

BEFORE THE STATE OF INDIANA
ENVIRONMENTAL RULES BOARD

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PUBLIC MEETING OF AUGUST 13, 2026

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PROCEEDINGS

before the Indiana Environmental Rules Board,
William Etzler, 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 C, 402 West Washington Street,
Indianapolis, Indiana, on Thursday, August 13,
2026 at 1:29 o'clock p.m.

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1 APPEARANCES:

2 BOARD MEMBERS:

3 William Etzler, Chairman
4 Dr. John Graham
5 Carrie Kozyrski
6 Brianna Schroeder
7 Dr. Ted Niemiec
8 Jamie Brown
9 Heather Gries
10 Keelyn Cook
11 Calvin Davidson
12 R. T. Green
13 Stephanie Flittner, Proxy, Indiana Department
14 of Natural Resources
15 Eli Eckhart, Proxy, Indiana Economic
16 Development Corporation
17
18 Clint Woods, IDEM Commissioner
19 (Nonvoting)

20
21 IDEM STAFF MEMBERS:

22 Billie Franklin
23 Brian Wolff
Lindsey Hummel
Thomas Kreke
Lori Freeman
Kevin Bump
Karla Kindrick

18 PUBLIC SPEAKERS:

19 None

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21

22

23

1 1:29 o'clock p.m.
2 August 13, 2026

3 - - -

4 CHAIRMAN ETZLER: Good afternoon.

5 It's 1:30, and we'll call the meeting to order.

6 The first thing I'd like to do, we have some new
7 Board members, so I'd like the Board members to
8 introduce themselves.

9 Ms. Cook, would you start?

10 MS. COOK: Hi. I'm Keelyn Cook. Oh,
11 it wasn't on. I'm Keelyn Cook. I am the labor
12 representative from Local 150 out of Northern
13 Indiana.

14 MS. GRIES: Hello. My name is
15 Heather Gries. I am a County Commissioner for
16 Spencer County, one of the most southern counties
17 in the State of Indiana.

18 MS. SCHROEDER: Brianna Schroeder,
19 and I'm an attorney here in Indianapolis at
20 Janzen Schroeder Ag Law.

21 MR. DAVIDSON: Calvin Davidson,
22 representing the solid waste sector.

23 CHAIRMAN ETZLER: Bill Etzler,
Vice-Chair, and I represent small business.

1 MS. FRANKLIN: Oh, I'm sorry. I'm
2 Billie Franklin. I am the Rules Section Chief
3 here.

4 MS. BROWN: Hi. Jamie Brown. I
5 represent manufacturing.

6 MR. ECKHART: Eli Eckhart,
7 representing the Indiana Economic Development
8 Corporation.

9 MS. FLITTNER: Hi, there. Stephanie
10 Flittner. I'm in this spot for Ryan Mueller
11 today, from DNR.

12 COMM. WOODS: Clint Woods. I'm the
13 Commissioner for IDEM.

14 CHAIRMAN ETZLER: And those of you
15 that are remote.

16 MS. KOZYRSKI: Good afternoon.

17 DR. GRAHAM: John Graham, Indiana
18 University. I'm sorry if I interrupted somebody.

19 THE REPORTER: Say your name again.

20 MS. KOZYRSKI: Good afternoon.
21 Carrie Kozyrski. I represent the utilities
22 sector.

23 DR. NIEMIEC: Ted Niemiec here,

1 representing medical.

2 COMM. WOODS: John Graham.

3 CHAIRMAN ETZLER: Okay. Thank you,
4 everyone. We have a quorum present, so we can
5 proceed with the meeting.

6 Mr. Bump, would you cover the meeting
7 logistics for in-person and remote participants,
8 please?

9 MR. BUMP: Thank you, Vice-Chair
10 Etzler. Good afternoon to those attending the
11 meeting on-line.

12 All participants will be muted when they
13 join the meeting, but participants will be able
14 to address the Board during the Open Forum
15 portion of the meeting towards the end. We do
16 ask that you identify yourselves when speaking.

17 For those joining us via Teams, if you
18 have a question or a technical issue during the
19 meeting, please use the raised hand or chat
20 feature. Participants must only send chat
21 messages to the host.

22 To access the raised hand and chat
23 feature, at the top of your screen, depending on

1 your device, you'll see a menu bar, and you may
2 have to touch the screen for the menu bar to pop
3 up on a mobile device. At the beginning of that
4 menu, there is a chat icon, which you can click
5 on to show the chat dialogue box.

6 You should also see the raised hand
7 option. Please utilize the raised hand or chat
8 features if you have any questions or comments,
9 and you'll be called upon at the appropriate
10 time.

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

15 If you wish to speak during the rulemaking
16 hearing portion of today's meeting, please fill
17 out an appearance card using the link provided in
18 the chat room. You will be called on at the
19 appropriate time to give brief testimony. Only
20 meeting attendees who have filled out the form
21 will be called upon to speak.

22 For those in the room today, I would
23 remind Board members to please speak up so that

1 everybody attending the meeting on-line are able
2 to hear, and for those who may be answering
3 questions in today's meeting, please repeat the
4 questions prior to providing a response.

5 I will now turn the meeting back over to
6 our Board Vice-Chair.

7 CHAIRMAN ETZLER: Thank you.

8 Our first order of business today is the
9 approval of the summary of the minutes from the
10 May 7th, 2026 and June 15th, 2026 Board meetings.
11 Are there any additions or corrections?

12 DR. NIEMIEC: This is Ted Niemiec.
13 It just looked like there may be a minor issue
14 with the dates at the top. That's about it.

15 MS. FRANKLIN: The dates at the top,
16 August 13th, are just -- it's signifying today's
17 date.

18 DR. NIEMIEC: Okay. Thank you.

19 CHAIRMAN ETZLER: If there are no
20 other additions or corrections, do we have a
21 motion to approve?

22 MR. DAVIDSON: So moved.

23 CHAIRMAN ETZLER: Second?

1 MS. SCHROEDER: I'll second.

2 CHAIRMAN ETZLER: All those in favor,
3 say aye.

4 (Board members responded, "Aye.")

5 CHAIRMAN ETZLER: Those opposed?

6 (No response.)

7 CHAIRMAN ETZLER: Motion is carried.

8 Mr. Woods?

9 COMM. WOODS: All right. Thank you
10 so much, Vice-Chairman, members of the Board. As
11 members were told, I'm the Commissioner for IDEM,
12 and I wanted to give you a quick update. I know
13 we've got a full agenda. There's the final
14 adoption of a couple of important rules and some
15 updates on several crosscutting items that I know
16 we've been asking the Board for some feedback on,
17 as well as some implementation updates of a
18 rulemaking that's went through the Board's
19 approval process over the last few years related
20 to coal combustion residuals.

21 But wanted to just maybe provide a few
22 quick updates. We've got lots going on at IDEM,
23 and maybe Billie will be providing a little bit

1 more of a detail of coming attractions, because
2 we've got a lot coming your way in the
3 not-to-distant future, and we appreciate your
4 continued work guiding our agency and providing
5 us independent feedback on our rules, many of
6 which are moving through various stages of a few
7 different processes.

8 I will just say at IDEM, we're in a unique
9 spot, and I -- we may have reflected on this a
10 little bit in our May meeting, but we have 800
11 strong public servants. In the last month, we
12 celebrated our 40th anniversary as an agency. We
13 were created in July of 1986, so we had a
14 birthday party in one of these attached rooms
15 here, and the Governor was kind enough to come
16 and speak to our staff members.

17 Among other things, we've added a lot of
18 new staff, about a hundred folks who started in
19 the last year, but also 12 who remain with us who
20 were present at the creation of the agency and
21 have been with the agency for 40 years, and a few
22 who even predate their functions before IDEM
23 existed.

1 So, there was kind of a reflection about
2 the progress that we made as an agency, growth in
3 terms of both federal and state environmental law
4 that we implement, but also changes over time and
5 dramatic improvements that this Board has been
6 very much involved in in improving air, water and
7 land quality outcomes in the State of Indiana,
8 progress that we're very proud of.

9 So, I appreciate the work that the Board
10 has done. I know it has been called different
11 names over time and has in the past been split up
12 among air, water and land work, but the Board
13 provides a critical role for our rulemaking
14 process for making sure there are nonrule
15 policies, and providing overall feedback to us as
16 an agency to continue upping our name. So, I
17 wanted to thank you for the role you play in
18 IDEM's work and hopefully to a successful 'nother
19 40 years in the future as we continue.

20 I do want to provide a few quick updates.
21 Actually, the last two days, our -- what we call
22 our Extended Leadership Team has been meeting, so
23 it's about a hundred leaders at IDEM, both -- all

1 of our frontline supervisors, but also
2 subject-matter experts and kind of technical
3 senior staff, have met over the course of
4 basically once a quarter over the last couple of
5 years to have very detailed conversation about
6 how we grow as leaders and how we talk about
7 things like secession planning and some of the
8 challenges we have as a state agency, with a lot
9 of key staff members who are retirement eligible,
10 but also how we grow those leaders in the future,
11 how do we develop management skills, and
12 sometimes they're not -- are not asked of some of
13 our staff members until they get to a leadership
14 role.

15 But also planning for the future in
16 development of a strategic plan, a vision, agency
17 values that we've articulated. So, over the last
18 couple of days we had some really good
19 conversations about two topics. One, some kind
20 of peer sharing or best practices as it relates
21 to being a manager at IDEM; and then secondly, we
22 had a really detailed conversation yesterday
23 about the key performance indicators that drive

1 us as an agency.

2 And for those of you who've worked with us
3 in the past, we've been driven by a few numbers
4 at IDEM for the better part of 20 years, dating
5 back to the Daniels Administration, one around
6 permitting efficiency, how quickly we turn around
7 permits compared to statutory timelines, and I'll
8 say we have a lot of success there, we have a lot
9 to crow about compared to other state
10 environmental agencies around the country in the
11 efficiency of our permitting process across air,
12 water and land.

13 Then also our compliance efficiency,
14 where -- not to brag on us too much, but we after
15 an inspection gets conducted across one of our
16 programs, facilities get a copy of a written
17 inspection report in usually, on average, less
18 than four days. Our counterparts at EPA are
19 trying to get their numbers down to 70 days,
20 which would be a 50-percent reduction. So, just
21 to give you a sense of how quickly our team
22 works.

23 But as we have evolved as an agency, we

1 also have some really good conversations about
2 other numbers that drive us, who do we measure
3 success in environmental quality. We've had an
4 uptick in press releases and social media
5 outreach in trying to meet Hoosiers where they're
6 at as it relates to a lot of improvements in air,
7 water and land quality over the last year, year
8 and a half or so.

9 And then also measures about the quality
10 of our work, about letting people know more about
11 our process, about bringing more people into our
12 rulemaking and permitting processes. You're
13 getting a lot of folks who show up at our public
14 hearings, sometimes for our rules, but for a lot
15 of our permits.

16 And if you told me ten years ago we'd get
17 ten times as many people at a public hearing on a
18 data center permit versus a coal-fired power
19 plant or smelter, I would have said, "What's a
20 data center?" But that is driving a lot of our
21 work and the interest in what IDEM does across
22 the federal and state environmental programs.
23 So, are there things that we can do to better

1 measure and hold ourselves accountable?

2 So, I would love to keep this Board up to
3 date as we have that conversation evolve about
4 the kinds of metrics and key performance
5 indicators, both external and internal, that
6 drive our work, and ultimately how we can
7 communicate better with Hoosiers. But I think
8 there's a key role for this Board as well as our
9 other boards and commissions in helping to, one,
10 be a sounding board for those efforts, but two,
11 help to get the word out. So, I'd appreciate it
12 if you all would let us, as we go through that
13 process over the next few months, keep you
14 updated on that front.

15 I'll say a few other things just on the
16 staffing side, we've got a couple -- a couple of
17 new key team members and changes. So, I think
18 since our last meeting, we had Kristin Brier,
19 who's our new -- kind of a newly created role as
20 our Chief of External Partner Services join the
21 agency. So, she's overseeing a number of
22 functions that traditionally have been different
23 parts of the agency.

1 We've called it different things over
2 time, most recently our Office of Program
3 Support, previously Division -- or Office of
4 Pollution Prevention and Technical Assistance and
5 support around voluntary compliance, but a lot of
6 important work around environmental education,
7 voluntary programs, confidential compliance and
8 technical assistance, liaison rules for small
9 businesses.

10 We've also integrated the work of our
11 agricultural and legislative liaisons, our
12 electronic waste and recycling market development
13 programs. So, a lot of key functions at the
14 agency that don't necessarily fit perfectly into
15 air, water and land offices.

16 So, we're going to have Kristin's
17 leadership. She joins us most recently from the
18 Ports of Indiana, a producing inspector for both
19 INDOT, and then had a long tenure at IDEM earlier
20 in her career, so we're glad to have her back
21 leading that office.

22 We also recently had -- we wish farewell
23 to our Executive Director of Legislative and

1 Intergovernmental Affairs. That sounds familiar.
2 We keep losing great legislative folks, which is
3 a big sigh, but Josh Bain, who's been serving in
4 that role since earlier this year, was asked just
5 in the last week to serve as a Commissioner at
6 the Indiana Utility Regulator Commission.

7 So, a couple of transitions for some of
8 our key team members, and as I mentioned, a lot
9 of new folks joined the agency, and also some
10 recent retirements of some of our long tenured
11 employees, but a good chance to wish them well,
12 but also to get new folks aboard and a fresh set
13 of eyes.

14 I just want to provide a few very quick
15 updates on a few other crosscutting items that I
16 think we mentioned to the Board before, and I
17 don't want to step on Billie's toes on some
18 things that may be coming your way, but we are
19 continuing behind the scenes very actively around
20 a pretty comprehensive review of the Indiana
21 Administrative Code that IDEM oversees, and also
22 that the Board is responsible for, pursuant to
23 some of Gov. Braun's Executive Orders.

1 We will be starting with water and then
2 moving to land and air over the next two to three
3 years. We have a lot of modernization and
4 cleanup and making sure that our rules match up
5 with state law, making sure that there's
6 opportunities to do things smarter, because we
7 have, you know, electronic tools or perhaps
8 reporting requirements that were a little bit
9 excessive or we've learned things over time, but
10 a lot of attempts to clean up some of the books
11 there.

12 And I think you'll see with water a number
13 of good examples. Some of these correspond to
14 recent legislative changes that we're
15 implementing as of July 1st for several bills,
16 but including our major modernization of state
17 law in Title 13, which was Senate Enrolled
18 Act 277, but a lot of -- a lot of activity in
19 that space.

20 We're really excited. There will be
21 fairly large rule packages, so we appreciate your
22 patience as we work through those and the process
23 with ERB, but as I've joked with you all before,

1 I think there's an assumption that if you're
2 getting rid of a regulation, it's got to be way
3 easier than promulgating a regulation, and
4 usually it's the same if not more effort to make
5 sure that you're cleaning up the books in a way
6 that makes sense.

7 We have a similar effort underway with our
8 nonrule policies, which are, you know, sometimes
9 quasi-regulatory documents, but often provide
10 guidance to help navigate our rules or state
11 legal requirements. We've got about a hundred of
12 those on the books. Some of them are pretty
13 dated, and so we're going through the process
14 right now.

15 As you all may recall, our nonrule
16 policies are ultimately -- go through kind of
17 a 45-day review by this Board, and so, we're
18 looking at consolidating, updating, in some cases
19 eliminating some of those policies, to hopefully
20 help streamline that. I think we'll end up with
21 probably closer to half of the number that we
22 currently have, and a lot of the ones that date
23 back a while will be consolidated, and we'll be

1 presenting those to you at, I think, meetings
2 later this year.

3 And then the last thing I'll just mention
4 is I think we'd updated you all on an effort
5 pursuant to one of Gov. Braun's other Executive
6 Orders from early 2025, where we had public
7 comments last year on some deregulatory
8 priorities, but this year on ways that IDEM's
9 various professional licensing and certification
10 requirements for things like wastewater, drinking
11 water operators, but also asbestos contractors
12 and underground storage tank workers, whether or
13 not there's opportunities for us to improve that
14 certification process, looking at what other
15 states do, looking at education requirements and
16 frequency of even to update those things.

17 And we got a lot of valuable comments from
18 the public over a 30-day comment period, and a
19 lot of them were in the direction of, "Hey, you
20 know, we need to keep high standards, because
21 these are important -- you know, important roles
22 for not only environmental quality, but public
23 health in the State of Indiana." There's some

1 opportunities, I think, to improve some of those
2 programs, which may result in some regulatory
3 changes that we may be having to report on.

4 So, we're working through those comments
5 that we received. I think we got about 400,
6 which was a good, robust response across those
7 different certification programs, and so, excited
8 to have some opportunities perhaps later this
9 year to present some of those key takeaways and
10 opportunities we have in implementing the
11 Governor's Executive Order.

12 The last thing I'll just say is we
13 continue to work real hard. As we mentioned, a
14 lot of the work that we do, and really the
15 majority of the work that we do at IDEM, is
16 ultimately implementation of federal
17 environmental laws and regulations. And so,
18 we're continuing to comment more than we ever
19 have in the past on various EPA proposed rules.

20 Just in recent weeks we've commented on
21 regulation in the form of the maximum contaminant
22 levels for certain PFAS compounds under the Safe
23 Drinking Water Act, rules related to State

1 Implementation Plans for ozone and nonattainment
2 areas that were ultimately reclassified, comments
3 around air permitting and the definition of
4 beginning actual construction, which becomes
5 really important for a lot of new projects.

6 Some comments that were related to a
7 presentation you'll hear today around coal
8 combustion residuals and an EPA proposal on a
9 legacy coal combustion residual and management
10 units. So, a lot of comments, very detailed,
11 substantive comments sometimes with other
12 agencies, but continuing to try to shape -- to
13 make sure that all of those federal environmental
14 regulations ultimately serve Hoosiers well.

15 And with that, I'll say we are also proud
16 to continue to add Hoosiers to the advisory
17 process at EPA, so here at IDEM it's not just the
18 boards and commissions that we help to staff and
19 get feedback from, like the ERB that we really
20 value, but we've seen opportunities in the last
21 year or so to potentially have our staff, but
22 also other Hoosiers, serve on various EPA
23 advisory committees.

1 I've mentioned before the Science Advisory
2 Board at EPA now has a key IDEM staff member from
3 the Office of Water quality, but also three other
4 Hoosiers, so we have four out of a 37-member
5 board that represents national scientific policy
6 that ultimately informs EPA in the creation of
7 rules. That's more than any other state, and
8 that's awesome.

9 We also have one of the seven members of
10 the Clean Air Scientific Advisory Committee
11 for EPA who's from our Office of Air Quality,
12 another expert in the field, and that's somebody
13 that will help shape good policy for years to
14 come in the future.

15 And then just in the last week, we had two
16 Hoosiers named to the Local Government Advisory
17 Committee at EPA, so our Rep. Kendall Culp was
18 reappointed, and the Mayor of Connersville was
19 also appointed. So, we're excited to, again,
20 have more people from Indiana than any other
21 state helping to shape local government and
22 priorities for our federal counterparts.

23 So, we think they'll be able to pay a lot

1 of dividends down the line as EPA continues to
2 move very quickly across various federal
3 environmental regulatory changes. And so,
4 excited to share those updates.

5 I think that was it for our end. The last
6 thing I'll maybe just mention, given the events
7 of this week, is, you know, we have a lot of work
8 at IDEM. The people that you may not realize,
9 and one of the most important ones, is around
10 emergency response.

11 So, with the severe weather that we've
12 experienced in the state, our emergency response
13 team, which has representatives in all four of
14 our Regional Offices and our laboratories on
15 Shadeland as well as here in Central Office, all
16 have important responsibilities as it relates to
17 responding to severe weather events and disposal
18 of certain materials and responding to spills
19 that may have resulted from the severe weather,
20 obviously in conjunction with a number of other
21 agencies.

22 So, we really wanted to recognize the work
23 we do and our team does and how they're

1 responding, but also I think in what are
2 sometimes trying times for Hoosiers, I just
3 wanted to make sure it wasn't missed that
4 we're -- our hearts and minds are with them and
5 that we're proud of the work that IDEM's done to
6 make sure that we have environmentally protective
7 emergency response activities during severe
8 weather and other events.

9 Vice-Chairman, that is -- those are all of
10 the comments I have, and also, I can answer any
11 questions folks may have.

12 CHAIRMAN ETZLER: Any questions for
13 the Commissioner?

14 (No response.)

15 COMM. WOODS: Thanks so much.

16 CHAIRMAN ETZLER: Thank you.

17 Ms. Franklin, our rulemaking report.

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

22 Currently, our next Board meeting is
23 tentatively scheduled for October 15th, 2026. At

1 that meeting, you can anticipate for seeing the
2 presentation of permit rulemaking for lower Reed
3 Vapor Pressure, also known as LRVP, for
4 preliminary adoption. This rule was recently
5 approved for an interim rule during the June
6 Board meeting, so it will be nearly identical to
7 that rule for the preliminary rulemaking.

8 We will also be presenting the Open
9 Burning Rule for preliminary adoption. This rule
10 proposes amendments to the open burning
11 requirements, adding an exemption for fire
12 departments and the Indiana Department of
13 Homeland Security that conduct open burning for
14 the purposes of fire training.

15 And like the Commissioner mentioned, we do
16 have some fairly large rule packages coming down
17 the pike. We are in the middle of working on
18 that pretty in-depth, and we'll have that -- more
19 information to come as we get closer to those
20 dates.

21 That's all I have for now. Is there
22 anything -- anybody have any questions?

23 (No response.)

1 CHAIRMAN ETZLER: Thank you.

2 So, we'll proceed to our rulemaking
3 actions. Today we're having a hearing for the
4 following Board actions: Final adoption for the
5 following rules: The National Ambient Air
6 Quality Standards References Rule and the Public
7 Water Supply Construction Fees Rule, as well as a
8 report regarding our fees work group, and a
9 presentation regarding the CCR program from the
10 Office of Land Quality.

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

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

1 And now we'll swear in the court reporter.
2 Will the official reporter for the cause please
3 stand, raise your right hand, and state your
4 name?

5 (Reporter sworn.)

6 CHAIRMAN ETZLER: Thank you.

7 The first rulemaking is a public hearing
8 on final adoption of the National Ambient Air
9 Quality Standards References Rule. This is a
10 public hearing before the Environmental Rules
11 Board of the State of Indiana concerning the
12 final adoption of the rule.

13 The Indiana Department of Environmental
14 Management is proposing to add and amend rules
15 at 326 IAC 1 and 326 IAC 6-5-1 concerning updates
16 to the National Ambient Air Quality Standards
17 References in the IDEM's permitting rules. Since
18 preliminary adoption, IDEM needed to make a minor
19 change to the language in 326 IAC 6-5-1.

20 That change was described in detail in the
21 rule information sheet. In short, instead of
22 referencing federal designations, this rule
23 section needs to reference old air quality

1 designations currently found in the rule that no
2 longer exists in federal law. The change fixes
3 an oversight and maintains the rule's status quo.

4 The notice of public hearing comment
5 period, regulatory analysis, and the first public
6 notice of hearing was posted on February 18th,
7 2026, and the second public -- notice of public
8 hearing posted on May 20th, 2026.

9 I will now introduce Exhibit A, the
10 proposed rule, into the record of the hearing.

11 (Discussion off the record.)

12 CHAIRMAN ETZLER: Are there any
13 speaker cards?

14 MS. KINDRICK: No, sir.

15 CHAIRMAN ETZLER: Is there anyone
16 else that would wish to speak?

17 (No response.)

18 CHAIRMAN ETZLER: If not, this
19 hearing is concluded. The Board will now
20 consider the final adoption of the National
21 Ambient Air Quality Standards References Rule.
22 Is there any discussion from Board Members?

23 (No response.)

1 CHAIRMAN ETZLER: If not, I would
2 entertain a motion to amend the rule as
3 presented.

4 MS. FLITTNER: So moved.

5 CHAIRMAN ETZLER: A second?

6 DR. NIEMIEC: Second.

7 CHAIRMAN ETZLER: Thank you.

8 The motion to amend the rule as presented
9 has a motion and a second. We'll do a roll-call
10 vote.

11 Mr. Eckhart?

12 MR. ECKHART: Yes.

13 CHAIRMAN ETZLER: Mr. Davidson?

14 MR. DAVIDSON: Yes.

15 CHAIRMAN ETZLER: Ms. Kozyrski?

16 MS. KOZYRSKI: Yes.

17 CHAIRMAN ETZLER: Ms. Schroeder?

18 MS. SCHROEDER: Yes.

19 CHAIRMAN ETZLER: Mr. Mueller?

20 MS. FLITTNER: Yes.

21 CHAIRMAN ETZLER: Ms. Cook?

22 MS. COOK: Yes.

23 CHAIRMAN ETZLER: Ms. Gries?

1 MS. GRIES: Yes.

2 CHAIRMAN ETZLER: Dr. Niemiec?

3 DR. NIEMIEC: Yes.

4 CHAIRMAN ETZLER: Ms. Brown?

5 MS. BROWN: Yes.

6 CHAIRMAN ETZLER: Mr. Green?

7 MR. GREEN: Yes.

8 CHAIRMAN ETZLER: Ms. Flittner?

9 MS. FLITTNER: I was already asked.

10 I'm here for Mr. Mueller.

11 CHAIRMAN ETZLER: Oh, okay. Sorry.

12 I'll take that one off. And the Vice-Chair votes
13 yes.

14 (Discussion off the record.)

15 CHAIRMAN ETZLER: The vote is twelve,
16 zero. The motion is carried. I now need a
17 motion to adopt the final rule.

18 MR. DAVIDSON: So moved.

19 MR. ECKHART: Second.

20 CHAIRMAN ETZLER: Thank you. We have
21 a motion and a second to adopt the final rule. I
22 will now conduct a roll-call vote.

23 Mr. Eckhart?

1 MR. ECKHART: Yes.

2 CHAIRMAN ETZLER: Mr. Davidson?

3 MR. DAVIDSON: Yes.

4 CHAIRMAN ETZLER: Ms. Kozyrski?

5 MS. KOZYRSKI: Yes.

6 CHAIRMAN ETZLER: Ms. Schroeder?

7 MS. SCHROEDER: Yes.

8 CHAIRMAN ETZLER: Ms. Cook?

9 MS. COOK: Yes.

10 CHAIRMAN ETZLER: Ms. Gries?

11 MS. GRIES: Yes.

12 CHAIRMAN ETZLER: Dr. Niemiec?

13 DR. NIEMIEC: Yes.

14 CHAIRMAN ETZLER: Ms. Brown?

15 MS. BROWN: Yes.

16 CHAIRMAN ETZLER: Mr. Green?

17 MR. GREEN: Yes.

18 CHAIRMAN ETZLER: Chairman Graham?

19 MR. GRAHAM: Yes.

20 CHAIRMAN ETZLER: And Vice-Chair

21 Etzler votes yes.

22 Ms. Flittner?

23 MS. FLITTNER: Yes.

1 CHAIRMAN ETZLER: The vote passes,
2 twelve, zero. Thank you.

3 The next item is a public hearing before
4 the Environmental Rules Board of the State of
5 Indiana concerning the final adoption of the
6 Public Water Supply Construction Fees Rule. The
7 Indiana Department of Environmental Management is
8 proposing to amend the rules at 327 IAC 8-3-7
9 concerning the applicability of construction
10 permit fees and annual operating fees for public
11 water supply owned and operated by churches and
12 governmental nonprofit organizations in the
13 state.

14 The notice of public comment period,
15 regulatory analysis, and the first notice of
16 public hearing was posted on February 18th, 2026,
17 and the second notice of public hearing posted on
18 May 20th, 2026.

19 I will now introduce Exhibit B, the
20 proposed rule, into the record of the hearing.

21 (Pause in proceedings.)

22 CHAIRMAN ETZLER: Do we have any
23 speaker cards?

1 MS. KINDRICK: No, sir.

2 CHAIRMAN ETZLER: Is there anyone
3 that would wish to speak?

4 (No response.)

5 CHAIRMAN ETZLER: Thank you. This
6 hearing is concluded. The Board will now
7 consider the final adoption of the Public Water
8 Supply Construction Fees Rule. Is there any
9 Board discussion?

10 (No response.)

11 CHAIRMAN ETZLER: Hearing none, I
12 will need a motion and a second to final adopt
13 the rule as presented.

14 MS. SCHROEDER: I'll move.

15 DR. NIEMIEC: Second.

16 CHAIRMAN ETZLER: We have a motion
17 and a second. We'll now hold a roll-call vote.

18 Mr. Eckhart?

19 MR. ECKHART: Yes.

20 CHAIRMAN ETZLER: Mr. Davidson?

21 MR. DAVIDSON: Yes.

22 CHAIRMAN ETZLER: Ms. Kozyrski?

23 MS. KOZYRSKI: Yes.

1 CHAIRMAN ETZLER: Mr. Schroeder -- or
2 Ms. Schroeder? I'm sorry.

3 MS. SCHROEDER: Yes.

4 CHAIRMAN ETZLER: Ms. Cook?

5 MS. COOK: Yes.

6 CHAIRMAN ETZLER: Ms. Gries?

7 MS. GRIES: Yes.

8 CHAIRMAN ETZLER: Dr. Niemiec?

9 DR. NIEMIEC: Yes.

10 CHAIRMAN ETZLER: Ms. Brown?

11 MS. BROWN: Yes.

12 CHAIRMAN ETZLER: Mr. Green?

13 MR. GREEN: Yes.

14 CHAIRMAN ETZLER: Vice-Chair Etzler

15 votes yes.

16 Chair Graham?

17 MR. GRAHAM: Yes.

18 CHAIRMAN ETZLER: The vote is twelve,
19 zero. The motion --

20 MS. FLITTNER: You missed me.

21 CHAIRMAN ETZLER: Oh, Ms. Flittner?
22 I'm sorry.

23 MS. FLITTNER: Yes.

1 CHAIRMAN ETZLER: Okay. The motion
2 is carried, twelve, zero. Thank you.

3 We now move to Nonrule Actions. A work
4 group update. The Fees Work Group has been
5 meeting on a regular basis now. Just recently we
6 did some additional research and study on solid
7 waste permit fees, and so, with the addition of
8 that to our work group task, we are going to be
9 continuing to meet for the next few months, and
10 we hope to bring an update back to the Board at
11 the next meeting.

12 And finally, we have a presentation on the
13 CCR Rule. Mr. Wolff?

14 MR. WOLFF: Hello. I'm Brian Wolff.
15 I'm the Assistant Commissioner for the Office of
16 Land Quality, and I have with me today Lindsey
17 Hummel and Thomas Kreke from our Permits group,
18 and we also have Lori Freeman back here, who's
19 the expert in Compliance on this, and we just put
20 together a little presentation.

21 Not too long ago the Board passed the rule
22 to start our efforts to gain primacy for the CCR
23 program for Indiana, and I'm happy to say that we

1 are well on our way. We have submitted our
2 application, and it is being reviewed by EPA.
3 And so, we're going to go ahead and run through
4 what the program is about, where we're at in the
5 process, and what we're getting ready to do, the
6 staffing that we'll probably need to be able to
7 do this program, and a little bit about the
8 financials to be able to make this program work.

9 So, with that, I'll go ahead and have
10 Lindsey kick things off.

11 Do you have the PowerPoint? Sure.

12 MR. BUMP: Okay.

13 MS. HUMMEL: All right. Hi. As
14 Brian stated, I'm Lindsey Hummel. Thank you for
15 having us today to present the progress of our
16 State Permit Program planning.

17 Before we begin, we'll go over an agenda,
18 reviewing what we'll be talking about today.
19 We'll start off with a History of CCR Regulations
20 and Current Efforts, followed by a Program
21 Framework presentation, just showing what we're
22 planning for staffing to support the program,
23 along with some Financial Details that will also

1 help to support the program.

2 Next slide.

3 As you may be aware, the current universe
4 of federal regulations started off by two big
5 events that released coal ash into the
6 environment. One was in Kingston, Tennessee
7 in 2008, and then the other was into the Dan
8 River in Eden, North Carolina. Both of these
9 were significant releases causing impacts to
10 human health and the environment, and it kicked
11 off a lot of discussion about regulating coal ash
12 that wasn't previously well managed.

13 This -- these events led to the first EPA
14 regulations in 2015, followed by some additional
15 changes later to incorporate additional legacy
16 sites that had not been captured. And when we're
17 talking about CCR, it's important to distinguish
18 the federal definition of CCR, which includes fly
19 ash, bottom ash, boiler slag, and flue gas
20 desulfurization materials generated from burning
21 coal for the purpose of generating electricity at
22 electric utilities and independent power
23 producers. There is coal ash associated with

1 other industries, but here we're just talking
2 about electric utilities and independent power
3 producers.

4 Next slide.

5 Indiana's current universe consists of
6 nine utility companies, 22 former and current
7 generating stations, and all of those comprising
8 of about 5,000 acres. That's on the low end of
9 our estimates. This includes 13 CCR landfills,
10 64 surface impoundments, and 18 CCR management
11 units. We have firm numbers, of course, on the
12 landfills; however, the impoundments and the CCR
13 management units might vary slightly over time as
14 that federal rule evolves.

15 All right. So, how has Indiana treated
16 CCR? And along with the EPA, we've -- close to
17 the EPA's implementation of their new rule, we
18 adopted emergency rules incorporating CCR
19 impoundment requirements into our solid waste
20 rules.

21 We then updated our solid waste management
22 plan, which announced our intent to create a CCR
23 permit program, and after that was approved by

1 the EPA, we launched into some rulemaking, which
2 involved discussions with the industry and the
3 public through the comment process to develop
4 the current CCR permit program. That new rule
5 at 329 IAC 14 was final adopted by the Rules
6 Board in 2025, in December.

7 Next slide, please.

8 Now that that has been adopted, we are
9 launching into the path to EPA approval of our
10 state program. In December of 2025, of course,
11 the ERB adopted the new rule. Between that and
12 June, we developed the application to the EPA,
13 and submitted it in June of 2026, and now we're
14 in a waiting period while the EPA reviews that
15 application.

16 We expect it should be about two to three
17 months before we hear our initial feedback from
18 the EPA, and then we'll transition into a
19 completeness process in which the EPA will have
20 a 90 -- or a six-day -- excuse me -- 60-day
21 public comment period, and have a timeline for a
22 decision on the program. So, the very, very
23 earliest we expect a program in place and

1 established will be in March 2027.

2 Our current program -- in the meantime,
3 our current permitting program preparation
4 involves confirming some functional permit
5 program structure, incorporating the database,
6 updating the database, and tracking integrations,
7 bringing our stakeholders along with us. We
8 don't want them to be surprised by anything we're
9 planning, so we're involving them in our
10 discussions of next steps. Also creating forms,
11 templates, internal and external guidance
12 documents, and updating our Web site.

13 Once the EPA approves our permit program,
14 there will be a couple of things that happen. It
15 will -- our permit program will be effective
16 immediately upon the EPA approval, and regulated
17 utilities will have 180 days to submit an
18 application, a closure application, for these
19 sites.

20 So, during that time, after submittal,
21 IDEM staff will review those applications,
22 there'll be a public participation process,
23 reviewing those permit applications, involving

1 public comments, meetings and hearings. Sites
2 with previous IDEM approvals that also fall under
3 the new program will also need to apply and be
4 re-evaluated to make sure that they are in
5 compliance with the current program.

6 And then our permit program will also
7 introduce timeframes that our previous reviews
8 had not had associated with them, so those will
9 closely mirror the solid waste landfill permits.
10 To introduce our program framework and how we'll
11 tackle all of this new work, Thomas Kreke, our
12 Permits Branch Section Chief, will talk about
13 this.

14 (Discussion off the record.)

15 MR. KREKE: Thank you, Lindsey, and
16 everybody. My name is Thomas Kreke, and I'm
17 going to be going over our proposed Program
18 Framework, so practically, how we're going to
19 accomplish our duties here.

20 So, I'll start with a very simple
21 statement. We'll be forming a new section within
22 the Permits Branch to unify the CCR-focused staff
23 with the staff currently in the other similar

1 functions.

2 So, as Lindsey mentioned, we -- we'll have
3 statutory and rule requirements for our
4 timeframes, and I listed them there again,
5 specific from the rule, 365 days once we get a
6 new application.

7 So, again, as Lindsey mentioned, we're
8 going to have 22 applications, roughly, with 77
9 sites included in them, and we'll get them
10 within 180 days of our program, which we may get
11 in March. So, that's going to get here faster
12 than you think, so it's -- we'll need to be
13 prepared to handle that.

14 And handling that will be resourced from a
15 few categories. So, we'll need geology for
16 groundwater, usually monitoring systems and
17 groundwater remedies. We'll need engineering
18 resources in the bucket of design criteria. Lots
19 of things fall into this, but the main things
20 could be liners, leachate collection, and
21 structural integrity.

22 And then to support these activities,
23 we'll need some permitting resources, primarily

1 project coordination and permit writhing. So, in
2 summary of those, we'll need geologists,
3 engineers, permit managers, and some level of
4 management.

5 (Discussion off the record.)

6 MR. KREKE: Okay. So, we're
7 currently managing CCR reviews with staff who are
8 handling other responsibilities, some of the ten,
9 twelve other programs that we manage in the
10 branch, and by attempting to do both at once,
11 we're having turnaround time delays that are
12 being experienced by the people submitting these
13 closure plans. And so, without additional staff
14 in this new paradigm where we're going to have a
15 strict timeframe, we will be unlikely to
16 consistently meet that 365-day requirement with
17 our current staffing levels.

18 Okay. Next, please.

19 So, going back to that second part of that
20 statement, which were other similar things like
21 CCR, and by that I mean solid waste in place that
22 either need to be managed or cleaned up or
23 somehow tracked, and one of those is our AL

1 Program, and AL stands for Antique Landfills, and
2 you can see in that map on the left, there's --
3 they're spread out all of the way through the
4 state.

5 And also from the paragraph, that we have
6 far more antique landfills than our other types
7 of landfills that are currently permitted through
8 our IAC 327 -- 327 IAC 10. And an antique
9 landfill can be something that came into
10 existence before our current rules were
11 promulgated, or several other avenues.

12 And then --

13 Oh, I'm sorry; go back. Sorry.

14 On the right, there is just an example of
15 what one of these antique landfills might look
16 like, something we affectionately call a leachate
17 waterfall, land on the side of a hill. So, there
18 is a need here to manage these AL sites.

19 You can go to the next one next.

20 And this program has been going on for a
21 little while. There's a few examples of some of
22 the things that it can accomplish. On the
23 left-hand side there, there's the Ben Marrs Dump,

1 which is in progress of being modified, so it's
2 going to be fit for a purpose to be Origin Park,
3 which is surprisingly a water park.

4 But there's also a current -- past
5 successes, like the Greenfield Dump, where there
6 is an area affected by an antique landfill that
7 was either cleaned up or managed in a way that
8 can allow for an expansion of the Greenfield
9 Wastewater Treatment Plant, which is a necessary
10 thing, and this program allowed for that to
11 happen.

12 You can go to the next one, please.

13 Another program that falls into this
14 bucket is our Impoundment and Open Dump Closure
15 Program. Our surface impoundment closures get
16 their authority through IAC 10, but they involve
17 cleanup of impoundments or open dumps,
18 essentially either solid waste that gets under
19 the ground through an open dump, or maybe a
20 closure of an NPDES permitted impoundment that no
21 longer has an NPDES permit.

22 So, it's a requirement to take that solid
23 waste and either clean it up or close it in

1 place, and that can involve submitting a plan to
2 clean it out, go through that plan, do monitoring
3 at the end of it to verify that it's clean, and
4 then they would get a proposal saying, "You are
5 now able to use this site for any purpose you'd
6 like."

7 And that's an example there where it shows
8 waste in place with grass on top, the waste
9 getting piled up and cleaned off, and then
10 waste -- I mean they're taking confirmational
11 samples of that soil at the bottom, to make sure
12 it's now getting back to background, and then a
13 clean area where they can go ahead and do what
14 they want.

15 You can go ahead.

16 And then there's a group of other tasks
17 that are just put in "The Rest." I won't go
18 through all of these, but they are just things
19 that either permit adjacent or fall in a bucket
20 of tracking things that are solid waste in place,
21 anyway, that -- what happens after a landfill is
22 closed, who's tracking that, making sure it's
23 okay, and that can be the solid waste final

1 post-closure.

2 Go to the next one.

3 So, to accomplish those tasks, we're --
4 we're asking for four engineers, four geologists,
5 four permit managers, and a section chief. And
6 we arrived at some of these levels based on our
7 current processing rates with the FTE's that are
8 currently tasked with managing these areas, and
9 also with like how fast we're going to need to
10 get these approvals through in that first year
11 once we get them.

12 You can go to the next one.

13 So, if we're asking for more staff, then
14 the question is: Where do they go? And as you
15 can see, these are some of the sections that we
16 currently have that would make sense to put
17 staff, and there are already at least ten or
18 more, and it doesn't make sense to make them any
19 larger. It just -- it's -- creates management
20 issues. So, that was our indication to propose a
21 new section entirely.

22 You can go to the next one.

23 So, in summary, we're proposing to create

1 a new section that'll focus on CCR, but also
2 combine like tasks that -- where we can find some
3 efficiencies, give these really important
4 programs a home, where they can level on -- find
5 something that will keep them going.

6 And then we'll plan some efficiencies by
7 adding them together, and the primary focus will
8 be on adding new staff, but there are some staff
9 we can move over based on the current situation.

10 And then timing, like really as soon as we
11 can, but we have a few HR things we need to go
12 through before we can get started, but -- no
13 exact timeframe, but as soon as we can.

14 And I'll hand it over to Brian.

15 MR. WOLFF: Thank you, Thomas.

16 So, I want to talk about, you know, the
17 ever important and overarching funding issues
18 that go with this. So, one thing, Indiana did
19 get some funding from EPA in order to stand up
20 our program. It's called STAG funding, State
21 Technical Assistance Grants. We were able to get
22 about 1. -- 1 -- a little over a million dollars.

23 We still have one million three hundred --

1 or one million and thirty-four thousand dollars
2 left in our current balance. The allowable uses
3 for the money is -- it's very well -- it's very
4 restricted at this point in time, so until we
5 actually get primacy of the program, our ability
6 to use those funds is very limited.

7 So, we can do it -- use it to pay staff,
8 to do rule development, we can pay staff on the
9 application, and we can do some training of staff
10 that are currently there. But since we don't
11 have a program, we have very limited staff that
12 would qualify to be able to use that funding to
13 get training.

14 So, once we get primacy, we have a lot
15 more leeway on how we can use that money. We can
16 pay staff to do the permits, we can pay them to
17 get trained, and we can buy equipment and cars
18 and other things that we might need to do, you
19 know, to get the program up and running. So, we
20 estimate, with the number -- using the numbers
21 that Thomas shared, we estimate that we'll spend
22 about 1.3 million dollars in expenditures per
23 year to be able to stand up this program.

1 Roughly two hundred thousand dollars for
2 inspectors. We believe that we can maintain some
3 of the -- we can maintain our current inspection
4 workload -- or inspector FTE level and encompass
5 the new inspections with that staff. It would
6 just create a little extra time for them to be
7 able to get it done, so that's where the 203,000
8 comes from.

9 About 368,000, engineers; 335,000 for
10 geologists; 304,000 for our permit writers; and
11 about 128,000 for a section chief. This is
12 salary plus fringe benefits that go along with
13 it.

14 We will have other costs, especially
15 start-up costs, being able to get the proper
16 equipment for us to be able to go out and do the
17 sampling and the reviews that we need to do.

18 We'll have a lot of new staff. Some staff
19 will probably come in with some experience.
20 Other staff will need lots of training. To get
21 training, there's not a lot of training in the
22 State of Indiana. We'll probably have to send
23 them other places. That gets expensive. And a

1 lot of those trainings are very expensive,
2 costing in the thousands of dollars.

3 And then we'll attend conferences with
4 other states that are in the same boat as us.
5 There are about nine to ten other states that are
6 roughly in same area as us as far as standing up
7 their programs, and there's lots of little
8 conferences that we have where we can share
9 information and difficulties and solutions to
10 those difficulties, so we can create an efficient
11 program.

12 So, how do we pay for all of this? One,
13 we can use that STAG funding, and that will help
14 us out a lot at the beginning, while we're still
15 trying to collect our fees, but we will be able
16 to do a one-time permit application fee, and that
17 will generate roughly 1.5 million to 1.8 million
18 dollars. So, that will be a one-time fee that
19 we'll get and we'll be able to add to our STAG
20 program.

21 We will -- there's also -- with the
22 permits, after you're issued the permits, if you
23 have -- for each of the active units that are not

1 closed yet, there's an annual fee of \$20,500.
2 Once a unit is put into closure and they're --
3 the post-closure care where they're just doing
4 monitoring, their annual fee is \$10,000 until
5 they're done, and that's roughly about 30 years
6 is what they expect the monitoring period is for
7 a post-closure. It could be earlier, it could be
8 longer. It depends on the results.

9 And for the landfills that have CCR
10 material in it, it would be \$41,250 annually for
11 the landfills, but the same thing; when it goes
12 into post-closure and you're doing the
13 post-closure monitoring, you're looking at
14 \$10,000 per unit.

15 So, roughly speaking, if you noticed, that
16 does put us in about a position where our income
17 is slightly over what our expenditures are per
18 year. However, as things start closing, you
19 know, that fee goes from \$20,500 to \$10,000, so
20 we expect in the beginning of the program to get
21 a wide -- a big glut of facilities that are
22 closing instantly.

23 So, those fees will drop pretty quickly,

1 and so, over time we'll have to re-value. As
2 our income will be coming down, do we still need
3 the amount of staff that we had current -- at the
4 start-up to maintain that, or would we be able to
5 cut staff, or would we still need that staff
6 because we're having a lot of extra work that's
7 done, which I'll talk about in some of the
8 remaining issues? So, would we need to raise
9 those fees at post-closure -- or before closure
10 in order to keep the program solvent?

11 It's actually based on statute. We are,
12 as I said, scheduled to re-evaluate the fees
13 in 2027 to make sure it's solvent, because the
14 program is supposed to be solvent. The income is
15 supposed to match what -- the cost to run the
16 program.

17 Since we haven't stood up the program and
18 we won't even have a full year until the end
19 of 2027, that seems like an unrealistic thing to
20 do, because we really don't have any additional
21 data that we don't already have right now, so it
22 probably wouldn't be useful.

23 So, it's something we'll probably have to

1 evaluate soon in the future, though, after we get
2 some data. We'll probably come to the Rules
3 Board with this additional data to generate a
4 conversation about whether fees should stay where
5 they are, if they should go up, or they should be
6 dropped.

7 A couple of considerations that weren't
8 really incorporated into things to begin with is
9 that there's no fees for modifications or
10 renewals. This will happen. We expect that
11 people will change their closure plans as
12 technology changes or as they encounter
13 difficulties in implementing their plan that they
14 have at the site. They will request changes.

15 There will also be situations where maybe
16 the post-closure situation changes: Now they
17 want to put some sort of industry on there, or a
18 park or a data center or something, and we would
19 have to review, do a geological assessment, do an
20 engineering assessment, to make sure it's
21 actually safe to do what they're proposing on
22 that site. That would cost us time and money to
23 be able to do those reviews, but right now there

1 are no fees from the regulated community to cover
2 the review and approval of those modifications.

3 There is also -- I can bump this into the
4 Legacy Rule, which is being changed multiple
5 times at the federal level. There's also
6 possibilities of other federal changes and how
7 that affects our program with the Legacy Rule,
8 what the legacy is, is there are a lot of
9 inactive impoundments at inactive facilities that
10 were originally carved out of the CCR.

11 EPA, in 2024, changed that. They added
12 analog to them, then in 2026 they have a
13 different one that's going to take some out.
14 We're not exactly sure what the Legacy Rule is
15 going to look like, how many of those legacy
16 units will actually be covered by whatever
17 regulation is put into place, and how many of
18 those we actually have in Indiana. So, it's a
19 big question mark that we have.

20 And then again, that can have a fiscal
21 impact, because if we're required to close them,
22 we would have to add -- have staff time, we'd
23 have to get a permit application, we'd have to do

1 the review, and right now there's no real
2 mechanism to collect a fee for those under the
3 Legacy Rule. So, that'd be something else we
4 might be coming to the Board to -- once we have a
5 better idea of what direction we need to go, what
6 we would need to do.

7 So, I think that's the last slide I have.
8 We gave this presentation -- the first time we
9 gave it, it took us an hour and a half to get
10 through all of the things. We've cut this way
11 down, so I'm sure there's a lot of things we've
12 cut out to try to abbreviate it to get in here,
13 because I didn't think you guys wanted an
14 hour-and-a-half presentation into the weeds that
15 deeply. But we do have a lot of experts here
16 that can answer any questions, so if you guys
17 have any follow-up questions for us, we'd be
18 happy to answer them.

19 CHAIRMAN ETZLER: Are there any
20 questions from the Board?

21 COMM. WOODS: Vice-Chair, I'm going
22 to just make maybe two -- a couple of quick
23 comments, because I just wanted to maybe

1 underscore, I think, our thought process here,
2 because I know the Coal Combustion Residual
3 rulemaking came to the Board a couple of times,
4 and you'll probably remember several -- several
5 hearings on that front, but I wanted to kind of
6 give you a sense of -- it's a big program.

7 And I think one thing I wanted to make
8 sure to underscore is: This will be the largest
9 CCR program of any state in the country, so we
10 have more coal combustion residual sites than any
11 other state, so a big, big project for us. A lot
12 of work obviously is done in planning, and, you
13 know, I think we were blessed with an interest
14 from the General Assembly a couple of times in
15 updating the state statute that ultimately
16 undergirds the rulemaking, but obviously a lot of
17 it happens on our end.

18 So, I wanted to give you a sense of kind
19 of the tip of the iceberg that happens once the
20 rulemaking process is finally adopted by this
21 body, especially for any program like this being
22 taken over from our federal counterparts.

23 And then the only other thing I was going

1 to just underscore is: I think there's a -- it's
2 good that we've got kind of an incremental
3 process to revisit some of these questions, both
4 for the Board and as well as the state
5 legislature, because, you know, as Yogi Berra
6 said, "Predictions are hard, especially about the
7 future."

8 A program like this, we want to close
9 these sites, but there's also predictions about
10 revenue that comes in, the size of our staff, and
11 who's doing what, and some of the other things
12 that I think we are going to probably need your
13 help in implementation in the future. This one
14 is a really good, nice snapshot of where, I
15 think, we're set up for success, but I also want
16 to make sure that we're being -- being humble and
17 keeping you all up to date on that front.

18 But I do want to recognize Brian and the
19 Office of Land Quality team for, you know, their
20 foresight in trying to plan some of these things.
21 It involves a good organization and staffing and
22 revenue forecasts decades into the future and,
23 you know, trying to get people in the right spot

1 in a program that is still relatively new, even
2 though it's been, you know, a federal program for
3 close to ten years now. So, I just wanted to
4 kind of give you a little bit of context there.

5 And I think one other piece that -- and
6 Brian did touch on it there, but just to give you
7 a sense -- one other thing that we are advocating
8 very strongly, not only for this program, but
9 when EPA provided those State Trial and
10 Assistance Grants, in this case under what's
11 called the WIIN Act to states, basically any
12 state that raised their hand got one-fiftieth or
13 whatever the -- whatever the denominator was of
14 the money for rule development.

15 That doesn't make sense, in my mind, the
16 role in which we have, in some cases, orders of
17 magnitude more sources or units that we're going
18 to be responsible for regulating. So, we have
19 opened up lines of communication and talked
20 with EPA.

21 This is also common to a lot of the
22 formulas for which grants are given to states
23 under the Clean Water Act, the Clean Air Act, the

1 Safe Drinking Water Act, and Resource
2 Conservation and Recovery Act, that as a state
3 with a very large number of industrial sources,
4 very manufacturing intensive, with relatively low
5 population, we get the short end of the stick on
6 all of this stuff.

7 And so, we are working with EPA. Even
8 this week, had a call with their Chief Financial
9 Officer to help inform their Fiscal Year 2028
10 budget, to see if perhaps we can get those
11 formulas to better serve Hoosiers, given the
12 amount of work that we have, given the nature of
13 our state.

14 So, I just wanted to underscore that
15 point, that I think we've got support from our
16 Congressional delegation and hopefully the folks
17 at EPA towards any future federal dollars that
18 are available to supplement those -- those fees
19 to help Brian on a very successful and, again,
20 the most robust, and I think will be the best
21 program in the country. There's only six or
22 seven that have been at least preliminarily
23 approved from EPA so far, and I think we'll be

1 hopefully eighth on that list, but number one in
2 terms of high quality and statewide impacts.

3 So, I just wanted to provide a little bit
4 more color commentary to what has been a very
5 good presentation, and I'll defer to any other
6 questions that folks may have.

7 CHAIRMAN ETZLER: Thank you.

8 Are there any questions?

9 Mr. Davidson.

10 MR. DAVIDSON: Thank you.

11 Now, the fees are the fees, and people
12 don't ask about fees very often, but when you do;
13 right? Are those new fees, or an increase in
14 existing fees, or --

15 MR. WOLFF: So, those aren't new
16 fees. They are in statute, and they're in the
17 rule.

18 They are in the rule; right?

19 MS. HUMMEL: Some are in rule, some
20 are in --

21 MR. WOLFF: Yeah. So, some are in
22 rule and some are under statute, but the statute
23 does give the Environmental Rules Board the

1 authority to review them to ensure that they are
2 covering the cost of the program.

3 MR. DAVIDSON: Thank you.

4 CHAIRMAN ETZLER: Anyone else?

5 (No response.)

6 MR. WOLFF: All right. Thank you
7 very much.

8 CHAIRMAN ETZLER: Thank you.

9 MS. KOZYRSKI: Oh, sorry.

10 DR. NIEMIEC: We have some questions.

11 MR. WOLFF: Sorry.

12 MS. KOZYRSKI: A couple of questions
13 from our remote folks. Thank you very much for
14 the presentation. I did have a question, if you
15 could clarify the antique landfill and
16 impoundment comments. Are those types of
17 facilities expected to be governed by the same
18 body, or were you just giving examples of other
19 types of work that are done in a similar space in
20 terms of closing and legacy issues?

21 MR. WOLFF: Yeah, that's a great
22 question. So, they aren't CCR units and they're
23 not regulated under the same authority, but the

1 evaluation between a geological engineering
2 perspective and the type of mechanisms that are
3 used to close them closely mirror what is done
4 with CCR.

5 And so, for us, instead of just trying to
6 create a CCR section that was a hundred percent
7 focused on this, we figured we'd use the overlap
8 and efficiencies to try to cover a lot of other
9 things as well, so try to pool our resources, but
10 would also give us, as a permitting group, some
11 succession planning opportunities.

12 So, if we had people cross-trained in
13 multiple program areas, doing similar things when
14 we have staff leave, which tends to happen,
15 especially with our highly technical staff of
16 engineers and geologists, that we would not be
17 stuck with trying to review a permit or get
18 closure done with no staff. And so, the idea was
19 to try to cross-train to kind of pool our
20 resources to be able to cover this.

21 But the amount of effort, the level of
22 effort, what we presented is what we would have
23 intended to do for just CCR. It was just those

1 people also do other things. Does that answer
2 your question?

3 MS. KOZYRSKI: Yes, it does. Thank
4 you. I just wanted to clarify.

5 MR. WOLFF: Sure.

6 MS. KOZYRSKI: Thank you.

7 MR. WOLFF: Uh-huh.

8 CHAIRMAN ETZLER: Do we have another?

9 MR. GRAHAM: Yes, I have a question
10 about scaling of staff. Can you hear me?

11 MR. WOLFF: Yeah, we're good.

12 DR. GRAHAM: Yes. So, my question
13 is: When I came to Indiana in 2000 -- four
14 percent of the electricity generated in the state
15 was generated through coal combustion. Over the
16 last 15 to 20 years, that's steadily declined.
17 The last figure I saw had it around 42 or 44
18 percent, and presumably this is related to the
19 price of natural gas and the growth of renewables
20 and the electric generating sector.

21 So, one of the things in the back of my
22 mind was: "Well, how much -- how much more coal
23 combustion residuals is there going to be over

1 the next decade as the industry gradually moves
2 away from coal as a significant source of power
3 generation?"

4 So, in the scaling, and just thinking
5 about it, what are you assuming about, in the
6 next ten years, the amount of actual coal
7 combustion in electricity, how much of that is
8 actually going to go on, and how much of this is
9 going to be needed?

10 I do realize that there are -- that are
11 sites that are already existing that are not
12 going away, so you -- obviously you have to be
13 monitoring those definitely, but what are you
14 assuming about what's happening in the future,
15 the next ten years or so, about the use of coal
16 in electricity generation?

17 MR. WOLFF: Yeah, that's a great
18 question. Yeah, predicting the future is always
19 very difficult, but a lot of these facilities
20 that do have energy generating units that use
21 coal, they've already -- they have impoundments,
22 and they have many years of storage still in the
23 impoundments left.

1 And so, we don't see a lot of new
2 impoundments being built, but if they do, we'll
3 have to add them into the program. Most of the
4 facilities that we're looking at, those 77 -- so,
5 we know of 77 impoundments in the State of
6 Indiana already, and that's primarily what we're
7 looking at addressing with this permitting
8 program are the 77 that are there and the ones
9 that are being used.

10 So, we won't be predicting the adding of
11 additional ones. Whatever ones are added, we
12 would add into the program, but for now we're
13 really evaluating the use of coal, the percentage
14 use of coal, because the storage should be there
15 for the current forecasts.

16 COMM. WOODS: Brian, just real quick.

17 MR. WOLFF: Yes.

18 COMM. WOODS: This is an area that
19 we've been actively tracking, both -- because a
20 lot of the recently proposed EPA rulemakings
21 ultimately haven't impacted it. You also have
22 compliance pathways depending upon what some of
23 those legacy coal units are continuing, things

1 like steam electric limitation guidelines under
2 the Clean Water Act and some others.

3 And we've had some changes recently, both
4 changes in announcements about retirement dates
5 for certain coal units, and I think generally
6 we'd probably be pretty marginal. We're talking,
7 you know, a few years, and in terms of the
8 volumes that's going to be addressed, and most of
9 those closure lines, we'd probably be looking
10 further out in the future for any that's
11 currently operating and probably less relevant,
12 whether it's a 2028 retirement date or a 2030
13 retirement date.

14 There is a lot of change happening there,
15 including at least two of our coal-fired power
16 plants in the state receiving section 202(c)
17 orders under the Federal Power Act who keep
18 operating beyond their announced retirement
19 dates, in both Shafer and Coley. And then
20 actually the Attorney General, in just the last
21 couple of weeks, says it'll be relating to the
22 Coley at Rockport as well.

23 So, as I say, they're definitely paying

1 close attention to it, and I'm sure it probably
2 will have a very small impact on some of those
3 anticipated dates and the need for revenue, but
4 probably not -- not dramatically for the near
5 term, kind of the lowest-hanging fruit of the
6 closure plans that we'd seen in the first few
7 years of the program.

8 MR. WOLFF: Yeah. I do think it's
9 worth noting, too, that the use of CCR materials
10 have changed dramatically from the -- over time.
11 Many parts of C -- of the coal combustion
12 residuals are now recycled or used in other
13 products, steam engines or other things, and so,
14 there is a monetary value to some of this waste,
15 and so, it doesn't go into these impoundments any
16 more.

17 So, the durable life of these impoundments
18 is extended because not nearly as much material
19 actually goes in. And there could be some -- the
20 program we're trying to develop to allow for --
21 to people who want to open these things up and
22 mine them, that would be another like
23 modification type of situation where they may

1 want to remove some of this material and use it
2 as -- in the formation of cement or other type of
3 things.

4 So, yeah, I mean it's a good question.
5 Again, that just adds to the complexities of us
6 predicting as well.

7 MR. GRAHAM: Thank you for your
8 responses.

9 CHAIRMAN ETZLER: Are there any other
10 questions?

11 (No response.)

12 CHAIRMAN ETZLER: Thank you.

13 MR. WOLFF: Thank you.

14 CHAIRMAN ETZLER: So, this is an Open
15 Forum. Is there anyone that is interested in
16 addressing the Board?

17 (No response.)

18 CHAIRMAN ETZLER: All right. Thank
19 you.

20 The next meeting of the Environmental
21 Rules Board will be October 15th, 2026 at 1:30 in
22 Conference Room A of the Indiana Government
23 Center South. The meeting date is tentative and

1 subject to change, and we'll keep everyone
2 updated when the meeting is confirmed.

3 May I have a motion to adjourn?

4 MR. GRAHAM: So moved.

5 CHAIRMAN ETZLER: And a second?

6 MR. DAVIDSON: Seconded.

7 CHAIRMAN ETZLER: The meeting is
8 adjourned.

9 - - -
10 Thereupon, the proceedings of
11 August 13, 2026 were concluded
12 at 2:34 o'clock p.m.
13 - - -

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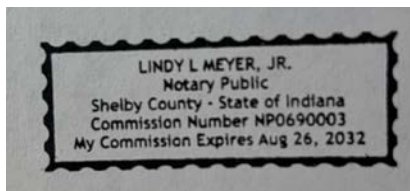
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1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned
3 Court Reporter and Notary Public residing in the
4 City of Shelbyville, Shelby County, Indiana, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings taken by me
7 on Thursday, August 13, 2026 in this matter and
8 transcribed by me.

9
10 Lindy L. Meyer, Jr.



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

15 My Commission expires August 26, 2032.

16 Commission No. NP0690003
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