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BEFORE THE STATE OF INDIANA
ENVIRONMENTAL RULES BOARD

- - -

PUBLIC MEETING OF MAY 7, 2026

- - -

PROCEEDINGS

before the Indiana Environmental Rules Board,
Dr. John Graham, Chairman, taken before me,
Lindy L. Meyer, Jr., a Notary Public in and for
the State of Indiana, County of Shelby, at the
Indiana Government Center South, Conference
Center, Room A, 402 West Washington Street,
Indianapolis, Indiana, on Thursday, May 7, 2026
at 1:31 o'clock p.m.

- - -

ACCURATE REPORTING OF INDIANA, LLC
543 Ponds Pointe Drive
Carmel, Indiana 46032
TELEPHONE: (317) 848-0088
EMAIL: accuratereportingofindiana@gmail.com

1 APPEARANCES:

2 BOARD MEMBERS:

3 Dr. John Graham, Chairman
William Etzler
4 Carrie Kozyrski
Ric Zehr
5 Dr. Joanne Alexandrovich
Brianna Schroeder
6 Jaime Brown
Chris Horn
7 John Ketzenberger
Calvin Davidson
8 Ryan Mueller, Proxy, Indiana Department of
Natural Resources
9 David Bausman, Proxy, Lieutenant
Governor
10
11 Clint Woods, IDEM Commissioner
(Nonvoting)

12 IDEM STAFF MEMBERS:

13 Billie Franklin
14 Keelyn Walsh
Susan Bem
15 Liz Melvin
Kevin Bump
16 Karla Kindrick

17 PUBLIC SPEAKERS:

18 Rep. Ethan Lawson
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20 - - -
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22
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1 1:31 o'clock p.m.
2 May 7, 2026

3 - - -

4 CHAIRMAN GRAHAM: Good afternoon,
5 Hoosiers. The May 7, 2026 meeting of the Indiana
6 Environmental Rules Board will come to order. I
7 will now call on Board members to indicate their
8 attendance at this meeting.

9 Mr. Zehr?

10 MR. ZEHR: Present.

11 CHAIRMAN GRAHAM: Mr. Davidson?

12 (No response.)

13 CHAIRMAN GRAHAM: Mr. Horn?

14 MR. DAVIDSON: Yes.

15 CHAIRMAN GRAHAM: Okay. Mr. Davidson
16 is in, or is that Mr. Horn?

17 MR. HORN: Present.

18 CHAIRMAN GRAHAM: Present.

19 MR. DAVIDSON: It is Mr. David --
20 Mr. Davidson is present.

21 CHAIRMAN GRAHAM: Good.

22 Dr. Alexandrovich?

23 (No response.)

CHAIRMAN GRAHAM: Ms. Kozyrski?

1 DR. ALEXANDROVICH: Dr. Alexandrovich
2 is here.

3 CHAIRMAN GRAHAM: Oh, good.
4 And Ms. Kozyrski's here?

5 MS. KOZYRSKI: Here.

6 CHAIRMAN GRAHAM: And Ms. Schroeder?

7 MS. SCHROEDER: Yes.

8 CHAIRMAN GRAHAM: Mr. Bausman?

9 MR. BAUSMAN: Yes.

10 CHAIRMAN GRAHAM: Mr. Mueller?

11 MR. MUELLER: Yes.

12 CHAIRMAN GRAHAM: Ms. Brown?

13 (No response.)

14 CHAIRMAN GRAHAM: John Ketzenberger?

15 MR. KETZENBERGER: Yes.

16 CHAIRMAN GRAHAM: Vice-Chair Etzler?

17 (No response.)

18 CHAIRMAN GRAHAM: And I am here. So,
19 that does seem like to be a quorum.

20 (Ms. Brown arrived.)

21 CHAIRMAN GRAHAM: I would like to ask
22 Kevin to cover meeting logistics for in-person
23 and remote participants.

1 MR. BUMP: Thank you, Chair Graham.
2 Good afternoon to those attending on-line.

3 All participants will be muted when they
4 join the meeting, but participants will be able
5 to address the Board during the Open Forum
6 portion of the meeting towards the end. We do
7 ask you to identify yourself when speaking.

8 For those joining us via Teams, if you
9 have a question or a technical issue during the
10 meeting, please use the raised hand or chat
11 feature. Participants must always send chat
12 messages to the host.

13 To access the raised hand and chat
14 feature, at the top of your screen, depending on
15 your device, you'll see a menu bar, and you may
16 have to touch your screen for the menu bar to pop
17 up on a mobile device. At the beginning of that
18 menu, there is a chat icon, which you can click
19 on to show the chat dialogue box.

20 You should also see the raised hand
21 option. Please utilize the raised hand or chat
22 features if you have any questions or comments,
23 and you'll be called upon at the appropriate

1 time.

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

6 If you wish to speak during the rulemaking
7 hearing portion of today's meeting, please fill
8 out an appearance card using the forms link
9 provided in the chat. You will be called upon at
10 the appropriate time to give brief testimony.
11 Only meeting attendees who have filled out the
12 form will be called upon to speak.

13 For those in the room today, I would
14 remind Board members to please speak up so that
15 everyone attending the meeting on-line are able
16 to hear. For those who may be answering
17 questions at today's meeting, please also repeat
18 the questions prior to providing a response.

19 I will now turn the meeting back over to
20 our Board Chair.

21 CHAIRMAN GRAHAM: Thank you, Kevin.

22 Our first order of business today is the
23 approval of the summary of the December 18, 2025

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

3 (No response.)

4 CHAIRMAN GRAHAM: Okay. We can
5 proceed. First of all, do I have a motion to
6 approve?

7 MR. MUELLER: So moved.

8 CHAIRMAN GRAHAM: Do I have a second?

9 MR. BAUSMAN: Second.

10 CHAIRMAN GRAHAM: All those in favor?

11 (Board members responded, "Aye.")

12 CHAIRMAN GRAHAM: Opposed?

13 DR. ALEXANDROVICH: Aye.

14 CHAIRMAN GRAHAM: Okay.

15 MR. DAVIDSON: Aye.

16 CHAIRMAN GRAHAM: Better late than
17 never on that aye.

18 It has been approved as presented -- as
19 originally drafted.

20 MR. DAVIDSON: I'm a long way away.

21 CHAIRMAN GRAHAM: We appreciate that.

22 Okay. We will have two IDEM reports, and
23 we will start with Sir Woods.

1 COMM. WOODS: All right. Thanks so
2 much, Chairman Graham. I really appreciate it.
3 And thanks, members of the Environmental Rules
4 Board.

5 I just had a few quick things that I
6 wanted to mention in terms of some activities
7 that IDEM's undertaking, a few areas that I think
8 we shared with the Board previously. I thank you
9 for being here. We've got a couple of important
10 rulemakings, several report-outs here, work on
11 the work groups related to both fees and
12 implementation of deregulatory and red tape
13 reduction opportunities under several of
14 Gov. Braun's executive orders, and the work
15 that's happened since our December meeting.

16 I want to share a few things that are
17 happening at IDEM that I think are really
18 exciting. There's a lot underway that we've
19 undertaken even since your last December meeting,
20 and I want to just reflect on a few of those
21 items, one being, I think we've talked about
22 previously, about how IDEM operates four
23 statutory boards and commissions that are

1 important.

2 The Environmental Rules Board obviously
3 has a critical role to provide independent
4 rulemaking and advice to the agency, but we also
5 are redoubling our efforts to make sure that
6 we're informing our federal counterparts at
7 U.S. EPA.

8 We recently had -- got some good news from
9 our counterparts at EPA about a couple of key
10 committees, where we now have not only folks from
11 IDEM who are going to have a seat at the table to
12 shape EPA science on some key areas, but also a
13 number of Hoosiers that are now serving.

14 So, I wanted to share that last year we
15 kind of put out a challenge to our team and said,
16 "Hey, you know, we know that sometimes when
17 people complain about IDEM's rules, that we can
18 usually point to the Federal Government. What do
19 we do about it?"

20 And that means filing comments and
21 thinking about petitions for rulemaking and
22 thinking about opportunities to modernize our
23 federal environmental laws, but also there's an

1 alphabet soup of EPA advisory committees, and
2 maybe we need to have a seat at that table.

3 So, in the last month, we've actually
4 gotten out two announcements. One is EPA's Clean
5 Air Scientific Advisory Committee has been
6 advising the agency on how and where to set NAAQS
7 standards for criteria on air pollutants like
8 ozone and particulate matter, a seven-member
9 panel created under the clean Air Act dating back
10 to the 1970's.

11 So, there's seven members, and there's
12 actually two folks on there currently that got
13 named by Administrator Zeldin from state
14 agencies, one of them from IDEM, Dr. Foti
15 Kafantaris, who works with our Office of Air
16 Quality, in the Air Permits Division.

17 And then more recently, the EPA Science
18 Advisory Board, which I know Chairman Graham's
19 familiar with, announced their new roster of
20 members, so 37 new members on that board, but we
21 have not only a member of our Office of Water
22 Quality, Dr. Jit Weir, is serving there, but we
23 actually have four Hoosiers, which is more than

1 any other state, so folks from Notre Dame and the
2 private sector.

3 And so, an opportunity to really shape
4 that board that was created by Congress in 1978
5 to advise the agency on, frankly, the science
6 that goes into all of those rules under all
7 federal environmental statutes, so whether it be
8 air, land or water.

9 So, a great opportunity to have a seat at
10 the table, and I wanted to underscore the
11 importance, I think, that we obviously think the
12 Board provides to us, but also, in turn, the role
13 that we want to play in shaping future
14 environmental policy at the federal level.

15 A couple of things I just wanted to flag
16 for you all. One is we've got in the audience
17 Samantha Nunnery, who is our Small Business
18 Ombudsperson. This is a kind of unique role
19 that's required under Section 507 of the Federal
20 Clean Air Act, but also under Title 13 of the
21 state -- of Indiana state law, to have for --
22 especially for Clean Air Act stationary sources,
23 to have a dedicated person that is doing --

1 providing technical assistance and small business
2 environmental assistance to ensure compliance
3 with what can sometimes be arcane requirements
4 under the Clean Air Act, but also other state and
5 federal environmental laws.

6 Samantha serves in this really critical
7 role and one where we're kind of relaunching that
8 effort. And with that, we'll have a Compliance
9 Advisory Panel that's kind of been on the books
10 for a while, but it's been a little bit defunct
11 here, but I think in some ways can help advise
12 the Board as it relates to small entity
13 compliance with the rules that you all are
14 considering.

15 But she's also launching a new effort with
16 newsletters and some social media outreach and
17 distribution lists and a broader effort around
18 what we're calling internally "Crossroads to
19 Compliance," trying to make sure we're meeting
20 the smallest entities in the state that have to
21 comply with IDEM or EPA rules, making sure that
22 we're meeting them where they're at and helping
23 to translate those rules then to the farmers

1 though our agricultural liaison work, for the
2 small entities that may have various challenges.

3 So, we're really excited about relaunching
4 that effort that will be undertaken over the next
5 few months, and one that I think will allow us to
6 be serving all of the customers that ultimately
7 need to be in compliance with our regulations.

8 I want to just give you a few quick
9 updates on a few other executive order matters
10 that happened since December 18th. We issued a
11 couple of reports at the very end of last year,
12 one being about implementation of Executive
13 Order 25-38. This was related to looking at
14 environmental rules to make sure they were right
15 sized, that they were not unduly burdensome or
16 that they were improving the environment or based
17 on the best available science and law.

18 So, I know the work group that's been
19 working on that effort, I think, has looked --
20 seen that report, a pretty extensive compilation
21 of some areas that we're looking at, excerpts
22 from comments that we received from others, our
23 game plan in implementing not only that executive

1 order, but several others.

2 Similarly, we should report pursuant to
3 a 2025 piece of legislation, Senate Enrolled
4 Act 103, which it asked us to look at and talk to
5 U.S. EPA about opportunities to address
6 persistent ozone nonattainment issues in
7 Northwest Indiana, outside of Chicago, where both
8 parts of Lake and Porter County have been in
9 nonattainment for ozone national ambient air
10 quality standards for a number of years, and as a
11 result, have both requirements for stationary
12 sources and offsets and an inspection and
13 maintenance program for the whole sources.

14 That -- I think there's bipartisan
15 agreement we'd love to not have those if we can
16 get the area into attainment or work creatively
17 to utilize post-regulatory relief under the Clean
18 Air Act. So, we did issue a fairly extensive
19 report, outlined a lot of those options, and
20 we've had a lot of substantive conversations with
21 our counterparts at EPA about how to pursue some
22 of those rules. I just wanted to flag those
23 reports in case they're helpful for the Board's

1 efforts.

2 I wanted to give you one other update.
3 So, the December 18th meeting, I think you all
4 had finally approved our -- after several years
5 of effort and a lot of direction from our state
6 legislature -- our coal combustion residual
7 permitting program. So, I just wanted to make
8 sure you knew that we are soon going to be
9 submitting an application to EPA to hopefully be
10 either the sixth or seventh state that are given
11 primacy over that program.

12 We were back in D.C. a couple of weeks
13 ago, met with the entire Congressional Delegation
14 and EPA's Office of Land and Emergency
15 Management, and very enthu -- a lot of
16 enthusiasm. Our program will be far and away the
17 largest in the country. We've got more coal
18 combustion residual sites than any other state,
19 so a lot of work to be done.

20 We're also looking at standing up a new
21 section and, you know, really dedicating
22 resources to make sure that program is good and
23 robust, make sure that as we're doing a closure,

1 we look at the lifetime of that program. So, I
2 wanted to make sure you had an update and knew
3 that your work over the last couple of years on
4 that front was being utilized by the agency.

5 And we got such a great response, and in
6 fact, Rep. Mark Messmer had a meeting later that
7 day with EPA Administrator Lee Zeldin, because
8 it's budget season, and so he was just making the
9 rounds on Capitol Hill, and he said, "And you
10 promised to approve IDEM's program very quickly,"
11 and the Administrator said, "Approved." Then he
12 also asked for more money, so we're hoping that
13 we can make sure that we can get adequate
14 resources, considering the size of that program,
15 from any federal grant dollars that are
16 available.

17 And then I just wanted to mention a couple
18 of other items that I think we got underway that
19 I thought may be of interest to the Board, one
20 being, I think -- I know the work group that's
21 been working on potential red tape reduction
22 opportunities have heard about this, but an
23 effort where we are likely to be bringing to you

1 both large and small opportunities for
2 streamlining the Administrative Code across water
3 and land and air literally over the next three
4 years, which would be a concerted effort for us.

5 One of Gov. Braun's executive orders
6 technically doesn't apply to IDEM because it
7 relates to agencies that have rules that need to
8 be readopted, and all of our rules, for the most
9 part, have been adopted -- readopted recently,
10 but we are, you know, complying with the spirit
11 of that executive order and really undertaking a
12 pretty -- a pretty thorough look, starting with
13 our water Administrative Code.

14 So, I know folks have maybe gotten a
15 glimpse into that, and we think that will be a
16 substantial set of potential rules that will
17 streamline, modernize, in some cases look at
18 things that should be codified, things that don't
19 need to be necessarily in our Administrative
20 Code, things that would be clear, but also in
21 some cases just opportunities for making sure
22 that we've got a modern Administrative Code that
23 also matches with a number of changes that the

1 General Assembly made in this last legislative
2 session around Senate Enrolled Act 277.

3 So, I'm happy to share more on that
4 anytime. I think there's been a lot written
5 about it, but that bill was, in many ways, the
6 most comprehensive rewrite of Title 13, frankly,
7 of any state environmental code in the country.
8 It modernized a lot of those provisions,
9 streamlines a lot of things that have been done
10 by this Board as well as IDEM in the past that no
11 longer need to be, you know, a forward-moving
12 "shall."

13 But also a lot of just pure cleanup, most
14 of it boring, it doesn't change much of our
15 everyday work at IDEM. We still have very broad
16 authority for working with you on developing
17 rules and standards, but also taking enforcement
18 and compliance actions, research monitoring, and
19 various other tools in the toolbox that we
20 utilize every day, but streamlining a lot of
21 other things that I think at times create
22 potential risk, and allows us to focus on getting
23 the most environmental bang for the buck for the

1 people of Indiana.

2 We also have another effort underway, but
3 I did want to flag, in case folks have thoughts,
4 similar to the effort we undertook for Executive
5 Order 25-38 on environmental regulation, all
6 agencies are being asked to look at various
7 programs they have for professional licensing.

8 So, at IDEM, those include certifications
9 and operator licenses for things like wastewater
10 and drinking water operators, underground storage
11 tanks, and asbestos contractors. And so, we are,
12 I think, seeking public input ahead of a review
13 that we'll be conducting between now and the
14 summer. I know there's going to be a report out
15 later this year about whether or not those
16 programs -- we are providing the right number of
17 hours.

18 And the test is hard enough, and there are
19 things that other states are doing to ensure that
20 we don't have any unnecessary barriers to those
21 important roles and that we're striking that
22 right balance between the environment, the public
23 health, but also having people who are certified

1 to do those jobs.

2 And so, I think there's an opportunity
3 there, and we're doing some work and looking at
4 what other states have done. And we also want to
5 ask the public, including folks who have those
6 certifications and licenses.

7 So, I think we'll probably have more to
8 report later this year on that. I just wanted to
9 give you a sense that it's part of an executive
10 branch-wide effort to make sure that we don't
11 have unnecessary barriers in the form of
12 education requirements that don't need to exist
13 or unnecessary hoops to jump through, but we all
14 are guaranteeing that we have folks serving in
15 those roles that are really important.

16 And then I just wanted to mention, I
17 guess, three other things that we may have
18 talked -- two other things we've talked about
19 previously, but in addition to our review of the
20 Administrative Code and other efforts, we also
21 are undertaking -- and again, sort of on our own
22 volition, but a review of nonrule policies that
23 we've had on the books for a number of years at

1 IDEM.

2 We've got about a hundred of those, and
3 just as a reminder, you know, our rulemaking
4 process at IDEM working through the Environmental
5 Rules Board is very, very diverse and takes the
6 better part of a year and has to -- requires us
7 to talk to you and take a lot of public comment.
8 Nonrule policies, or sometimes we use guidance
9 documents, is a little bit less rigorous. We
10 still have to notify you of anything for a
11 certain number of days and there's an opportunity
12 for public comment.

13 We've got a lot of these guidance
14 documents and nonrule policies that have been on
15 the books for decades, and some of those serve us
16 really well, about interpretation, how to
17 understand our rules; in other cases, it's more
18 of a users guide, and in some cases, they're --
19 they've been overtaken by events and they're
20 outdated or consolidated.

21 So, we think, of those about a hundred
22 nonrule policies, some of them can be moved to
23 our Web site and might be better utilized there,

1 some might be able to be rescinded, some could be
2 consolidated. So, we will likely be coming back
3 to you with a package of nonrule policy changes
4 and consolidations that'll hopefully make working
5 with our agency even easier for all members of
6 the public.

7 And then just one last area I wanted to
8 flag for you as we continue our efforts to really
9 engage in the Federal Government, in addition to
10 those advisory committees, through a lot of
11 written comments, both by us and of our sister
12 agencies.

13 And we've partnered with folks inside of
14 our energy and natural resources work pool with
15 the Indiana State Department of Agriculture on
16 comments on everything from how to define waters
17 of the United States to coal combustion residual
18 changes and EPA to how to develop maximum
19 contaminant limits under the Safe Drinking Water
20 Act for pollutants like perchlorate that are
21 direct from rocket fuel and fireworks, because --
22 not that we necessarily care about rocket fuel
23 and fireworks, but we care about how EPA develops

1 maximum contaminant levels under the Safe
2 Drinking Water Act.

3 So, our team has been really hard at work
4 on the comments almost on a weekly basis on a lot
5 of substantive issues at EPA, and I think we have
6 also taken the opportunity to help conform the
7 interagency process even before EPA proposes some
8 of those rules.

9 So, for example, we recently had White
10 House meetings on greenhouse gas regulations and
11 steam electric effluent limitation guidelines and
12 comments on e-manifest for Research Conservation
13 and Recovery Act's waste issues.

14 I wanted to make sure you knew that we
15 continue our efforts throughout to make sure that
16 those federal rules, many of which are
17 implemented by IDEM, and we're appropriate in
18 protecting the environment, but also that we
19 hopefully shape them so they serve the State of
20 Indiana well.

21 So, that's all I have to report, and I'm
22 being longwinded, as I usually am, and I
23 apologize, but I do really want to thank you all

1 for the agenda today, and happy to answer any
2 questions you may have before we turn things over
3 to Billie.

4 CHAIRMAN GRAHAM: Sure.

5 Questions or comments for the Commissioner
6 from the Board?

7 MS. KOZYRSKI: I do have a question
8 on the licensure. Will you be soliciting
9 comments from the public and the regulated
10 community?

11 COMM. WOODS: We are. So, I think
12 our plan there is to take roughly 30 days of
13 comments. This is not, you know, any sort of
14 discussion. It'll be up on our Web site, and I
15 think we're going to try to also send that to the
16 distribution list of, for example, drinking water
17 operators and folks who serve in those functions
18 now and need experience as to how our process
19 works, and advance some insight for us. So,
20 that's our plan is to hopefully get some feedback
21 from folks on that.

22 MS. KOZYRSKI: Thank you.

23 CHAIRMAN GRAHAM: Other questions,

1 comments?

2 (No response.)

3 CHAIRMAN GRAHAM: I have one. I
4 was -- my ears perked up when you mentioned the
5 small business compliance officer or advocate or
6 whatever it is. When I was working in
7 Washington, there was a whole group called the
8 SBA Advocacy Office, and they used to come to OMB
9 and collaborate with us as we reviewed rules and
10 that sort of thing. Does the State of Indiana
11 have an analog to the SBA Advocate?

12 COMM. WOODS: That's a great
13 question, and I may defer to Samantha, who has
14 some more information in detail, but some
15 similarities. So, this rule, while it was
16 established under the Clean Air Act and state
17 law, is and will be in the future the point of
18 contact listed on all of our rules, so any small
19 entity that has questions on regulations can
20 reach out to the Small Business Ombudsperson.

21 They also can interact both with other
22 state folks who serve a similar capacity in
23 environmental agencies, as well as with the SBA

1 Office of Advocacy, who continues to do great
2 work in filing comments on a lot of EPA and other
3 federal agency rules, and a lot of round tables
4 to help understand.

5 And so, I know, Samantha's been active in
6 some of those round tables, and then actually is
7 going to step into a role as the Region V, so the
8 Midwestern, EPA kind of point of contact for
9 those efforts on the environmental side.

10 We also have, I think, under our state
11 regulatory requirements, a -- I think an Indiana
12 Economic Development Corporation point of contact
13 as well for regulatory matters, and that'll also
14 channel, I think, both small and larger entity
15 interests in notification about various rule
16 changes that may affect different entities.

17 So, a couple of different processes not
18 exactly akin to the Small Business Administration
19 Office of Advocacy, but have some similar themes
20 in which are certainly fine for them, and then
21 looking out for -- at least notifying them when
22 there are regulatory changes that impact those
23 small entities.

1 CHAIRMAN GRAHAM: Okay. Thank you so
2 much.

3 Any other questions?

4 (No response.)

5 COMM. WOODS: Thank you.

6 CHAIRMAN GRAHAM: Okay. Billie, what
7 do we have on our rulemaking report?

8 MS. FRANKLIN: Good afternoon. My
9 name's Billie Franklin. I am the Section Chief
10 over Rules Development in the Office of Legal
11 Counsel.

12 Currently we have our next Board meeting
13 tentatively scheduled for July 9th, 2026. At our
14 next meeting, we anticipate presenting a few
15 rules for both preliminary and final adoption.
16 We will be presenting Public Water Supply and
17 National Ambient Air Quality Standards for final
18 adoption, along with Open Burning for preliminary
19 adoption. We will also present an interim rule
20 for Lower Reid Vapor Pressure.

21 In addition to the rule presentations, we
22 are also planning to have a staff member from the
23 Office of Land Quality to present on how we

1 implement CCR.

2 That is all I have for right now. I'm
3 available if you have any questions.

4 CHAIRMAN GRAHAM: Comments or
5 questions for Billie?

6 (No response.)

7 CHAIRMAN GRAHAM: Thank you so much.

8 MS. FRANKLIN: Thank you.

9 CHAIRMAN GRAHAM: Okay. Today we
10 have a hearing for the following Board actions:
11 Preliminary adoption of the National Ambient Air
12 Quality Standards References Rule and the Public
13 Water Supply Construction Fees Rule. Then we'll
14 have a short discussion of the Air Permitting
15 Program as well.

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

23 A written transcript of today's meeting

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

6 If you wish to testify in any of today's
7 hearings, you will need to submit your request to
8 comment. Please fill out a comment card and give
9 it to Karla Kindrick at the sign-in table, and
10 for those of you on-line, there's a form that you
11 can fill out. We will respectfully limit
12 comments to four minutes. Time will be enforced.

13 I'd like to swear in the court reporter.
14 Will the official reporter for the cause please
15 stand, raise your right hand and state your name?

16 (Reporter sworn.)

17 CHAIRMAN GRAHAM: Thank you.

18 We will move to the public hearing on
19 preliminary adoption of the NAAQS References
20 Rule. This is a public hearing before the
21 Environmental Rules Board of the State of Indiana
22 concerning this rule.

23 I will now introduce Exhibit A, the

1 proposed rule, into the record of the hearing,
2 and Keelyn Walsh will present the rule.

3 MS. WALSH: Good afternoon, members
4 of the Board. I'm Keelyn Walsh, with the Rules
5 Development Section of the Office of Legal
6 Counsel, and I'm here to present the NAAQS
7 Attainment Status References Update, LSA
8 No. 26-31, for your consideration.

9 U.S. EPA sets the NAAQS for six common and
10 widespread criteria air pollutants. When
11 U.S. EPA issues a new or revised standard, it
12 issues air quality designations determining which
13 areas of the country are or are not meeting the
14 NAAQS based on air quality data and any state
15 recommendations. U.S. EPA maintains lists of
16 these designations at 40 CFR 81. Indiana's
17 designations, broken down by county and smaller
18 subdivisions where necessary, are listed at
19 40 CFR 81.315.

20 On July 1st, 2023, Public Law 25-2023 was
21 codified at IC 13-17-3-14. It provides any
22 federal regulation adopting or amending a NAAQS
23 designation for any area in Indiana is effective

1 and enforceable upon the effective date of the
2 federal regulation. Previously, Indiana's rules
3 maintained NAAQS designation tables at
4 326 IAC 1-4, and IDEM individually updated each
5 county for each criteria pollutant as their
6 statuses changed or the federal regulations were
7 updated.

8 Indiana's codification of these tables was
9 more informative than substantive. As I
10 mentioned, U.S. EPA sets the NAAQS and regulated
11 [sic] designations, and Indiana's rules merely
12 reiterated the information in the federal
13 designation tables.

14 On October 9th, 2024, a final rule
15 repealed 326 IAC 1-4 and removed the NAAQS
16 attainment status tables from the state rules,
17 which had become unnecessary due to
18 IC 13-17-3-14. To avoid any potential confusion
19 about where to find current NAAQS designations,
20 this rulemaking proposes to add a new rule
21 at 326 IAC 1-4.1 that incorporates by reference
22 40 CFR 81.315.

23 Additionally, this rulemaking corrects

1 references to repealed rules and language
2 indicating that the Board designates NAAQS
3 attainment areas. At 326 IAC 1-2 and
4 326 IAC 6-5, language indicating that the Board
5 makes NAAQS designations is being corrected to
6 point to the federal NAAQS designations.

7 Updates to these citations in Title 326
8 will ensure that the federal attainment
9 designation statuses of all Indiana counties are
10 clearly referenced in state rules and will
11 maintain consistency between state and federal
12 regulations.

13 For purposes of convenience, IDEM program
14 staff continues to maintain a separate
15 compilation of the attainment status designations
16 for all counties in Indiana, including federal
17 amendments to these designations, and it is
18 posted for public review on the Office of Air
19 Quality Air Programs Web page.

20 And finally, this rulemaking proposes to
21 incorporate by reference the NAAQS rather than
22 repeat them in 326 IAC 1-3-4. And so, IDEM
23 respectfully requests that the Board

1 preliminarily adopt this rule as presented, and
2 program staff are available to answer any further
3 questions.

4 Thank you.

5 CHAIRMAN GRAHAM: Thank you, Keelyn.

6 I'm going to ask for any public
7 commenters. We'll start with those here in
8 person, and then go virtually. Do we have any
9 public commenters?

10 MS. KINDRICK: No.

11 CHAIRMAN GRAHAM: No one in person.
12 And how about on-line; any on-line commenters?

13 MR. BUMP: We do not.

14 CHAIRMAN GRAHAM: We do not; okay.

15 So, thank you so much, and now we will
16 proceed with Board consideration on the
17 preliminary adoption of the NAAQS References
18 Rule, and I'm going to open it up for Board
19 discussion. Do we have any comments or questions
20 about this scintillating rule?

21 (Laughter.)

22 MS. SCHROEDER: I have a question,
23 which --

1 CHAIRMAN GRAHAM: Yes.

2 MS. SCHROEDER: -- maybe it's a dumb
3 question, reflecting my new life here on this
4 Board, but -- so, this is -- we have a state rule
5 that we're adopting that's going to say that the
6 federal rules apply, but the federal rules
7 already apply, regardless of what we say. So,
8 why are we adding this regulation?

9 CHAIRMAN GRAHAM: And we're both
10 adding and subtracting, as I read -- that's the
11 way I read it.

12 MS. SCHROEDER: Right.

13 CHAIRMAN GRAHAM: But maybe we should
14 have Keelyn just come back up and explain why we
15 even have to do this. If we're --

16 MS. SCHROEDER: If this is --

17 CHAIRMAN GRAHAM: -- subject to a
18 federal --

19 MS. SCHROEDER: Right.

20 CHAIRMAN GRAHAM: -- federal NAAQS --
21 now, I know we have a State Implementation Plan,
22 but why do we have to do anything --

23 MS. SCHROEDER: And because -- I

1 raise this because, as a lawyer, sometimes when
2 we're litigating these things, we get into this
3 real tangle, you know, cross-reference here, but
4 that gets updated, we cross-reference there, and
5 that gets updated, and it turns into this -- when
6 we all know, regardless of what Indiana says, the
7 federal rules apply to us here. So, help me --

8 MS. WALSH: Right.

9 MS. SCHROEDER: -- understand,
10 please.

11 MS. WALSH: Right. Well, essentially
12 what this comes down to is that the attainment
13 statuses for those designations have been in our
14 rules for years and years, you know, and
15 essentially, just recognizing the need that they
16 don't need to be there, to remove them and refer
17 to just the federal statuses. It's simply kind
18 of a procedural thing, because for some, you
19 know --

20 CHAIRMAN GRAHAM: But that's what
21 Brianna's saying, we don't really need it.

22 MS. WALSH: Right.

23 MS. SCHROEDER: Can we just delete it

1 all?

2 MS. WALSH: Well --

3 CHAIRMAN GRAHAM: Well, that part,
4 that part. There's other parts, too.

5 MS. SCHROEDER: Right, yeah.

6 MS. WALSH: Yeah. We -- we're
7 repealing those designations within the
8 rulemakings, and then we're also updating some
9 other sections of the rule to refer to the
10 federal designations. So, yes, it will be
11 repealed in our rules, and just refer to the
12 federal designation in case people need direction
13 to that, if that helps.

14 MS. SCHROEDER: (Nodded head yes.)

15 CHAIRMAN GRAHAM: Are there other
16 comments or questions?

17 DR. ALEXANDROVICH: Yes. This is
18 Dr. Alexandrovich on-line. Just to maybe answer
19 Ms. Schroeder's question, it might also have to
20 do with our delegation for the air program.
21 Simply, we need to make sure that we adopt the
22 attainment status and implement what needs to be
23 to achieve attainment. That's kind of what I

1 think.

2 But I also have a comment regarding
3 Section 6-5-1 under the fugitive particulate
4 rules, where you adopt the 40 CFR, but then if
5 you look below that -- this is page 7 of 9 in the
6 rulemaking -- it basically refers to what I
7 believe are old PM nonattainment areas, so I
8 think that whole section can probably be deleted.

9 "A source of fugitive particulate matter
10 emissions located in nonattainment areas for
11 particulate matter as designated under 40 CFR,"
12 period, and then end your sentence and delete the
13 rest of that, including like "portion of Clark
14 County...Dubois County...Marion County,"
15 et cetera. I think that needs to go.

16 MS. WALSH: Okay. So, ending it
17 after the 40 CFR 81.315, and then deleting the
18 rest?

19 DR. ALEXANDROVICH: Yes --

20 MS. WALSH: Okay.

21 DR. ALEXANDROVICH: -- through --

22 MS. WALSH: Through just the end of
23 that --

1 DR. ALEXANDROVICH: Back up under
2 Section 1 --

3 MS. WALSH: Uh-huh.

4 DR. ALEXANDROVICH: -- (a), yeah.

5 MS. WALSH: Okay. I can certainly
6 bring that up to program staff. I don't know if
7 they have any particular insight into that,
8 but --

9 CHAIRMAN GRAHAM: Any heartburn from
10 the program staff?

11 (No response.)

12 DR. ALEXANDROVICH: Yeah, because
13 there are like portions of counties that were
14 probably near power plants which were -- really
15 were nonattainment for PM_{2.5} at certain points, so
16 I think it's -- it doesn't need to be there,
17 because any -- any source has to control fugitive
18 emissions.

19 MS. BEM: Hi. I just want -- I'm
20 Susan Bem, and I'm with the Air Programs Branch.
21 I was just going to address both of the topics
22 that were brought up. The PM nonattainment
23 designations in 6-5-1 still exist in the SIP. I

1 don't -- we can re-evaluate whether we need to
2 take those out or not, but I think the TSP, even
3 though we don't implement that standard anymore,
4 there's still requirements as part of a rule for
5 that whole section. So, even though we implement
6 PM_{2.5} and PM₁₀, that TSP may still need to reside
7 there, and we can evaluate that.

8 DR. ALEXANDROVICH: Well, all
9 fugitive TSP --

10 MS. BEM: Yeah, I mean -- and then
11 with our fugitive dust rules, you know, relying
12 on TSP standards, you know, we'd have to review
13 all parts of Article 6 in our PM rules, not just
14 this individual section. The only reason this
15 6-5-1 is in this rulemaking is because of that
16 reference to the federal nonattainment
17 designations. But again, thank you for bringing
18 that up, and we will evaluate that.

19 And then back to the question from
20 Mrs. Schroeder on why we actually have attainment
21 designations in our rules when we -- they already
22 exist at the federal level, we also have state
23 permitting rules. You know, within those state

1 permitting rules, we do modeling, and different
2 requirements apply based on your attainment
3 status.

4 And in those permitting rules we reference
5 the nonattainment status, and instead of
6 referencing like every attainment status within
7 our permitting rules, this new Section, 1-4.1-1,
8 you know, is our spot in our permitting rules
9 where we can say, "Hey, you know, if you're
10 permitting in a nonattainment area, you know, go
11 look at this area. You know, you can tell if
12 you're sub -- what rules you're subject to."

13 So, hopefully that addresses sort of both
14 of those comments.

15 CHAIRMAN GRAHAM: So, it's not clear
16 to me where we ended up on -- you want to go back
17 and redo that and come back to us, or do you want
18 us to vote on what we have here?

19 MS. BEM: I think we want you to vote
20 on what you have here, unless someone else wants
21 to address that part, but, you know, these -- you
22 know, 1-4 -- 1-4.1-1 needs to stay as it is,
23 because it fits our referencing the federal

1 rules. We need those nonattainment designations
2 there to have a complete package. We can't, you
3 know, just have our rules with gaps in them. And
4 then we will look at 6-5 -- 6-5-1, but those are
5 part of our TSP rules that -- those need to stay
6 in the package also.

7 CHAIRMAN GRAHAM: Other questions,
8 comments from the Board?

9 MR. BUMP: There's a hand raised by
10 Mr. Davidson.

11 MR. DAVIDSON: This is Mr. Davidson
12 on-line. Thanks for your patience.

13 Mr. Chairman, I appreciate where you said,
14 "Where do we end up" there after all of that,
15 because Dr. Alexandrovich made some very specific
16 comments, but I -- when I studied this rule, I
17 kind of felt like Ms. Schroeder did, and our work
18 group is looking at this kind of stuff; right,
19 EO13, asking us to reduce what seems like -- I'm
20 okay. It's a draft version of this, but would
21 ask the staff to take the same spirit that we've
22 been asked, to reduce unnecessary efforts.

23 And I get it. I know that these all feel

1 like they're necessary, but where, on the other
2 hand, this looked like, to me, the first thorough
3 reading was, "This could be one of the targets
4 for our getting rid of a redundant rule." So,
5 just keep all of that in mind in between now and
6 the final version.

7 MS. BEM: Correct. And this is sort
8 of a cleanup rule to fix, you know, a mistake
9 that happened in the past somewhat. You know,
10 there was a public law removed -- you know, it
11 was four or five years ago -- we used to have
12 every attainment designation listed in our rules.

13 You know, very cumbersome. You've got 92
14 counties, you have six pollutants, and, you know,
15 you're listing attainment, nonattainment,
16 attainment, and every time EPA changed the
17 designation, we had to go back into our rules and
18 revise that. You know, it took a lot of
19 rulemaking. So, a public law came around and
20 said, "Hey, you can -- attainment statuses are
21 effective the day, you know, EPA designates
22 that."

23 So, we removed, in a rulemaking that

1 Keelyn had mentioned maybe a year or so ago,
2 1-4-1. But now, when you look at our permitting
3 rules, it says, "You're permitted as attainment
4 based on what's in 1-4-1." You know, either we
5 can amend our permitting rules to say, "Go
6 to 81.315," or we can sort of have this
7 placeholder of 1-4.1-1.

8 And so, that's why we need this there,
9 because of our permitting rules, not because
10 we're trying to replicate what's in the federal
11 rules. I don't know if that's any clearer,
12 but --

13 MR. DAVIDSON: I appreciate it.
14 Yeah, I appreciate that. I'm all for getting rid
15 of the stuff that you're not -- that was the --
16 what Ms. Schroeder mentioned earlier. And I can
17 see the Commissioner's kind of shaking -- you go
18 ahead.

19 COMM. WOODS: Oh, no, I was just
20 going to add, I think -- I do think there's --
21 you know, delegated Clean Air Act stuff is belts
22 and suspenders on belts and suspenders for both
23 federal and state enforceability.

1 So, there is, I think, maybe a piece here
2 that actually does dovetail with something that
3 Billie mentioned and I think we'll be coming back
4 to you all with in terms of an interim rule
5 related to, in this case, a fuel-related
6 provision in a couple of counties where something
7 that's in our State Implementation Plan -- and
8 sometimes you have to restate it in state rules,
9 even though it's both state and federally
10 enforceable.

11 So, I do think maybe some of these things
12 extant in some of the TSP provisions that apply
13 to previous secondary PM nonattainment areas for
14 total suspended particles, maybe not the same
15 category, where at times states have adopted, on
16 paper, reductions to demonstrate reasonable
17 progress and things like that. So, this may be
18 in that category.

19 I guess maybe one thing I was going to
20 suggest is, in light of the preliminary adoption,
21 would be to like maybe to come back with a little
22 bit more a crosswalk, both for the work group
23 efforts more broadly, but maybe also just to make

1 sure that it's clear why this is in both state
2 regulation and in our State Implementation Plan,
3 and corresponds with the federal, because those
4 three things are -- often have to be in place to
5 make sure that you've got the delegated program.

6 And we're happy to maybe take a closer
7 look at a couple of issues that were raised here
8 and see, "Is this absolutely necessary?" And
9 have some conversation with EPA, who would
10 ultimately have to oversee that SIP rule process
11 as well.

12 CHAIRMAN GRAHAM: So, now, let me
13 suggest, then, how to go forward, then. It seems
14 to me that there's parts of this stuff in here
15 that the Board is comfortable with, but then
16 there's parts that we'd like to get -- we'd like
17 to go further --

18 MS. BEM: Right.

19 CHAIRMAN GRAHAM: -- and take some
20 more stuff out --

21 MS. BEM: A whole set of problems.

22 CHAIRMAN GRAHAM: -- certainly on the
23 first part, and then you'll come back to us at

1 some point and tell us whether you can take
2 another whack at it.

3 MS. BEM: Right, because this is, you
4 know, to clean up references to the NAAQS, not
5 on PM TSP designations or anything like that.
6 So, this rulemaking, you know, has all of the
7 background, regulatory documents for that
8 purpose, and then, you know, as has been
9 mentioned, you know, we need to look at TSP
10 designations or, you know, other -- those things,
11 then, you know, cleanup rulemaking can be started
12 for that purpose. And then maybe not just this
13 section, but other sections would be opened along
14 with that to clean it up properly.

15 CHAIRMAN GRAHAM: Other comments or
16 questions?

17 (No response.)

18 CHAIRMAN GRAHAM: So, do I have a
19 motion to preliminarily adopt the rule as
20 presented?

21 MR. HORN: So moved.

22 MR. BAUSMAN: Second.

23 CHAIRMAN GRAHAM: All those in favor?

1 (Board members responded, "Aye.")

2 CHAIRMAN GRAHAM: Opposed?

3 (No response.)

4 CHAIRMAN GRAHAM: Thank you so much.

5 We move to public hearing on preliminary
6 adoption of the Public Water Supply Construction
7 Fees Rule. This is a public hearing before the
8 Environmental Rules Board of the State of
9 Indiana, and we're looking at the Fees Rule.

10 I will now introduce Exhibit B, the
11 proposed rule, into the record of the hearing,
12 and Keelyn will come back and join us and present
13 this rule.

14 MS. WALSH: I am back in action once
15 again. Good afternoon, and I am here now to
16 present the Public Water Supply Construction Fees
17 Rule, LSA No. 26-47, for your consideration.

18 The Safe Drinking Water Act was enacted by
19 Congress in 1974 to protect drinking water
20 quality across the nation by establishing minimum
21 standards to protect tap water. The Act requires
22 all owners and operators of public systems, or
23 PWS's, to comply with these standards -- pardon

1 me -- public water systems to comply with these
2 standards. To ensure compliance, and in
3 accordance with IC 13-18-16, IDEM's Drinking
4 Water Permits Section regulates the construction
5 of PWS's under the PWS Construction Permits Rule
6 at 327 IAC 8-3.

7 Specifically, the requirements at
8 327 IAC 8-3-2 require all PWS's to submit a
9 drinking water construction permit application to
10 IDEM before the construction, installation, or
11 modification of any facility, equipment, or
12 device. All PWS's are required to pay an
13 associated permit fee when submitting a
14 construction permit application unless they are
15 excluded from the payment of this fee under
16 327 IAC 8-3-7.

17 Currently, five categories of PWS sources
18 are listed under the fee exemption under
19 327 IAC 8-3-7, including nonprofit organizations.
20 However, all five categories must also be a
21 governmental entity to qualify. Churches, most
22 of which operate as nonprofit organizations, are
23 not currently eligible for the exemption. As a

1 result, small churches in particular face a
2 financial burden when required to pay PWS
3 construction permits.

4 This rulemaking was initiated from a
5 request by a local church and was supported by
6 Rep. Lawson, and IDEM's initial discussions with
7 him concerning exemptions for small churches
8 formed the basis of this rule. Accordingly, the
9 purpose of this rulemaking is to add a new
10 exemption category under 327 IAC 8-3-7 for
11 nonprofit organiza -- religious organizations
12 while maintaining the existing category of
13 nonprofit organizations that are also
14 governmental entities.

15 IDEM respectfully requests that the Board
16 preliminarily adopt this rule as presented, and
17 program staff are available to answer any other
18 questions.

19 Thank you.

20 CHAIRMAN GRAHAM: Thank you so much.

21 Do we have any in-person or on-line
22 commenters?

23 MS. KINDRICK: Yes.

1 CHAIRMAN GRAHAM: Oh, we do? Okay.

2 Okay. Ethan Lawson.

3 REP. LAWSON: Thank you, Chairman
4 Graham, members of the Board, IDEM staff and
5 team. I appreciate you giving me just a few
6 moments to talk about this rule, which started --
7 the conversation started about a year and a half
8 ago with a constituent who came to me with a very
9 specific issue.

10 And, you know, I think in these roles
11 representing my neighbors in Hancock and Madison
12 Counties as a State Representative, there's
13 nothing more rewarding than when a neighbor
14 brings you a problem and, you know, you see that
15 as an opportunity, and then we can work
16 collaboratively together to find a solution that
17 benefits not just that particular person, but
18 people across my district and perhaps across the
19 state as well.

20 And I know you guys do that every day
21 here, and I'm only seeing a very small part of
22 that in attending this meeting, but I wanted to
23 give you and the IDEM team credit for doing so.

1 So, as was mentioned, currently, if a
2 small community church such as the one in my
3 district has a well for drinking water and it
4 fails, that's already a very expensive and
5 unplanned thing; right? And so, they have
6 that \$860 permit fee that's valid for a year.

7 In some cases, they might go ahead and
8 start to procure that permit in case the well is
9 going to fail again, because sometimes that's not
10 always a given, and then they might have ongoing
11 fees as kind of insurance in order to make sure
12 that they can quickly replace that well if it
13 does fail.

14 And as was noted, nonprofit government
15 organizations are already exempt from paying that
16 fee, and this new rule would make churches and
17 nonprofit religious institutions exempt as well.
18 I'd like to thank Ronald Smouse, who couldn't be
19 here today, but was the constituent from a church
20 in my district who came to me with this problem.

21 And I met with IDEM staff in December
22 of 2024, prior to the legislative session where I
23 was considering whether to introduce legislation,

1 and they were very pragmatic and eager to find a
2 solution, and started the ball rolling on this
3 rule change.

4 And so, I appreciate that if this rule is
5 adopted, churches and nonprofit religious
6 organizations will be exempt from paying that fee
7 if they apply for that permit from IDEM, and I
8 think that's really creative problem solving from
9 a state agency and a Board such as yourself, and
10 would have statewide positive impact.

11 So, I'd like to thank, again, Chairman
12 Graham, the members of the Board here and
13 on-line, Director Woods, Josh Bain, the team at
14 IDEM for your collaboration over the last year
15 and a half to get to today, and I thank everyone
16 who's had a hand in helping our neighbors with
17 this proposed new rule.

18 Thank you.

19 CHAIRMAN GRAHAM: Thank you, sir.

20 Do we have other public commenters in
21 person?

22 MS. KINDRICK: No, sir.

23 CHAIRMAN GRAHAM: Do we have any

1 public commenters on-line?

2 MR. BUMP: None on-line.

3 CHAIRMAN GRAHAM: None on-line; okay.

4 Then we'll move to Board consideration,
5 and the question is for Board members. Do you
6 have questions or comments about the matter?

7 MR. KETZENBERGER: I had a quick
8 question.

9 CHAIRMAN GRAHAM: Yes.

10 MR. KETZENBERGER: Are there
11 not-for-profit organizations that are not
12 religious organizations that would fall into this
13 category? And if so, shouldn't we exempt them as
14 well?

15 CHAIRMAN GRAHAM: Maybe we should
16 have an IDEM staff member field that one.

17 MS. MELVIN: We do not have any other
18 exemptions for nonprofits, other than what was
19 set out in this rule: Government agencies and
20 now churches.

21 MR. KETZENBERGER: I'm sorry; I
22 wasn't clear enough. Are there other
23 not-for-profit organizations that would be

1 required to get a permit still?

2 MS. MELVIN: If they are public water
3 supply systems.

4 MR. KETZENBERGER: Okay. All right.
5 I understand the designation. Thank you.

6 MS. MELVIN: Uh-huh.

7 CHAIRMAN GRAHAM: Other comments or
8 questions from the Board?

9 THE REPORTER: Would you identify
10 yourself, please?

11 MS. MELVIN: Liz Melvin. I am the
12 Section Chief for our Drinking Water Construction
13 Permitting Section.

14 CHAIRMAN GRAHAM: I have what may be
15 a naive question, but the way I listened to it,
16 there's a stipulation that it has to be a
17 governmental entity, and obviously small churches
18 are not governmental entities. So, this is a
19 work around that, it sounds like.

20 MS. MELVIN: Correct.

21 CHAIRMAN GRAHAM: And is that
22 governmental entity stipulation -- is that in a
23 statute, or is that in an IDEM rule was my

1 question.

2 MS. MELVIN: It is in rule.

3 CHAIRMAN GRAHAM: So, apparently, the
4 solution would be to just work on that rule.
5 You're just going to write a new rule that runs
6 around it basically; right?

7 MS. MELVIN: Well, we're altering a
8 rule to --

9 CHAIRMAN GRAHAM: Okay.

10 MS. MELVIN: -- allow it, yes.

11 CHAIRMAN GRAHAM: Okay. But it's
12 good news that it's not in statute.

13 MS. MELVIN: Yes.

14 CHAIRMAN GRAHAM: Yeah.

15 MS. MELVIN: It makes it easier;
16 you're correct.

17 CHAIRMAN GRAHAM: Okay. The question
18 was clear.

19 But anyway, other comments or questions?

20 (No response.)

21 CHAIRMAN GRAHAM: Okay. So, we will
22 move to -- do I have a motion, actually, to move
23 forward with this rule?

1 MR. KETZENBERGER: So moved.

2 CHAIRMAN GRAHAM: Do I have a second?

3 MR. MUELLER: Second.

4 CHAIRMAN GRAHAM: All those in favor?

5 (Board members responded, "Aye.")

6 CHAIRMAN GRAHAM: And any opposed?

7 UNIDENTIFIED BOARD MEMBER: Aye.

8 DR. ALEXANDROVICH: I'm going to
9 abstain from this. This is Joanne Alexandrovich.
10 We've been looking at permit fees, and
11 particularly in the water division, and I don't
12 have anything against churches, but I'm not sure
13 I agree with any of the exemptions, so I'm going
14 to abstain for now.

15 THE REPORTER: Who was it that voted
16 for nay?

17 CHAIRMAN GRAHAM: Who was that,
18 Billie?

19 MS. FRANKLIN: Joanne Alexandrovich.

20 CHAIRMAN GRAHAM: Alexandrovich.

21 THE REPORTER: No, no, there was
22 someone before her.

23 CHAIRMAN GRAHAM: Oh.

1 UNIDENTIFIED BOARD MEMBER: It might
2 have been a delay on the --

3 UNIDENTIFIED BOARD MEMBER: I thought
4 it was a delay.

5 CHAIRMAN GRAHAM: I think it was a
6 delayed "Aye." Do you want to do it again?
7 Would that be better?

8 THE REPORTER: Yes.

9 CHAIRMAN GRAHAM: Okay.

10 I'm going to ask for all those in favor to
11 say aye.

12 (Board members responded, "Aye.")

13 CHAIRMAN GRAHAM: Opposed?

14 (No response.)

15 CHAIRMAN GRAHAM: Abstentions?

16 DR. ALEXANDROVICH: Yes.

17 CHAIRMAN GRAHAM: Okay. Got it?

18 THE REPORTER: Yes.

19 CHAIRMAN GRAHAM: Okay.

20 So, it does pass, with one abstention.

21 Okay. We will now move to Nonrule

22 Actions. First of all, I just wanted to remind

23 everyone we have two work groups of the Board

1 operating right now, one on fee reform and one on
2 burn reduction from rules, and we're not going to
3 give reports today on those subjects, but
4 hopefully either in the summer or the fall we
5 will come back and give a more detailed update on
6 how we're doing. We're not quite ready in either
7 of the two to be coming forward with our
8 packages.

9 Okay. And then the second item, Billie,
10 we do have a little complication on this
11 presentation. Can you give us an update on what
12 happened and what -- how you would like us to
13 proceed?

14 MS. FRANKLIN: The staff member that
15 was going to present the Air Quality Report is
16 out today. There is a report in your packets,
17 and if you have any questions, we do have the
18 Assistant Commissioner, Matt Stuckey, here, who
19 can help answer any questions.

20 CHAIRMAN GRAHAM: Okay. So, based
21 upon the Board members' review prior to the
22 meeting, did you develop any questions or
23 comments you want on this? And if so, we have

1 someone here who can answer those questions or
2 comments.

3 (No response.)

4 CHAIRMAN GRAHAM: Okay. So, I'll
5 move to Other Matters. Open Forum. Is there
6 anyone who wishes to address the Board today?

7 (No response.)

8 CHAIRMAN GRAHAM: Okay. The next
9 meeting of the Environmental Rules Board is
10 tentatively set for July 9th, 2026 at 1:30 p.m.
11 in this conference room, Indiana Government
12 Center South. The meeting date is tentative,
13 subject to change, and we'll keep everyone
14 updated when that is confirmed or another date is
15 chosen.

16 Do I have a motion for adjournment?

17 MR. HORN: So moved.

18 CHAIRMAN GRAHAM: Do I have a second?

19 MS. KOZYRSKI: Second.

20 CHAIRMAN GRAHAM: All those in favor?

21 (Board members responded, "Aye.")

22 CHAIRMAN GRAHAM: Opposed?

23 DR. ALEXANDROVICH: Aye.

1 CHAIRMAN GRAHAM: That was a late
2 aye.

3 (Laughter.)

4 CHAIRMAN GRAHAM: I can tell by
5 the -- would you like me to do it again, sir?

6 THE REPORTER: No.

7 CHAIRMAN GRAHAM: No; okay.

8 Thank you so much, everybody.

9 - - -
10 Thereupon, the proceedings of
11 May 7, 2026 were concluded
12 at 2:22 o'clock p.m.
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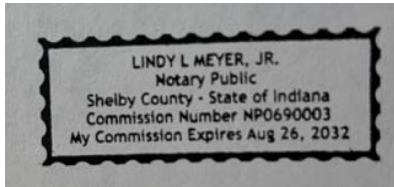
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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Thursday, May 7, 2026 in this matter and transcribed by me.



Lindy L. Meyer, Jr.

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

My Commission expires August 26, 2032.

Commission No. NP0690003

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