD. 13 DR. HALLINE: You pronounced that 14 perfectly. Good afternoon, everyone. My name is 15 Allen Halline. I'm a retired physician living in Ogden Dunes, and just from the outset, I have to 16 17 say the medical field was full of acronyms, but 18 you guys blow it away --19 (Laughter.) 20 DR. HALLINE: -- with your acronyms. 21 I've been living in Ogden Dunes for some 22 time, a small community in Porter County on the 23 shores of Lake Michigan, nestled in between the

three largest primary integrated steel mills in this country. Cleveland Cliffs Burns Harbor is about a mile to my east, Cleveland Cliffs Indiana Harbor and Gary Works, U.S. Steel is a few miles to the west of me. Every day I watch massive plumes of smoke coming from these smokestacks, and on many days when I look out across the Lake, I see a brown rim of haze on the horizon.

About a half mile from my home is an EPA monitoring station, one of 39 EPA monitoring stations that you keep track of and report from.

Ozone data from this monitor and the one in Michigan City shows the highest number of nonattainment three-year design value periods for ozone in all of Indiana.

And there's a reason for this.

Ground-level ozone is a breakdown product of nitrogen dioxide. Our steel mills are the top three stationary emitters of nitrogen oxides in Lake and Porter County, no. 1, no. 2 and no. 3, and among the top emitters in the whole State of Indiana. We're talking about a hundred tons?

Well, together, these three steel mills emit over

13,000 tons of nitrogen oxides each year and rank among the highest nitrogen oxide emitters per ton of steel produced in this entire country.

There is a solution IDEM has yet to fully address. By converting from antiquated blast furnaces and basic oxygen furnaces to the future of green steel production using direct reduced iron and electric arc furnaces, you could make profound reductions in the release of nitrogen oxides as well as most of the other harmful pollutants and greenhouse gases coming from these mills.

As a physician who has witnessed the adverse health effects stemming from air pollution, I felt it was my duty to speak out. There are thousands of scientific publications dealing with the health effects of air pollution. Air pollutants can permeate the deep portions of our lungs, cross the alveolar membrane and enter the bloodstream, where they can pass through the body, and they affect every organ in the body.

We know air pollution contributes to the development of asthma, emphysema, lung cancer,

increases the risk for heart attacks, cardiac arrhythmias, heart failure, strokes, and sudden cardiac death, but did you know air pollution injures the brain and the central nervous system, and is now recognized as a risk factor for many neurologic diseases such as Alzheimer's, Parkinson's, autism, delayed intellectual development?

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Air pollution alters the immune system.

It's linked now to several autoimmune diseases, such as rheumatoid arthritis, systemic lupus, inflammatory bowel disease, multiple sclerosis,

Type-1 diabetes. Blast furnaces release many carcinogenic substances which cause DNA mutations, increasing the risk for cancer. It's well recognized, in addition to lung cancer, air pollution is now associated with an increased risk for cancers of the breast, uterus, ovary, colon, pancreas, thyroid, prostate, brain, as well as leukemia.

My point is that air pollution is more than just elevated ozone levels and bad air quality days. Air pollution from our steel mills

has a profound impact on the lives and welfare of all Hoosiers. I worry that IDEM's goal is to regulate a few small polluters, but is ignoring the elephant in the room: Our blast furnaces. I implore you to be bold in your recommendations and to make profound and lasting changes to improve the health and living standards for all people in Indiana.

Such a transition would certainly be costly up front. I know that. But the annual cost of the adverse health effects, now estimated in the billions of dollars each year, cannot be ignored.

Cleveland Cliffs is already switching over to direct reduced iron, DRI, at their Middletown, Ohio plant, so why can't that happen here in Indiana? IDEM's proposed  $NO_x$  RACT submission makes no mention of this proven steel-making technology. DRI is being implemented around the world, and is the future of steelmaking.

I humbly ask you to amend your RACT submission to address this less-polluting steel manufacturing process through direct reduced iron

1 using green hydrogen produced from renewable 2 energy sources. This will keep Indiana's 3 steelmaking competitive well into the future, and 4 markedly improve the health of Hoosiers. 5 Thank you for your time. 6 CHAIRMAN GRAHAM: Thank you, sir. 7 Questions, comments from the Board? (No response.) 8 9 CHAIRMAN GRAHAM: Thank you very 10 much. 11 DR. HALLINE: Okay. Thank you. 12 CHAIRMAN GRAHAM: Next, we have Mike 13 Oles, from Mighty Earth. 14 MR. OLES: Good afternoon, members of 15 the Board. Hello. My name is Mike Oles. I am 16 the Indiana Director of Mighty Earth. 17 lifelong Hoosier, I grew up around Indiana, a 18 couple of folks. 19 I am proud that Indiana is the leading 20 steel producer in the United States, but nearly 21 40 percent of our nation's steel comes from our 22 three Lake Michigan blast furnaces. At Mighty 23 Earth, we are building the conversation and the

movement to save the Indiana steel industry, to create more good union jobs, and to clean up the air. Yes, it can be done. We can do this, but we need to challenge Cleveland Cliffs and the next version of U.S. Steel to move their plants in Indiana towards sustainable steel production.

As someone who grew up in Central Indiana, you make a journey a few hours to Lake and Porter County, you can feel -- just feel how different the air is in Lake and Porter County, especially the further north you go. The residents of Lake and Porter County, they have helped make Indiana an industrial powerhouse. The hard work and sacrifice of these communities have created good union jobs in one of the main economic sectors of our state.

But Northwest Indiana's air is dirty, and we have a decision to make as a state government and as a population and as Hoosiers. Just last night, just last night, CBS news ran the story, this was the headline, "The Human Cost of Pollution in Gary, Indiana." "The Human Cost of Pollution in Gary, Indiana." I'm still mad at

Gary, Indiana, because back in 1993 they beat
Brownsburg in the State Semifinals with Glenn
Robinson. We took them down to the wire. But
"The Human Cost of Pollution in Gary, Indiana."

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Gary, Indiana is home to three steel minimums and one of America's largest black populations. It also has some of the dirtiest air in the country, and residents who have been breathing it say they feel neglected and overlooked, and CBS runs the story. So, it's an open secret how bad the air -- it's no longer an open secret how bad the air is in Northwest Indiana. Pollution is bad for people, bad for Hoosiers.

The roughly million residents of Lake and Porter County are currently paying a -- too much of a high price for outdated technology and I would say corporate greed. Half of the biggest nitrogen oxide polluters covered in IDEM's plan are steel related. We cannot solve this problem, this noncompliance, without holding our steel mills accountable.

Gary Works, Indiana Harbor, Burns Harbor.

These plants are all still using old coke-based blast furnaces, which we now know are amongst dirtiest methods for producing steel. But even more said -- we'll get to that in a second -- you know, we're falling behind, as other plants that still use this outdated dirty technology have lower  $NO_x$  emissions.  $NO_x$  emissions per thousand tons of iron in 2020, Burns Harbor, 1.96.

Sorry, Doctor. I think you live within a mile of Burns Harbor.

Indiana Harbor, .76 tons, Gary Works, .68 tons. Now, if we go down I-70 up to Pittsburgh, at the Edgar Thomson plant in Pennsylvania, it's only .13 times, so not only is it any pollution is dangerous, right, but think about this: If you live next to Burns Harbor, 1.96 per thousand tons, and -- and yeah, at Edgar Thomson in Pennsylvania, .13. This shows how inefficient and polluting Indiana steel facilities remain compared to -- compared to even other states using similar technology.

IDEM has a legal responsibility to consider cleaner proven technologies, and that

does include green hydrogen and DRI. IDEM should be a voice for us Hoosiers. You are our voice. You are our moral voice in our community. This isn't just about compliance, it's about protecting our health, our environment and our future while keeping Indiana's steel industry strong.

So, I just want to say one other thing about the steel industry. In Louisiana, they're going to be building a new steel mill there by the end of the decade. That plant is going to be DRI ready. That plant will directly compete with Indiana's three blast furnaces, and there's a lot of -- still going to be a lot of environmental issues there, but that plant could help put one of our Indiana steel mills out of business producing cleaner, cheaper steel. So, this is an economic threat if we do not hold these plants accountable and make them -- make them safer and cleaner.

We do not need to choose between jobs and clean air. As I've already said, there are real examples here. Cleveland Cliffs, down in

1 Middletown, just an hour and a half down the 2 road, they're switching to DRI. That change will 3 dramatically cut pollution, it'll create new 4 union jobs, and it'll save the company money. So, let's use these rules and let's 5 6 finalize these rules as a way to make Indiana 7 stronger, better, safer and cleaner. We can save our steel industry by holding Cleveland Cliffs 8 9 and the next version of U.S. Steel to a higher 10 standard, where our -- where our people in 11 Northwest Indiana do not have to suffer. So, 12 please -- please make this happen, please make 13 stronger rules, and let's clean up our air and 14 make Indiana strong from the Ohio River up to 15 Lake Michigan. Thank you so much. 16 17 CHAIRMAN GRAHAM: Thank you, sir. 18 Any comments or questions from the Board? 19 (No response.) 2.0 CHAIRMAN GRAHAM: Okay. 21 appreciate that you commented, sir. 22 Anyone else have comments? 23 MS. THOMAS: I do.

CHAIRMAN GRAHAM: Yes.

MS. THOMAS: May I approach the podium? My apologies. I submitted a card.

My name is Susan Thomas. I'm the Director of Press and Policy for Just Transition Northwest Indiana. I live in Porter County, home to some of the highest  $\mathrm{NO}_{\mathrm{x}}$  emitters in the state and nation, where the American Lung Association just awarded Lake and Porter Counties an F grade for air quality.

Frankly, I'm stunned that this meeting is occurring three hours away from the epicenter of this issue at a time when most working folks impacted by  $\mathrm{NO}_{\mathrm{x}}$  will be unable to testify. This is really adding insult to injury with an unjust situation.

IDEM, you've held many meetings in the Northwest Indiana region in the past, during more convenient hours. Perhaps the air quality there has finally gotten to you as well. And if you have not been to Northwest Indiana, I invite each and every one of you to spend ten minutes outside in East Chicago or Gary on a regular day and see

how you feel.

It is no surprise that these counties are out of compliance with healthy air standards.

Those of us who live there experience it firsthand every day. CBS News televised an extended report on the terrible air quality in Gary, featuring an inspiring woman who had to learn how to speak again after multiple bouts with cancer. She said to the reporter, "I matter."

I have colleagues in Whiting dealing with unidentified autoimmune issues, another in East Chicago who's had multiple reproductive system cancers before she even turned 50, and another whose teenaged son is a gifted athlete but must curtail sports activities that could possibly lead to scholarships because of asthma. Everyone knows many people dealing with health issues.

Science and simple common sense point to a key contributing factor: The pollution in our air, water and soil from industries now anonymously, anonymously, applying for pollution exemptions so they can poison us even more.

Currently we do not have enough adequate air monitoring in these impacted communities, and I will add, they are mostly black, brown, and low income. And in this rule, industry is given a free pass to operate with antiquated technologies comparable to driving a Model T down the highway. You can't drive a Model T down the highway because it's not safe.

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Neither are these industries that still use outdated, high-polluting, coke-based blast furnaces. They must be modernized. IDEM must insist upon it, with technology already being used in other states and other countries, proven innovations, such as direct reduced technology from sustainable sources like wind and solar power and green hydrogen. This is the future.

It will take time, but we are at a turning point and must act now to begin this process in order to future-proof jobs, jobs that built this nation that we are extremely proud of in Illinois. You can't toss a -- or in Indiana. You cannot toss a pebble in any of the three counties that I work in without hearing family

1 histories, immigration histories, of folks that 2 came here for a better life, to work in the steel 3 mills. And they got them at a cost. 4 And we are very proud of what those union 5 workers did in our country. We must future-proof 6 jobs and help the communities. We can and must 7 do both. On all of these fronts, indeed, we matter. 8 9 Thank you very much. 10 CHAIRMAN GRAHAM: And thank you. 11 Any questions or comments from the Board? 12 (No response.) 13 CHAIRMAN GRAHAM: Any other comments? 14 MR. BUMP: We have a speaker card --15 UNIDENTIFIED SPEAKER: I have a comment. 16 MR. BUMP: -- that was filled in --17 18 CHAIRMAN GRAHAM: Pardon? 19 MR. BUMP: We have a speaker card 20 that was filled in on-line for Hilary Lewis. 21 MS. LEWIS: I have -- Wanda Torres was before me, so I'd like Wanda to go first. 22 23 She's on-line.

MS. TORRES: Yes. My name is Wanda

Torres. I live directly across the street from

the steel mill. I'm the one they've been talking

about that's black, low income.

My car every day, every day, is full of soot. I do work for the Child Protection Agency, and I will tell my parents, "Don't smoke around them kids. Quit smoking in the car with them kids. Look at the windows. That smoke that you see on your windows, that smoke gets in the children's lungs." Well, our government is doing us the same way. I've been living here almost 56 years. I never knew that the steel mill was this big of a problem from the beginning, how big a problem it is.

Now, my father worked for the steel mill in the '70's, then he was laid off in the '80's. We became very poor. We could not -- we couldn't eat. We had to go to pantries, government cheese, all of that kind of stuff. And when they bring the jobs back, because he was -- when they bring the jobs back, he was rehired again or whatever they did. He was back on the job again,

and his health started to fail him with all of the black soot all over his suit, all in his nose, and he said it's from the coke plant. He was -- my mother wouldn't even allow his clothes in his house because that's how dirty he was, and that's how nasty those clothes was.

We -- once again, they brought them back to work at the steel mill. All he was thinking about is making money for our family. Then all of the sudden our children started developing asthma, another one was getting mental retardation.

Then all of the sudden in the '70's they told my mother that they had lead in the walls, and they said they were going to get the paint, to get all of the lead out of the walls, whatever, not knowing that the steel mills, they're doing the same things. Lead is still coming out of there. Then we wonder why the kids have got ADHD, ADD. I worked with the children's program fifteen and a half years, working in Gary, and I've seen so many children with ADD, ADHD, asthma, and we wonder why. Addiction. I'm

a drug addiction counselor. Addiction.

And then you say, "Well, the steel mill is work for us." Okay. If you have addiction, if you have a mental health issue, ain't no steel mill going to hire you. They drug test you all of the time. Ain't nobody going to hire you, so who's benefitting? We're not.

People from a different area come into Gary, they work there, and then they go back into their area. But when you come into Gary, you smell that egg smell, stinky smell. We don't know we've got it until we actually leave out, go visit, and then come back, and we're like, "Oh, my goodness, what is that?"

I'm looking at the steel mill right now before me. Smoke comes out of the stack, especially at night. Stuff coming out there is like a whole island of soot. And I've been watching that for the last 56 years. You ask me, "Why don't you move like those other people moved?" Well, this is my place, this is my home, this is my land.

Why can't you, or people, understand that

you're killing us unless, you saying, "We can -they'll work. Hey, they're black, low income, no
problem." Well, who's going to fix this problem?
We say, "We have to do something." Make it at
least halfway -- how do I say it? -- halfway safe
for us, you know.

So, this is all -- and one day, just like we started off now, people are going to continue to recognize this, and you're going to get the right person to recognize it to the point where there's going to have to be compensation coming, and that's what's coming up next, compensation, because our children are running around here with asthma, ADHD, ADD, drug addiction.

And I'm in Gary. I'm a street advocate.

I can see this stuff. Who's to say it was not that lead, which they told us in the '70's that lead causes all of these issues. Now lead is coming out -- and they gave us paint to paint our house, to strip the paint down, get rid of that lead. We've got lead in our house, lead paint in our house, and now all of the sudden we've got lead coming out of these pipes.

1 So, I'm just saying somewhere, somewhere 2 down the line justice is coming. And I'm a woman 3 of God, and I've been praying, and a lot of us 4 have been praying. Justice is coming. 5 Somebody's going to get up in there, and we're 6 not going to be called the -- we're not going to 7 be called the poor black people and low-income people. We're going to have a voice. We are --8 9 that voice is going to be so powerful that 10 something's going to have to happen. 11 So, I'm just saying, "Can we start this 12 process now so we don't get bit in the butt 13 later?" 14 Thank you. 15 CHAIRMAN GRAHAM: Thank you for your comment. 16 17 Are there other comments? 18 MR. BUMP: We have Hilary Lewis also. 19 CHAIRMAN GRAHAM: Oh, Hilary also? 20 Very good. 21 Thank you, and I MS. LEWIS: Hi. 22 thank Wanda for that really powerful comment. 23 think I want to uplift from Wanda's comment and

bring the importance of how intersectional this issue is and how, by addressing the  $\mathrm{NO}_{\mathrm{x}}$  pollution, you can help alleviate a number of different pollutants associated with coal-based steelmaking in Northwest Indiana.

So, let me just start at the beginning. My name is Hilary Lewis. I'm the Steel Director at Industrious Labs. We're an advocacy group focused on cleaning up heavy industry. My role is specifically focused on steel, and that's really relevant today, because, as a number of the commenters have already mentioned, a big source of pollution in Northwest Indiana for NO<sub>x</sub> and a whole host of alkaline pollutants are the coal-based steel mills.

And also, as mentioned by Allen and some of the other commenters, there are solutions available. So, we've had a discussion already about what is RACT, reasonably available control technology. We haven't -- coal-based steelmaking is not the future, and it's not even current. There are already three direct reduced iron facilities in the United States, one of which is

operated by Cleveland Cliffs, one of the two steelmakers in Northwest.

So, I wanted to highlight some of the health harms that have already been explained, but there's some additional numbers that we've modeled based on the Coburn Model from the Environmental Protection Agency.

(Extraneous noise.)

MS. LEWIS: Can you still hear me? Can you hear?

CHAIRMAN GRAHAM: Yeah, there is some interference. Do we know what's causing it?

MR. BUMP: Yeah, I'm getting it.

MS. LEWIS: It looks like there might be some other folks on-line who aren't on mute. Oh, fixed. Okay.

So, our modeling using the Coburn Model from the Environmental Protection Agency and self-reported data from the three steel mills and the coke plant in Northwest Indiana looked at a number of different pollutants, including  $\mathrm{NO}_{\mathrm{x}}$ , but not limited to  $\mathrm{NO}_{\mathrm{x}}$ , and modeled some of the health impacts, and what we found is really shocking.

Annually we found that these facilities contribute to over 500 deaths, premature deaths. They also contribute to over 145,000 cases of asthma symptoms, and in a range between 3.9 and 7.6 billion dollars of health costs. These are tangible outcomes, very real outcomes for folks living in Northwest Indiana and across the country from the pollution coming out of these facilities.

And there is good news. The good news is that we have technology available today that can help reduce this pollution and other associated pollutants that are harming health and the climate. So, I really want to emphasize to the community that there's a lot of opportunity to clean up steelmaking in Northwest Indiana, help it to be not only in compliance with existing laws, but protect public health and improve the economy, and I just wanted to emphasize that. I also wanted to agree with all of the previous comments and uplift the individual health harms that have been highlighted already today.

Thank you.

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                 CHAIRMAN GRAHAM: Thank you very
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    much.
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            Do we have other comments?
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                 MR. BUMP: Yes. We have Terry
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    Steagall.
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                                  Okay.
                 CHAIRMAN GRAHAM:
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                 MR. BUMP: Terry, if you'd like to go
    ahead and unmute yourself, you may be able to
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9
    speak.
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                 MR. STEAGALL: Can you hear me okay?
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                 MS. KOZYRSKI: Yes.
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                 MR. BUMP: Yes.
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                 CHAIRMAN GRAHAM: Yes, we can hear
14
     you.
15
                 MR. STEAGALL: Okay. Thank you.
    Yes, I want to testify today. My name is Terry
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    Steagall, S t e a g a l l. I live at 8577
18
    Kleinman Road in Highland, Indiana, and Kleinman
19
    is K l e i n m a n. Also I've been -- I'm a
20
    retired steelworker. I spent 41 years working in
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    the steel mill, starting at Inland Steel, which
22
     is now Cleveland Cliffs.
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            I grew up in Hammond, about two blocks
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down from the Grand Calumet River and the Hammond Sanitary District, and I know what pollution is like, that it goes into our waterways, too, because the Grand Calumet was one of those water -- bodies of water that are the 14 waters of concern that they've been spending money hand over foot to clean up.

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I went to work at Inland Steel, and our shop was about a hundred feet away from the Indiana Harbor Ship Canal, one of the most polluted entities in Northwest Indiana as far as waterways, and driving to work every day to Inland Steel when I first started there, you could see a -- basically it was an orange haze along the Lakefront from all of the pollution.

And there was concern when I first started there about all of the pollution, and they were doing some things to try to clean it up, but, you know, you can only do so much with a blast furnace. And people that worked in the mill back then, they'd go home in their cars. You'd have iron ore dust all over your car by the time you got home, so -- and the workers, there was a lot

of exposure that they had -- were exposed to that they weren't given the proper protection during that time either.

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So, this is, as I said, a serious concern you need to take seriously, and the direction that -- basically that EPA and IDEM have taken here recently is not a means to solve our problem. How we're going to solve that problem is we're going have to look to renewable energy. And we also have a problem with renewable energy because we have these things called data centers that want to come in and take all of our energy.

And here's where the steel industry should have a priority over data centers as far as being able to -- approval for renewable energy for the steel mills. We've been here over a hundred years, and we want to get -- we want another hundred years, but we've got to do it in a different way with new technology.

And that renewable energy's important, because we need that renewable energy for green hydrogen, and we need the green hydrogen to feed the blast furnace, so at least -- or I should say

the blast furnace so we can feed the direct reduction iron furnace so that the emissions are a lot less, almost to nothing, when we go to direct reduction iron furnaces and eliminate the blast furnaces.

2.0

And then we also are going to need some more power for those electric arc furnaces, and we can accomplish this. We've reached the point where now we're all -- we're at the point where we have sustainable green steel, so we know he have a steel that is steel of the future.

And you need to take a hard look at this, because if you don't look hard enough, Gary Works is going to want a death sentence, I guess you could say, because, you know, they've made comments about rebuilding the blast furnace, but that's not the solution. The solution is the direct reduction iron furnace.

And the reason they're going to rebuild the blast furnace, it's where they have their pig iron billet caster there. And they take the pig iron from Gary, Indiana and they take it down to the Big River plant in Arkansas to feed the

electric arc furnaces so they can make quality steel. But eventually, Big River's going to get those direct reduction iron furnaces.

So, we need to make sure these steel -- or Nippon and U.S. Steel are looking to the future, and we have to demand the future here in Northwest Indiana, one that's a clean sustainable steel that keeps our jobs and our communities safe. And if we don't start looking in that direction, you know, you're going to have a vacant steel mill 15 or 20 years down the road that's about 4,000 acres that will be all polluted. So, we need to take a different direction on that and start demanding what the standard should be as far as steelmaking.

And we need to get EPA and IDEM to start taking a serious look at this and not look the other way, because this has been the problem over many, many years. EPA and IDEM have looked the other way, and the picture's not pretty right now. People are getting sick over this. And, you know, you can't -- you know, at some point, you know, you've got to quit poisoning the air,

the land, the water, and the people. And this is how we do it, by looking into new technology to be put in Northwest Indiana.

And so, I don't want anybody to say they don't understand, because if you need to sit down and have a longer conversation about it, we can do it, and we'll get you some experts to come and discuss it with you so you clearly understand it, and what we need to do to survive in the state, the community, and be successful for the future. But it's going to take people working together on the same objective instead of dodging the bullet all of the time to where we get nothing done.

So, we're looking for you to take a different direction on how we're going to have our future steel industry, because if we don't, we're not going to have a steel industry, you know, and basically you're going to create the shutdown plan for the steel industry in Northwest Indiana.

And if you look at your tax base, where does a big portion of your taxes come from?

Northwest Indiana. You eliminate the steel mills

out of Northwest Indiana, you have a big problem tax-wise. It's the state economy, plus we've got a big problem that we haven't secured jobs for the future and our future children and grandchildren.

And we haven't saved the Mother Earth either. You know, Mother Earth has been telling us for a long time, "It's the environment, stupid." Let's do something about it. But we've got to listen. We're not listening. We just keep polluting.

And these legal limits are crazy, okay, because we shouldn't have legal limits. You know, we need to do things to where we start eliminating the legal limits and doing things to where we have zero pollution coming out of these industries. And we can get to the point where we're almost there, you know, with the air pollution as one, and the water discharge as the other one.

Because I always tell people, "You know what's most important in Northwest Indiana? It's that Big Blue out there they call Lake Michigan."

And we need to protect it, and we're not doing a good job, because for 125 years we've done a damn good job of polluting it, and it needs to stop.

2.0

And it needs to stop through the agencies that create the rules that allow these discharges, whether it be the air or water, into our atmosphere and our waterways. So, we need your help. We need you to take this serious, and we need you to take a hard look at it to make sure we sustain ourselves and we start protecting people.

And I think you listened to the lady before that lives close to the steel mill.

There's a lot of things that happened over the years that we didn't realize the impact of what happened with lead poisoning. And that was found in the community of East Chicago here, where they poisoned a whole community from the '70's until they shut it down in about 2014. And that was the lead contamination. So -- and the health effects on children from zero to five years old during that period, basically you've already disabled them. They have a disability, because

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you disabled their ability to learn in the
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     future.
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            So, we have to take this serious, and we
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    have to do what's right for the community, for
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    the state, for the world. So, please reconsider
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    how you're looking at developing these standards
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     for pollution.
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            Thank you.
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                 CHAIRMAN GRAHAM: Thank you, sir.
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                 MR. BUMP: And then we have Susie --
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                 MR. STEAGALL: Any questions?
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                 CHAIRMAN GRAHAM: Any questions from
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    the Board?
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                       (No response.)
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                 CHAIRMAN GRAHAM: I think we have
    Susie next; right?
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                 MR. BUMP: Yes, Susie Talevski.
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                 MR. STEAGALL: No questions?
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                 MS. TALEVSKI: Hello. Can you hear
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    me?
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                 MR. STEAGALL: Yes, I can hear you.
22
                 MS. TALEVSKI: Okay. I'm not even
23
     sure which one I'm talking through. I have the
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teleprompter on, I have the screen on the computer, I have it on the phone. It's very difficult to hear.

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CHAIRMAN GRAHAM: We can hear you.

MS. TALEVSKI: Okay. Am I on?

CHAIRMAN GRAHAM: Yes.

MS. TALEVSKI: Okay. Great.

My name's Susie Talevski. I live in Northwest Indiana, specifically in Valparaiso, but I was born in Gary, Indiana.

My dad was a steelworker for nearly 30 years. I am obviously a big supporter of United Steelworkers, and I realize how important the steel industry is to Northwest Indiana. But it's time to modernize. It's time for the steel industry to become very environmentally conscious, and we need IDEM to propose very strong regulations and hold the steel industry to those regulations.

So, I'm going to start off talking about the steel industry's disproportionate role in the nitrous oxide emissions. Half of the facilities covered by source specific limits in IDEM's

proposed nitrogen oxide rules are steel related:
U.S. Steel Gary Works, Cleveland Cliffs Indiana
Harbor, Indiana Harbor Coke, and Cleveland Cliffs
Burns Harbor.

These facilities rely on outdated, high-polluting, coke-based blast furnace technology. These are among the highest nitrous oxide emitters per ton of steel in the U.S., and they're nos. 3, 7, 8 and 18 for nitrogen oxide pollution among all industrial polluters in the state.

technologies. IDEM's R A C T, RACT,

determination must address modern, less polluting

alternatives like directed reduction iron, which

is known as DRI, using green hydrogen made with

renewable electricity. This technology is

commercially viable, and it's already being

adopted, including by Cleveland Cliffs in the

Middletown, Ohio plant.

The real world evidence supports

transition. Cleveland Cliffs Middletown Works is

converting to DRI, expecting the following:

Significant nitrogen oxide and  $SO_2$  reductions, operating cost reductions of \$150 per ton, creation of 170 permanent union jobs. Converting to DRI-EAF also avoids up four hundred million in blast furnace maintenance costs required in 15 to 20 years, while vastly improving public health.

Indiana facilities lag behind on pollution control. Examples: Nitrogen oxide emissions per ton -- per thousand tons of iron, that's in 2020. So, this is Burns Harbor, 1.96 tons; Indiana Harbor, .76 tons; Gary Works, .68 tons. Now, compare that with Edgar Thomas -- I'm sorry -- Edgar Thomson in Pennsylvania, which is 1.3 tons. This shows how inefficient and polluting Indiana's steel facilities remain compared to the peers using the same technology. Transition will improve public health and the environment.

Coal-based steelmaking in Indiana contributes up to an estimated 514 premature deaths, over 145,000 cases of asthma symptoms, and 3.9 to 7.6 billion in health costs annually. Gary, Indiana residents are in the top ten percent nationally at risk for asthma and reduced

life expectancy.

2.0

water use, climate emissions, and improve air quality for nearby communities. The Clean Air Act requires R A C T, RACT, to reflect the latest available control technologies and strategies. The proposed nitrogen oxide RACT rules fail to meet this standard by more ignoring cleaner iron and steel production pathways already in use or planned elsewhere in the United States. IDEM must include green hydrogen, DRI-EAF in its RACT analysis to comply with ozone SIP and regional haze obligations.

So, I'm calling on all of the IDEM officials here that you must revise the nitrogen oxide RACT rules to include clean, modern steelmaking technologies. Transitioning steel production in Northwest Indiana is not only feasible it's necessary to protect the public health, the environment, and the regulatory integrity.

I would also like to say that it would be wonderful if next time IDEM could actually have

this hearing here in Northwest Indiana. I'd have to say the audio has been a little difficult today, and obviously there's not as many of you there, and it'd be easy for you guys to come on up to Northwest Indiana and hear in person from the people of Northwest Indiana, and in particular, the people of East Chicago, Gary, and the Burns Harbor area.

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As you know, the steel industry here in Northwest Indiana is the number one producers of steel in the country. We are a powerhouse economically of Indiana. This is the economic engine of Indiana.

But it's equally important for the environment to be protected, especially since we have one of the premier national parks in the country right along -- along the Lake Michigan shore, which is, of course, the Indiana Dunes National Park. This national park is now among one of the most visited national parks in the country, so we're getting massive amounts of tourists coming here to visit this national park.

Tourism, of course, is the number one

industry in the entire world. We want to make sure that The Dunes, which are an ecological wonder, are protected for generations to come. In addition, of course, we want the tourism to continue and to increase and -- because we get a financial boost from that.

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The other thing, of course, that is the most important, of course, is the health and safety and well being of the people of Northwest Indiana. The steel industry is, of course, the -- one of the primary employers here. You could go back a hundred years. I think Inland Steel started in 1901. Gary Works U.S. Steel started in 1906.

So, if you come here to Northwest Indiana and you talk to the people, my guess is nearly every person you talk to is going to have some connection, whether directly or indirectly, to the steel industry. It's very important to our survival, but equally, now there are technologies, modern technologies, that can be put into place to protect the health and safety and welfare of the people of Northwest Indiana.

IDEM is uniquely in charge of this. Your dedication and your devotion should be to the health and safety of the people and, of course, the environment, not to corporations or to industry. This -- the steel industry makes massive amounts of profit. They are truly a big economic producer and moneymaker. This is not going to cost them, you know, something where it's unsustainable. They can certainly pay for this technology.

But it's up to all of you as regulators to make sure they come into compliance with this.

So, I urge you to -- when you submit your plan to the EPA, that it has all of the modern technology available to reduce the nitrogen oxide polluters here in Northwest Indiana.

The other -- another thing you have to be aware is if you don't pay for this now, in the long-term, you will pay for it in how sick people get. And I can tell you, at least my dad, who was in the steel industry for nearly 30 years, he ended up suffering from Dementia, and I'm pretty sure that was from his years working in the

polluted steel industry.

But I've looked at many of the other co-workers that he worked with, and nearly all of them have suffered some sort of neurological problems, whether it be Dementia or Parkinson's or other types of neurological diseases. And I mean this is not an accident. I think this is all commonality here, as they worked in the steel industry.

So, do you want to pay for it at the back end with people being disabled and having high health costs, or do you want to make sure that the steel industry advances technologically in a way to protect their employees and to protect the people in these neighboring communities, and to protect the environment?

So, I think Indiana, by the way, can be one of the premier states in the entire country, but we only are going to achieve that by having a clean state, a state that cares for its people, and a state that, of course, attracts economic development, but in a sustainable fashion that does not sacrifice the environment and the health

and safety of the people. 2 So, I'm really encouraging all of you to, 3 you know, turn on the heat to the steel industry, 4 make sure that these regulations were passed, and 5 that the E -- and that you enforce them. 6 really appreciate your time, and please, again, 7 come on up to Northwest Indiana next time. throw on some lunch for you; all right? 8 9 CHAIRMAN GRAHAM: Thank you very 10 much. 11 MS. TALEVSKI: Thank you. 12 CHAIRMAN GRAHAM: We appreciate that. 13 Do we have another speaker? 14 MR. BUMP: Yes. We have Connie 15 Wach --MR. RULON: Can I ask a question? 16 17 How many more? We got the talking point, guys. 18 We got the talking points. We get it. 19 understand it's a dirty industry. This rule is 20 not about that. This rule is about meeting 21 attainment for the standards that are required by EPA at this time. 22

So, I know it's a dirty industry. My wife

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1 has that mess. She grew up in Michigan City. 2 Trust me, I get it, but -- and everybody can 3 talk, but in the past, Mr. Chairman, we've gone 4 to three minutes for people that are going to 5 speak. That's been a standard. 6 So, anyway, I appreciate what they're 7 They're making great points, but that's saying. not what this rule is about. We've got -- we've 8 9 got to address their points, but I would hope 10 that our new Commissioner will take these 11 comments seriously, because they are for real, 12 but that's not what this rule is about that's in 13 front of us. 14 So, I'm sorry. 15 CHAIRMAN GRAHAM: No, that's a very 16 fair comment. 17 Can we go on to the other speaker? 18 MR. BUMP: Yeah. And we have just 19 the one, one last here, as far as the other one. 20 Connie Wachala? 21 (No response.) 22 MR. BUMP: Connie Wachala, are you 23 there with us? You can unmute yourself to

provide your comment.

MS. WACHALA: Oh, all right. I think I did unmute finally. Do you hear me?

CHAIRMAN GRAHAM: Yes, we can hear you.

MS. WACHALA: Thank you.

I fully appreciate the man who just spoke whose wife was from Michigan City and, you know, says he understands fully the health effects, but that is the condition -- experience that we have up here. I hope that you will open your ears and your minds and your hearts to hear us, because although I realize that what you're saying is that's not what you're here for to hear in this public hearing, that is the most important thing that we are dealing with.

So, again, let me tell you my background.

My name is Connie Wachala, last name spelled

W a c h a l a, and I'm a third-generation

resident of the Calumet region of Northwest

Indiana. I'm a retired writer and a writing

instructor, and I now coordinate and help

organize sustainability groups in my community of

Highland and the bigger Northwest Indiana area.

All four of my grandparents came here from Poland in the early 1900's to work in the mills and the related industries. I grew up in East Chicago, about a mile from Inland Steel, and the effects of the mill are found in my relatives' bodies, those who worked in the mill and those who didn't.

So, my son was 21 when he was diagnosed with cancer. My -- he survives. My grandson died when he was four of cancer. Again, to protect our public health and our families' health in Lake and Porter Counties, I'm asking IDEM to strengthen your plan to reduce NO<sub>x</sub> emissions by including the clean technology for the steelmaking progress -- process.

The steel industry in our state provides jobs. Of course, we need those jobs, but we cannot sacrifice our health. These are matters of life and death and quality of life. We know that the industry can do better, because it's done it before, by implementing safety rules, by scrubbing air emissions, and we know that

industry pollution with  $\mathrm{NO}_{\mathrm{x}}$  holds consequences for us, and I would hope that that's what IDEM, as a regulatory body, is for, to protect public health.

The EPA has ranked Lake County as the third highest polluted county in the nation, and the steel plants, of course, as we know, are the highest polluters of  $\mathrm{NO}_{\mathrm{x}}$  in the state. Those three mills -- Gary Works, Indiana Harbor, Burns Harbor -- still use those old coal-based blast furnaces, the hundred-year-old technology, the dirtiest ways of making steel.

We know NO<sub>x</sub> results in illness and reduced quality of life for so many of us, but it doesn't have to be so. As other people have pointed out, Cleveland Cliffs in Middletown, Ohio switched from coal-based blast furnaces to direct reduced iron furnaces, went with green hydrogen made with renewable energy, and the air pollution was drastically cut. And because the blast furnaces don't have to be relined, an expensive process, that change could even save the company money.

The steel mills up here continue to use

outdated methods of making steel and ignore the new technology of direct reduced iron used in other states. I don't have the legal responsibility to consider cleaner proven technologies. I'm asking you to protect our health, to protect our environment, to protect our future.

Let us keep the steel industry here and make it stronger by helping them use cleaner, newer technology. We, as the residents of Northwest Indiana, the State of Indiana, deserve that much. I'm so sorry. I apologize that you have to hear all of the facts once again, but I'm kind of hoping that you understand that that's what you have to hear from us.

Thank you.

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CHAIRMAN GRAHAM: Thank you for your comment. Any other comments?

(No response.)

CHAIRMAN GRAHAM: Okay. That concludes the public hearing portion. We now move to the Board consideration on preliminary adoption of the  ${\rm NO}_{\rm x}$  RACT Rule, and is there any

Board discussion of the rule itself before we turn to the vote?

MS. BROWN: Hi. This is Jaime Brown.

I think, given the comments that we've just heard and your comments, Mr. Rulon, would IDEM be willing to explain to us -- we've heard about the blast furnaces today. We've talked about what RACT is. We heard that it's not what this rule is about. Can we have some explanation of that, please?

MR. DELONEY: Scott Deloney, with the Office of Air Quality again.

Our focus, when we initiated this particular rulemaking, was on the underlying federal requirement. And so, in addition to that, we looked at what our regulatory authority is at the state level, and then the way that RACT is addressed is all based on precedent. So, you look at states that have developed SIP's to address NO<sub>x</sub> RACT.

Every time one of those SIP's gets approved, it's establishing a precedent. The most recent precedent that's been established in

approving a RACT SIP was actually submitted by the State of Ohio. So, when we developed our presumptive limits and determined control technology that was available for applying on existing units, we relied heavily on Ohio's rule. So, the changes that you heard about that are taking place at Middletown, Ohio, those aren't as a result of implementing RACT.

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Costs associated with those would be well in excess of what our \$5,000-per-ton threshold is. It's -- that is actually resulting where you're removing a unit, you're replacing that unit, you're changing the process. Our focus is on looking at what control technology is available to control the existing units and what that cost is in terms of ton of  $NO_x$  reduced.

MS. BROWN: Thank you. I have one follow-up question as well. In the information we were provided in advance, it mentions only two affected sources would be required to apply new controls under the rule. Can you explain the two versus, I believe, the 11 potential?

MR. DELONEY: Sure. The -- it is all

based on what the cost effectiveness was as a result of the analysis conducted by the source and then evaluated by engineers within our office. And for those two units, it was determined that applying additional control technology to them in the form of low NO<sub>x</sub> burners and an over-fire air in one instance, that that was a cost-effective option for achieving additional reductions for those two units. Other units were evaluated the same way, but the cost of control for those would have exceeded our threshold.

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But again, as you'll note throughout the rule, we are establishing presumptive limits based on unit types, a variety of unit types, that don't exist in terms of control limits for those facilities that are outlined in the rule. So, right now they have a limit that's in their permit.

What will happen is, is as this rule moves forward and is approved into Indiana's State

Implementation Plan, those limits get added into their permit, and they are more stringent than

what their current requirements are. So, there's two mechanisms in which  $\mathrm{NO}_{\mathrm{x}}$  emissions are being controlled through this rulemaking. One is through the presumptive limits, and then the other is the additional control requirements.

MS. BROWN: Thank you.

MR. DELONEY: Okay.

MR. RULON: And the way our current law works, when they do these emissions, they're paying a price for the emission; right? That's how they're -- when they get their permit, they're paying so much for the right to emit so many tons; is that correct?

MR. DELONEY: Well, when their permit is issued, we conduct a variety of evaluations to determine, you know, what's required, but yes, then, you know, they have to meet the limits that are in the permit, and then their reported emissions does factor into what they pay in terms of fees, yes.

And the one piece that I brought up at the very beginning with regard to regulatory authority, I think that that's really an

important issue on here, because that's how we initiated our evaluation for determining what RACT is, but regulatory authority is really limited at the state level.

Too, I think an important factor is one of those 64 executive orders that the Commissioner brought up earlier, where we look at rule development that isn't more stringent than an underlying federal requirement. And in this case, what's important to us from a timing perspective is to turn that sanction clock off, too.

MS. KOZYRSKI: I have a follow-up to that, that the comment that you included in your discussion of SEA 459, which I think maybe goes to more of the broader issues here, Regional Air NAAQS Review on nonattainment for the region, and I just didn't -- it feels like it maybe addresses some of these other comments, perhaps, if it's not under this umbrella. I just wondered if IDEM has developed an approach to conducting that review.

COMM. WOODS: Yes, it was actually

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under Senate Enrolled Act 103 --

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MS. KOZYRSKI: Okay. I'm sorry.

COMM. WOODS: -- that directs us

to -- no, and I apologize. We were kind of

moving quickly and too many bills that -- I have

trouble keeping the numbers straight. But yes.

So, under that process, IDEM is currently working

internally and, I think, will likely be reaching

out to a wide variety of stakeholders. There

should be feedback in that process to look at,

you know, direction.

The bill's only a few paragraphs long, but asks us to look at various tools in the Clean Air Act to look for emissions reductions. That includes voluntary and mandatory actions, including things like this, but also to look for some of the tools we're also starting to review to address things like international transport, where you can demonstrate that you would have attained the NAAQS but for international contributions, provisions related to exceptional events, as Scott mentioned previously.

In 2023, for example, we had, I think, a

half dozen exceptional event days, where exceedences ended up being the fourth highest day of the three-year period were driven by Canadian wildfires. We're still waiting for and hoping and expecting EPA to approve those events to not be held against us in terms of attainment determinations in the future.

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But we're also looking at other tools, because I think ultimately everyone wants to get to a place where we are in attainment below the standard that EPA has set to be protective, you know, of human health with an accurate margin of safety, which is currently 70 parts per billion for ozone.

And then the other complicating factor
here is there's some provisions in the Act about
if you get into attainment, you still may have to
install certain controls or keep certain controls
and in turn, also that Lake and Porter County are
part of a broader metropolitan area where just
about every monitor around Lake Michigan is in
nonattainment.

And so, we can sometimes get pulled into

1 that broader metropolitan area even if the air 2 quality at our monitoring locations in the State 3 of Indiana are below 70 parts per billion. 4 it's a big complicated problem, lots of 5 interesting things we have control over, but a 6 very small fraction of the contribution of that 7 70 parts per billion. Wildfires, natural sources, international contributions, mobile 8 9 sources, as Scott --10 MR. OLES: Steel pollution. 11 COMM. WOODS: -- mentioned -- yeah. 12 There's a wide variety of sources that we 13 wanted to look very carefully at, talk with EPA 14 about, so I do think this happens obviously 15 against the backdrop of that broader discussion that I'm sure we'll probably be engaging this 16 17 Board and the public about over the course of the 18 year as we try to look long term about how to get 19 to those underlying issues. 20 MS. KOZYRSKI: Thank you.

CHAIRMAN GRAHAM: Other comments from

(No response.)

21

22

23

the Board?

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1
                 CHAIRMAN GRAHAM: Okay. So, can I
 2
    have a motion that we should proceed to the
 3
     approval of the proposal?
 4
                       (No response.)
 5
                 CHAIRMAN GRAHAM: Do I have a motion
 6
    to proceed?
 7
                 MR. BAUSMAN: So moved.
8
                 CHAIRMAN GRAHAM: Do I have a second?
9
                 MR. DAVIDSON: Second.
10
                 CHAIRMAN GRAHAM: All in favor, say
11
    aye.
             (Board members responded, "Aye.")
12
13
                 CHAIRMAN GRAHAM: Opposed?
14
                       (No response.)
15
                 CHAIRMAN GRAHAM: Okay. Thank you
16
    very much.
17
                 MR. RULON: It has to be by roll
18
    call.
19
                CHAIRMAN GRAHAM: Oh, we have to do
20
    it by roll call.
21
                (Discussion off the record.)
22
                CHAIRMAN GRAHAM: Okay. Now we will
23
    do it roll call.
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1	Mr. Green?					
2	MR. GREEN: Nay.					
3	CHAIRMAN GRAHAM: Mr. Rulon?					
4	MR. RULON: Yea.					
5	CHAIRMAN GRAHAM: Mr. Davidson?					
6	MR. DAVIDSON: Yes.					
7	CHAIRMAN GRAHAM: Mr. Niemiec					
	Dr. Niemiec?					
8						
9	DR. NIEMIEC: Niemiec is still here.					
10	CHAIRMAN GRAHAM: Yes.					
11	DR. NIEMIEC: Yes.					
12	CHAIRMAN GRAHAM: Mr. Horn?					
13	MR. HORN: Yes.					
14	CHAIRMAN GRAHAM: Mr. Bausman?					
15	MR. BAUSMAN: Yes.					
16	CHAIRMAN GRAHAM: Mr. Eckhart?					
17	MR. ECKHART: Yes.					
18	CHAIRMAN GRAHAM: Ms. Flittner?					
19	(No response.)					
20	CHAIRMAN GRAHAM: Ms. Brown?					
21	MS. BROWN: Yes.					
22	CHAIRMAN GRAHAM: Dr. Alexandrovich?					
23	DR. ALEXANDROVICH: I vote yes, and					

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with my vote, I also recognize and thank IDEM for
1
 2
    all of the copious work they have done to get our
 3
     industry in compliance with the NO, RACT
 4
    requirements.
 5
                 CHAIRMAN GRAHAM:
                                   Thank you very
 6
    much.
 7
            Ms. Kozryski [sic]?
                 MS. KOZYRSKI: Yes.
8
9
                 CHAIRMAN GRAHAM: Mr. Ketzenberger?
10
                 MR. KETZENBERGER: Yes.
11
                 CHAIRMAN GRAHAM: Mr. Etzler?
12
                 MR. ETZLER: Yes.
13
                 CHAIRMAN GRAHAM: And Chair Graham is
14
    a yes. So, those totals look like all yes and
15
    one no; is that correct, what you heard, sir?
                 THE REPORTER: I didn't count.
16
17
                 CHAIRMAN GRAHAM: Okay. I didn't
18
    count either. I just listen to what they're
19
    doing, yeses and noes.
20
                 THE REPORTER:
                                I got them down,
21
    though.
22
                 CHAIRMAN GRAHAM: Thank you very
23
    much.
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Okay. So, the Board's decision is favorable on the proposal. You've got some work to do to get it ready and get it finalized, and you want to do that promptly, because we've got issues if we don't get it done promptly.

Okay. Other Matters. Is there anyone else who wishes to address the Board today?

MR. RULON: Can I just say something?
CHAIRMAN GRAHAM: Yes.

MR. RULON: So, this is my last meeting. I've been here 12 years, since the beginning, so I'm going to be missing you guys. I really loved trying to defend the environment in the State of Indiana. And it's an honor to represent agriculture, so it's been a -- it's a real -- one of the keystones of my life to be a part of this process, getting to know the people at IDEM and how hard the people at IDEM work to try to do the best that they can. I know it's a very tough job.

And I -- one thing I learned the most being down here that's just shocking to me is, we owned a CAFO at one point, and IDEM ended up

being the people defending us in the court of public opinion with their rigorous testing. And so, I mean I think it's the thing that people don't recognize necessarily that one of the reasons we have such a stable industrial base in Indiana is we have some good solid regulations that are actually enforced, not always perfect.

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But anyway, it's been a privilege to serve, and I'm looking forward to trying to do something else in the state government in the future.

Last question before I leave: So, we're going to double inspections of CAFO's. Do we have the staff to do that? And if we don't, is that -- if you don't get there twice, is that going to be held against the farm?

COMM. WOODS: Yeah, great question.

So, the -- this is one of the other bills that

was enacted this year, and it was amended several

times over the course of the session, to make

sure -- I think part of the concern was how

quickly, after a permit is issued for a confined

feeding operation, an IDEM, you know, inspector

will be out there.

And so, I think the short answer is I think we do have enough inspectors. I think they're -- we're going to be shifting some things around. There's obviously some moving ground around biosecurity, making sure that we don't have anybody coming to the same confined feeding operation that would raise any concerns around avian influenza or other pathogens.

So, we're working very closely with the Board of Animal Health to make sure -- as well as the animal agriculture industry -- to make sure we can implement that law, but I think -- I think we should be in good stead to get that.

MR. RULON: Good. Thank you.

CHAIRMAN GRAHAM: And thank you for all of your hard work.

MR. RULON: Oh, it's been great.

 $\label{eq:decomposition} \mbox{DR. ALEXANDROVICH:} \mbox{ I'd like to thank} \\ \mbox{Ken, too.}$ 

It's been great working with you and I'll miss you, so I'll leave you with a big hug and a best wishes for wealth and health and prosperity.

1	MR. RULON: Thank you.					
2	CHAIRMAN GRAHAM: Any other comments?					
3	(No response.)					
4	CHAIRMAN GRAHAM: Our next meeting is					
5	scheduled for August 13th, but we may have a					
6	little problem with that, so stay in touch. We					
7	may have to adjust that date, and we'll keep					
8	everyone updated about that.					
9	And on adjournment, I need a motion to					
10	adjourn.					
11	MR. DAVIDSON: So moved.					
12	CHAIRMAN GRAHAM: And ready to have a					
13	second.					
14	MR. ECKHART: Second.					
15	CHAIRMAN GRAHAM: All in favor?					
16	(Board members responded, "Aye.")					
17	CHAIRMAN GRAHAM: Any opposed?					
18	(No response.)					
19	CHAIRMAN GRAHAM: Fine. We are					
20	adjourned.					
21	 Thereupon, the proceedings of					
22	June 11, 2025 were concluded at 3:26 o'clock p.m.					
23						

## 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, June 11, 2025 in this matter and transcribed by me.

Lindy L. Meyer, Jr.,

Notary Public in and for the State of Indiana.

My Commission expires August 26, 2032.

Commission No. NP0690003

Notary Public olby County - State of Indiana omission Number NP0690003 ommission Expires Aug 26, 2032

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