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BEFORE THE STATE OF INDIANA

FINANCIAL ASSURANCE BOARD

- - -

PUBLIC MEETING OF MARCH 26, 2026

- - -

PROCEEDINGS

before the Indiana Financial Assurance Board,
Nivas Vijay, 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, March 26, 2026 at 1:31
o'clock p.m.

- - -

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1 APPEARANCES:

2 BOARD MEMBERS:

3 Nivas Vijay, Chairman
4 Lauren Nielson
5 Kim Logan
6 Tom Navarre (virtual)
7 Kevin Ryan (virtual)
8 Brian Wolff (nonvoting)

9 IDEM STAFF MEMBERS:

10 Clint Woods, IDEM Commissioner
11 Colleen Rennaker
12 Briony Towler
13 Katie Blackburn
14 Seth Engdahl
15 Karla Kindrick
16 Aidan Whitney

17 PUBLIC SPEAKERS:

18 Christopher Braun
19 Jason Lenz
20 Troy Smith
21 Chris White

22 - - -

23

1 1:31 o'clock p.m.
2 March 26, 2026

3 - - -

4 CHAIRMAN VIJAY: I think we'll get
5 things started. All right. I'll call this
6 meeting of the Underground Storage Tank Financial
7 Assurance Board to order. I believe we have a
8 quorum, but I will double-check. Mr. Wolff is
9 here, Ms. Logan is here. Is Mr. Moser here on
10 line?

11 (No response.)

12 CHAIRMAN VIJAY: No, I don't think he
13 is. I don't believe Toby is on line either.
14 Mr. Ryan, I believe, is on-line. I think I saw
15 Kevin up there.

16 MR. RYAN: Here.

17 CHAIRMAN VIJAY: And Mr. Navarre is
18 on-line as well.

19 MR. NAVARRE: Yes, I'm here.

20 CHAIRMAN VIJAY: Lauren is here. So,
21 we have -- and I am here. So, we do have a
22 quorum.

23 The first order of business will be the
approval of the meeting minutes from

1 November 20th. I believe everyone has received
2 that on-line, so we'll have a motion to approve.

3 MS. LOGAN: Approve.

4 CHAIRMAN VIJAY: And a second?

5 MR. NAVARRE: I'll second:

6 THE REPORTER: Who seconded?

7 MR. NAVARRE: Tom Navarre?

8 CHAIRMAN VIJAY: Tom Navarre.

9 So, all those in favor?

10 (Board members responded, "Aye.")

11 CHAIRMAN VIJAY: So, the motion is
12 approved for the November 20th meeting minutes.
13 I'm not getting any better at hosting these
14 meetings; I apologize.

15 (Laughter.)

16 CHAIRMAN VIJAY: So, we'll call on
17 Ms. Towler for the ELTF Fund Report.

18 MS. TOWLER: Okay. Good afternoon.

19 My name is Briony Towler, and I am the
20 Chief Financial Officer for IDEM, and I'll be
21 going over the financials. I'll go through
22 December 31st of 2025. Thank you. Okay. Cool.
23 Perfect. All right.

1 So, on this very small screen, I'm going
2 to give you the highlights here. So, for the
3 Excess Liability Trust Fund for Fiscal Year 2026,
4 our Appropriation Less Reserve for this year
5 is \$35,397,580. As of December 31st of 2025, our
6 total expenses so far were \$13,723,592.

7 We spent roughly about 5.76 percent of the
8 11 percent for the year in terms of
9 administrative expenses. Revenue as of December
10 was \$26,749,643, and that ending Fund balance as
11 of December was \$253,660,961.

12 So, that then moves into our Non-Aviation
13 Revenue for the Excess Liability Trust fund, and
14 in which that revenue total was \$25,797,385, with
15 about 21.6 million in fuel inspection fees and
16 4.1 million in interest earned. Also for
17 non-aviation claims, we saw in December
18 \$11,330,361 that had been paid out so far.

19 Aviation. So, we did not have any claims
20 so far for this year --

21 MR. RYAN: I have a question.

22 MS. TOWLER: -- as of December 31st.

23 MR. RYAN: I have a question.

1 MS. TOWLER: Oh, sorry.

2 MR. RYAN: On interest earned, the
3 numbers fluctuate, there's a big difference, you
4 know, a million, a half a million. I thought
5 maybe the numbers would -- could you tell me why
6 there's a big swing in interest earned month by
7 month?

8 CHAIRMAN VIJAY: Can we check --

9 MS. LOGAN: We can't hear him.

10 CHAIRMAN VIJAY: Yeah.

11 Kevin, can you -- just a second. We're
12 going to try to turn the volume up on you here
13 real quick.

14 MR. RYAN: Thank you. I apologize if
15 you don't hear me well.

16 (Pause in proceedings.)

17 MR. WHITNEY: Try it now.

18 MR. RYAN: Yeah, I can hear you well.
19 Can you hear me?

20 MR. WHITNEY: Yeah. If you can speak
21 a little louder, maybe.

22 MR. RYAN: Okay. I've turned the
23 computer. I hope you can hear me better. This

1 is a question on the interest earned. It
2 fluctuates so greatly month to month. I just
3 want to understand how the balance fluctuates to
4 that degree, from, you know, a million dollars in
5 interest to 360,000 in interest in a month. Can
6 you give me a feel for that?

7 MS. TOWLER: Yeah. So, it is
8 invested. So, in terms of the nonused portion
9 that is in the fund, it is invested with our
10 Treasurer's Office, so there are varying
11 investments. So, similar to, you know, swings
12 that you would see in any, you know, investment
13 account, based on what it's invested in, that is
14 what causes some of those swings from time to
15 time.

16 MR. RYAN: Well, how are we -- you
17 know, I come from a credit union, so we're
18 greatly governed.

19 MS. TOWLER: Uh-huh.

20 MR. RYAN: Do we pretty much -- what
21 is available for us for investments? What kind
22 of categories are we allowed to invest in?

23 MS. TOWLER: Oh. So, there's varying

1 categories that we can invest in, but also
2 varying categories we cannot invest in. I don't
3 have that in front of me at the moment in terms
4 of the investment plan for it, but I'd be happy
5 to get you more information on that.

6 MS. LOGAN: It's based on what
7 legally we're allowed to invest in. There's a
8 site code that we can send you --

9 MS. TOWLER: Uh-huh.

10 MS. LOGAN: -- that says what we can
11 invest in, and I believe it's on the general
12 ledger, available balance that the investments
13 are done, so depending on the various expenses
14 out of that fund per month, that would fluctuate.

15 MS. TOWLER: All right. Cool.

16 So, I will -- so, for Aviation Fuel, so
17 that revenue, as of December 31st, was \$952,258,
18 and there were no claims as of December at that
19 time.

20 For the Petroleum Trust Fund, our
21 appropriation minus our reserve for Fiscal
22 Year 2026 for that fund is \$1,155,000. Payments
23 out of that fund totaled to \$654,500, and revenue

1 to date in that fund was \$166,566, for an ending
2 balance in total in that trust fund as of
3 December, \$7,428,148.

4 And that concludes my report. Is there
5 any other questions?

6 MS. LOGAN: I just have a question.

7 MS. TOWLER: Uh-huh.

8 MS. LOGAN: These numbers are as of
9 December 31st, 2025. Is there a reason why we
10 don't have more current for this meeting?

11 MS. TOWLER: We -- yeah. We
12 essentially just pulled -- for just ease of kind
13 of the timeframe there, and based on when we
14 gather all of the information for the reporting.
15 We certainly in the future can do closer to, but
16 we would be a bit limited depending on the
17 timeframe and if the books have closed for that
18 prior month.

19 MS. LOGAN: But, for example, for
20 this meeting today, you could have possibly
21 gotten us February numbers?

22 MS. TOWLER: Absolutely.

23 MS. LOGAN: Okay.

1 CHAIRMAN VIJAY: Would it be possible
2 to have the Board view this -- an updated version
3 of this --

4 MS. TOWLER: Yeah.

5 CHAIRMAN VIJAY: -- sometime in the
6 next few weeks, through February?

7 MS. TOWLER: Yeah, of course.

8 MS. LOGAN: Thank you.

9 MS. TOWLER: Uh-huh.

10 MS. LOGAN: Thank you.

11 CHAIRMAN VIJAY: We'll go to Katie
12 Blackburn for the ELTF Claim Report.

13 ON-LINE VOICE: Oh, geez, what
14 (inaudible).

15 CHAIRMAN VIJAY: And someone may want
16 to mute themselves on-line.

17 MS. BLACKBURN: That was quite a
18 welcome.

19 (Laughter.)

20 MS. BLACKBURN: Good afternoon. I'm
21 Katie Blackburn, the Section Chief for UST
22 Operations. And it won't go. There we go.

23 We have Corrective Action Claims received

1 by IDEM, and we also did just the first half of
2 the Fiscal Year, so we have July through
3 December. We received approximately 200 claims,
4 for just under 3.3 million on the corrective
5 action side. This does not like me today.

6 MR. WHITNEY: Would you like me to --

7 MS. BLACKBURN: Go ahead, if you can
8 do it.

9 MR. WHITNEY: Yeah.

10 (Discussion off the record.)

11 CHAIRMAN VIJAY: For those on-line,
12 we're having some technical difficulties, if
13 you'd bear with us.

14 MR. WHITNEY: No more so than the
15 person on-line.

16 (Laughter.)

17 (Discussion off the record.)

18 MS. BLACKBURN: This line is the
19 Corrective Action Claims that have been reviewed
20 in the first half of the Fiscal Year, so we
21 viewed approximate 230. You guys can see the
22 numbers there. I do want to point out the
23 average review time is at 37.55 days, which is a

1 pretty big improvement from recent history.

2 Kudos to my staff for getting that done.

3 MR. NAVARRE: Katie, I've got a
4 question. Tom Navarre.

5 MS. BLACKBURN: Uh-huh.

6 MR. NAVARRE: On the amount reviewed
7 versus the amount approved, it always seems like
8 it's 75 percent. What are the one or two reasons
9 why this is, constantly 25 percent is getting
10 rejected?

11 MS. BLACKBURN: I would say the most
12 common denial right now is being over the NPD
13 rates that have been established.

14 MR. NAVARRE: So, they're just
15 sending in too much claim, more than they should?

16 MS. BLACKBURN: Correct. For
17 example, claim prep is around \$577 per incident
18 per quarter, and there are some consultants
19 sending in eight, nine hundred dollars per claim.

20 MR. NAVARRE: The other question I've
21 got is: When a claim is rejected or is partially
22 rejected, is it possible for the claimant to call
23 the person working the claim and get direct

1 communication so they may only have to submit it
2 one more time versus a second, a third time in
3 the appeal process? Is there any way we can
4 improve that communication between the two
5 parties, which, to me, would solve a lot of
6 issues going down the road? It would also cut
7 expenses from having to send in more claims,
8 review more claims. I know this hasn't been a
9 practice in the past, but is that possible going
10 forward?

11 MS. BLACKBURN: Applicants and
12 consultants are welcome to communicate with us
13 through the ELTF Questions inbox, or they can
14 reach out to me directly and I'll get that to the
15 appropriate staff, and then we can go from there
16 in terms of what kind of extra explanation
17 someone might need.

18 We are not allowed, per the rule, to make
19 an official decision without an actual
20 application without those costs being submitted,
21 but we can give guidance as to what we might need
22 that could help facilitate a higher reimbursement
23 rate. Does that answer your question?

1 MR. NAVARRE: I can't hear you if
2 you're speaking.

3 MS. BLACKBURN: Did you hear my
4 answer at all?

5 (No response.)

6 MR. WHITNEY: How about now?

7 MR. NAVARRE: Now I can hear you.

8 MS. BLACKBURN: So, you didn't hear
9 any of my answer?

10 MS. NIELSON: It was a very good
11 answer.

12 MR. NAVARRE: No, no.

13 (Laughter.)

14 MS. LOGAN: It was a good one, too.

15 MR. NAVARRE: I could see your lips
16 were moving, but I couldn't hear you.

17 (Laughter.)

18 MS. BLACKBURN: Okay. Now we'll see
19 if I can remember it exactly, because it is being
20 recorded by the court reporter. So, let's see
21 how good I am with this. Applicants and
22 consultants are welcome to contact us through
23 ELTF Questions, or they can reach out to me

1 directly when they have specific questions about
2 denials, and we can facilitate what extra
3 information would help us when that cost is
4 submitted, but per the rule, we are not allowed
5 to make a formal decision without those costs
6 being submitted in an actual application to IDEM.

7 MR. NAVARRE: Okay. Thank you.

8 MS. BLACKBURN: You're welcome.

9 And along with his comment about resub
10 costs, we did run the numbers, and as of the
11 first half of the Fiscal Year, about 11 percent
12 of claims have resub costs in them, and that is
13 down from Fiscal Year '23. We were at about 23
14 and a half percent of claims had resub costs.
15 So, those are being reduced, and I think the NPD
16 rates have a big part to do with that, so --

17 MR. NAVARRE: Okay. Thanks.

18 MR. WHITNEY: I'm sorry I'm getting
19 technical difficulties on here, too. I'm trying
20 to fix that. Try it now.

21 MS. BLACKBURN: Okay. Moving on to
22 the Decommissioning & Replacement Program, the
23 claims received for that program have -- it

1 was 44, for about 11.8 million dollars, and the
2 review numbers, we reviewed 58 claims for a total
3 of about 20 million, and we approved about
4 seven -- just over 17.1 for that program.

5 A few metrics for Decommissioning &
6 Replacement, we've approved around 300
7 eligibilities. A hundred and fifty-six
8 facilities have closed tanks. As of the end of
9 the year, 440 UST's have been closed, including
10 one from the '50's. And 99 facilities have
11 submitted cost claims for that program.

12 And a quick staffing update for the
13 Branch. Connor McNeely, who is back here, is the
14 new Section Chief for the Petroleum Remediation
15 Section. Shay Hartley is still in the Branch,
16 she's just transitioned to a different role.

17 There's my contact information, if anyone
18 needs to get ahold of me or send something to
19 ELTF Questions.

20 And just one more note: We had another
21 criminal case close since we met last. Sammy
22 Sirhan of SER90 entered a guilty plea for fraud
23 against the Fund. He has been ordered to pay

1 restitution that has not yet been collected by
2 the agency.

3 CHAIRMAN VIJAY: What was the
4 restitution amount? Has that been determined?

5 MS. BLACKBURN: I believe it was
6 around 15,000.

7 MS. NIELSON: Oh.

8 MS. BLACKBURN: Does anybody have any
9 other questions before I hand it over for the
10 rules?

11 (No response.)

12 MS. BLACKBURN: All right. Thank
13 you.

14 CHAIRMAN VIJAY: Thank you, Katie.

15 So, we're going to -- we're looking at a
16 preliminary adoption of some rules, so I'm going
17 to read this in verbatim just to make sure I
18 don't get in trouble. So, today we have a
19 hearing for the following Board actions, which is
20 a preliminary adoption for the Excess Liability
21 Trust Fund Rule.

22 So, first order will be to swear in the
23 court reporter. So, will the official reporter

1 for the cause please stand, raise your right hand
2 and state your name?

3 (Reporter sworn.)

4 CHAIRMAN VIJAY: Okay. So, this is a
5 public hearing before the Financial Assurance
6 Board of the State of Indiana concerning
7 preliminary adoption of the Excess Liability
8 Trust Fund Rule.

9 I will now introduce Exhibit A, the
10 proposed rule, into the record of the hearing,
11 and Mr. Seth Engdahl will present this rule.

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

16 The proposed rulemaking currently under
17 consideration would substantially amend rules at
18 328 IAC 1 and add new rules to 328 IAC 3. The
19 primary goals of this rulemaking are twofold.

20 First, the rule seeks to make the Excess
21 Liability Trust Fund more user-friendly while
22 maintaining its fiscal integrity. To do this,
23 the rule incorporates much of the agency's

1 existing nonrule policy document that reimburses
2 claims based on tasks rather than individual
3 items.

4 Since enacting this NPD in 2024, IDEM has
5 already seen the average amount of time needed to
6 review claims decline, as well as a reduced
7 number of appeals and disputes. Further, the
8 task-based system has allowed stakeholders and
9 the agency more predictability, giving the agency
10 the ability to budget more effectively.

11 Second, this rulemaking would seek to
12 amend 328 IAC 1 and add 328 IAC 3 to comply with
13 statutory directives. Specifically, the rule
14 would incorporate aboveground storage tanks, or
15 AST's, as eligible for ELTF reimbursement. This
16 reflects a statutory change made by the Indiana
17 General Assembly in 2023.

18 Additionally, the proposed rule would add
19 rules at 328 IAC 3, which would govern the
20 fifty-percent reimbursement for decommissioning
21 and replacing eligible underground storage tanks
22 as required by Indiana Code Section 13-23-11-7.

23 IDEM received several constructive and

1 encouraging comments during the rulemaking's
2 first comment period. Many of the comments or
3 suggestions will be incorporated into the final
4 version of this rule, which will likely be voted
5 on during this Board's next meeting.

6 I would like to point out that there was a
7 minor error in the version of the rule published
8 by the Legislative Services Agency; namely, the
9 reimbursable amount found at 328 IAC 1-3-5.1,
10 subsection (k), part 16 for water level indicator
11 should read \$15 instead of \$1. This amount will
12 be reflected in the rule language prior to final
13 adoption.

14 IDEM requests that this Board approve this
15 rule as presented, and I'm happy to answer any
16 questions that you may have. I will mention that
17 there are members of the Petroleum Branch here to
18 answer more substantive questions, but I'm happy
19 to answer any sort of broad procedural questions.

20 Yeah.

21 MS. NIELSON: So, I was one of the
22 commenters.

23 MR. ENGDahl: Uh-huh.

1 MS. NIELSON: I'm Lauren from
2 KERAMIDA.

3 MR. ENGDahl: Yeah.

4 MS. NIELSON: And I do want to take
5 this opportunity to discuss in more detail than
6 just a preliminary response to comments the
7 things that I had suggested or at least drawn
8 attention to.

9 And I will concede on several of them, not
10 to belabor any of those semantic issues, but
11 there are a couple of things that I do feel
12 fairly strongly about that will help ensure the
13 very long-term integrity of the ELTF program, and
14 I would request some additional clarification on
15 the response to comments for two things in
16 particular.

17 The first one was in response -- well, my
18 comment was, and I'm sure a lot of people in this
19 room have heard me say this many times before,
20 but incorporating an aspect of adherence to rules
21 that someone would otherwise be subject to as a
22 condition of being reimbursed for a replacement
23 UST.

1 I suggested that we use this opportunity
2 to write rules that incorporates a contingent or
3 a condition requiring some form of assurance that
4 the new system that we have just subsidized
5 complies with 329 IAC 9, and by extension,
6 40 CFR 280, because this is a big investment.

7 And the only difference between old
8 leaking tanks and new tanks that leak is that
9 they were installed correctly, and there's been
10 very little overlap so far with confirming that
11 the new systems that this program is subsidizing
12 will not just immediately cause the same type of
13 problem through a different mode of failure,
14 which is installment error.

15 So, the response was that the statute does
16 not contemplate nor give IDEM authority to
17 consider compliance in our reimbursement
18 decisions for the tank decommissioning and
19 replacement reimbursement mechanism, although
20 there is explicitly language that says cost
21 effectiveness. And there isn't -- an analogous
22 rules board may define what constitutes cost
23 effectiveness, but in the essence and spirit of

1 the program, I believe cost effective would mean
2 a new system that's paid for is not going to
3 leak.

4 MR. ENGDAHL: Yeah. I guess I'm --
5 well, I guess I'll defer to you, Colleen, or
6 maybe Kyle, because I believe we worked on those
7 answers together.

8 MR. BRAUN: Here you go.

9 MR. ENGDAHL: But yeah, I guess, you
10 know, we worked with legal and we determined that
11 we don't have the authority necessarily to do
12 that, so -- but we completely understand your
13 concerns.

14 MS. NIELSON: So, how is that
15 different than having the authority to enact
16 policies or internal procedures for requesting,
17 say, backup documentation for certain things? I
18 know that there's definitely been denials for
19 absence of disposal documentation, manifests.
20 How is that different than providing, as your
21 backup documentation, certification that the tank
22 we just invested in is not going to also leak?

23 MR. ENGDAHL: Sure. I guess I'm not

1 sure if I necessarily have an answer. Again, we
2 reviewed these questions with legal to try to
3 determine which suggestions that we wanted to
4 incorporate, and we did not feel that we had the
5 authority to do this particular one.

6 MS. NIELSON: Okay. Well, I'd also
7 like to point out that the ELTF does pay for
8 inspecting tanks, so it's not outside the realm
9 of possibility to time that to coincide with what
10 would be a procedure, an internal policy. So,
11 that's my thoughts on that.

12 Other than that, the other primary issue
13 that I've been running up against since I started
14 working in this field is the lack of emphasis in
15 best available science, I would say, and it would
16 be prudent to use this opportunity to encourage
17 adoption of newer, modern, empirically based
18 techniques for establishing the LNAPL site
19 characterization or Conceptual Site Model by
20 publishing rates for those types of things, and
21 not only publishing rates for traditional or
22 conventional sampling techniques.

23 Alongside that is maybe something that

1 might be a little outside the box, but what I
2 suggested was incorporating in the rule
3 for 328 IAC 1 the definition of "site
4 characterization" to also include identifying the
5 specific portions or components of the regulated
6 task system that caused a subsurface release,
7 because source identification -- oh, and the
8 response was that IC 13-23-9-1.5(a)(2) specifies
9 the costs that ELTF would administratively pay.
10 Investigating the mechanical cause of a release
11 falls outside the scope of those allowable costs.

12 And that may be true, but the next
13 paragraph says that additional costs are allowed
14 if the rules -- if there are rules adopted by
15 this Board. So, that's why I'm thinking we need
16 to use this opportunity to use that authority to
17 adopt the rules and define costs that are beyond
18 what's already defined as allowable to include
19 identifying the source of the contamination.

20 And that may be not an internal mechanical
21 cause, but -- and I'm sure everybody here is well
22 versed in the R2, but the very first thing it
23 says is: Task 1, identify the source. And in

1 the paragraph about that, it says source point
2 refers to the physical location where
3 release-related chemicals first entered the
4 environment. Examples of source points include a
5 hole in an underground storage tank, a leaking
6 underground pipe, for example.

7 So, to me, you cannot adhere to the R2 and
8 conduct response actions and perform source
9 identification pursuant to IC 13-25-5-8.5(c)(1)
10 without identifying the place in space where the
11 release actually occurred, and instead, we're
12 devoting our energy toward identifying
13 contamination in secondary sources where
14 partitioning has already occurred, like
15 groundwater, and never identifying the source.

16 So, I would like some reconsideration of
17 using the opportunity to define site
18 characterization closer to how it appears in
19 the R2 and how EPA identifies the process of
20 developing the LNAPL Conceptual Site Model to
21 include the specific point in space where the
22 release occurred, and then the massive lost
23 substance.

1 And I would disagree that the statutory
2 definition of what's allowed would not encompass
3 this, because there is a subsequent paragraph
4 that says if rules are adopted by the -- by this
5 Board, then those are allowable.

6 MR. ENGDAHL: Gotcha. We'll
7 certainly take that comment under consideration.
8 We cannot amend -- and again, we're just
9 preliminarily adopting the draft rule.

10 MS. NIELSON: Uh-huh.

11 MR. ENGDAHL: You know, we can make
12 changes, and we are going to make changes between
13 now and final adoption.

14 MS. NIELSON: Uh-huh.

15 MR. ENGDAHL: You know, I don't have
16 the ability to say, "Oh, yes, that's a great
17 idea. We can do that, but we can't do that," but
18 we can certainly -- you know, this will be a
19 registered comment like in the record that we
20 will have to provide a response to, and we'll
21 certainly work on it with legal and with the
22 Petroleum Branch to see if we can accommodate
23 that.

1 MS. NIELSON: Okay. It seemed pretty
2 conclusive to me when it said, "Therefore, IDEM
3 declines to make this change in the rule," so I
4 didn't want to let it die on the vine, and --

5 MR. ENGDahl: Sure.

6 MS. NIELSON: -- that's why I brought
7 it up using this venue.

8 MR. ENGDahl: Does anybody else have
9 any questions?

10 (No response.)

11 MR. ENGDahl: Thank you.

12 CHAIRMAN VIJAY: So, I'm going to
13 call on Chris -- Chris Braun. You're the only
14 one with a speaker card right now. I'm sure that
15 more people want to talk about it, so for anybody
16 who wants to talk after Chris.

17 Go right ahead, Chris.

18 MR. BRAUN: Chris Braun, on behalf of
19 the Indiana Petroleum -- Indiana Food & Fuel
20 Association. I just want to thank IDEM and
21 applaud them for putting forth these rules.

22 The two statutes that were referenced
23 earlier by Seth were passed in 2023, which were

1 to expand the use of the Fund to aboveground
2 storage tanks, and then to the decommissioning of
3 tanks at the fifty-percent rate, both of which
4 were very important to the members of the
5 Petroleum Marketers Association. And so, we
6 appreciate now getting rules that now bring us
7 current and in compliance with the statutory
8 framework.

9 I'd also direct everyone's attention to --
10 I thought IDEM did an excellent job with their --
11 it's a -- it was published with the rules. It
12 was their regulatory analysis, and they went
13 through and talked not only about the history of
14 the ELTF Fund, but also the reasons and the
15 justification for the changes in there.

16 It's really well written, but these are
17 rules and changes that we support, and I know
18 there were some good comments that came in,
19 including Lauren's and others that were
20 submitted, and we're in -- we rise in support of
21 the preliminary adoption of these rules, and
22 happy to answer any questions you might have.

23 MS. NIELSON: I had a question --

1 MR. BRAUN: Sure.

2 MS. NIELSON: -- that maybe you might
3 be able to answer. One of the newly added
4 sections was in 328 IAC 1-3-5.3. The draft rule
5 adopted something that was specifically required
6 by statute in ERC's that are on facilities, and
7 owners may -- or no, sorry -- future owners may
8 continue to access the ELTF. Do you know which
9 one I'm talking about?

10 MR. BRAUN: Yeah. Seth, let me --

11 MR. ENGDahl: Yeah.

12 MR. BRAUN: Yeah, I think it's the --
13 they have the ability to piggy-back on, I
14 believe, the prior owner's ELTF eligibility,
15 anybody with an ERC on the property. That's not
16 a bar or a prohibition to access the Fund is my
17 understanding.

18 MS. NIELSON: Okay. Because the
19 response that I had asked for clarification said
20 the draft rule is intended to mirror the statute,
21 and IDEM cannot determine the General Assembly's
22 intent regarding IC 13-23-8-9, but the agency
23 will implement it as written. So, I was curious

1 if somebody knew what the General Assembly's
2 intent was.

3 MR. BRAUN: Yeah, I believe on that
4 one it was just -- it would -- again, the fact
5 that there's an ERC on this property, a
6 subsequent owner has the ability to go back in
7 and access the Fund, which may include lifting
8 the ERC if changes are made to a site and the ERC
9 is no longer needed, for instance, but you would
10 have the ability to access the Fund based on the
11 prior owner's eligibility.

12 MS. NIELSON: Okay. So, then would
13 it --

14 MR. BRAUN: And Lauren, I will say on
15 your comment earlier about the -- just
16 certification that the tanks were installed
17 correctly --

18 MS. NIELSON: Right.

19 MR. BRAUN: -- I think that's a great
20 idea. I mean it's -- it should not impose any
21 greater burden. I mean it should be something
22 they automatically are doing, but to provide some
23 assurance back to the folks who are paying for

1 it, I think it makes a lot of sense.

2 MS. NIELSON: Thank you.

3 MR. BRAUN: So, all right.

4 Any other questions?

5 (No response.)

6 MR. BRAUN: Great. Thanks so much.

7 CHAIRMAN VIJAY: Was there anyone

8 else who would like to speak? Jason.

9 MR. LENZ: Mr. Chairman, thank you.

10 I just wanted to take this opportunity to
11 say that I know there's a couple of members that
12 are leaving the Board. I know Trout, at least he
13 told me that he had resigned a couple of months
14 ago, and I think that Tom Navarre has indicated
15 that's his intent going forward, and I just
16 wanted to thank them for their service. I think
17 Tom -- I see him up there on the TV screen -- has
18 been on the Board for more than 20 years.

19 So, I appreciate your service, Tom.

20 I also wanted to thank the Commissioner,
21 who's been on the job a little bit more than a
22 year. Even though he's still an Ohio State
23 fan --

1 (Laughter.)

2 MR. LENZ: -- I think he's done a
3 great job. I certainly appreciate his leadership
4 and his efforts with Senate Bill 277, and I
5 strongly encourage the Board to adopt the rule
6 that has been presented before it, and I know
7 there's probably some adjustments that could be
8 made.

9 I'll back up Lauren's comments. The other
10 two states that we work in, specifically Ohio and
11 Illinois, they have an inspector there on-site
12 that gets paid for by the tank owner when a new
13 tank is installed, and that form has to be signed
14 off on. It's an independent third-party private
15 inspector that you have to hire that's certified
16 by the state. They show up, they charge a fee,
17 their name goes on it as well as the tank
18 installer. So, I think those are probably good
19 comments to have.

20 Creek Run did make some comments. Most of
21 those were reviewed favorably in the response
22 section. I'll be glad to answer any questions if
23 somebody had something. I -- hopefully I can

1 answer those, but I just wanted to say thanks.

2 CHAIRMAN VIJAY: Thank you, Jason.

3 Anybody else? Troy.

4 MR. SMITH: My name is Troy Smith,
5 with IWM.

6 I was not going to speak, but I just came
7 out of a meeting working on a site that was a
8 fifty-percent tank replacement that had a pretty
9 catastrophic release that was already a hundred
10 percent in the situation, that's a
11 hundred-percent eligible.

12 And it seems like the projects go along
13 really smooth when it's just a simple
14 fifty-percent tank replacement. That's pretty
15 cut and dry, but I'm afraid if we're getting into
16 more action where I'm being verbally told that
17 "You can take out 1500 tons, it's contaminated,"
18 and move on.

19 But after doing so, I think I got a very
20 large denial, trying -- because I think part of
21 it is -- well, one, they said that we didn't have
22 three bids, but, you know, when you're -- you
23 awarded the contract to a contractor. You can't

1 expect that every single item to go -- "Stop
2 everything, I'm going to get three bids, I'm
3 going to bring somebody else's yellow iron in and
4 do this hundred-percent-eligible portion of the
5 project."

6 I had a situation that we thought that the
7 contamination or the release problem was going to
8 be the tank cavity. Well, lo and behold, once we
9 started investigate -- got there, pulled the
10 tanks, what had happened is I had a chase network
11 on that piping.

12 And they had -- the downspout was kind
13 much tied in going underneath the ground, which
14 was flooding out the system, and that release was
15 going through -- back through the chase and
16 running back under the -- under the canopy. And
17 the canopy was smoking hot, which we didn't think
18 it was going to be.

19 And so, that, we had an IDEM project
20 manager out there, and he was directing us, we
21 need to go get this and pull it out. So, we went
22 up to 1500 tons, but we removed all of the
23 concrete underneath the canopy.

1 Well, then after we submitted our claim,
2 there's not a line item for concrete, and so,
3 then they went back and calculated out their
4 numbers they come up with as if you're just
5 digging dirt out of the ground at \$2.70 a ton.
6 And I can tell you that that does not work, does
7 not even come remotely close.

8 And then on top of it, since I didn't have
9 three bids in the situation, they denied my
10 markup, which I'm supposed to get as well. So,
11 you know, I paid a contractor on that portion of
12 work 71,000 that I paid him, and I got \$36,000
13 denied.

14 So, you know, kind of where Tom Navarre
15 was leading up, about the 75 percent, I remember,
16 I don't know, what was it, ten years ago we were
17 upset when we were only hitting 88 percent
18 payouts, and I think it feels like we're starting
19 to see more corrective action.

20 And I think if we get into it and we get
21 preapprovals, then those should go pretty
22 smoothly, but I think we're going to continue
23 seeing these sites that are -- you know, we're

1 going to do tank replacement, which is a great
2 thing, but then we have this interaction with a
3 hundred-percent eligibility.

4 MS. NIELSON: A quick clarifying
5 question: Were you referring to -- this anecdote
6 that you were relaying here, was the tank removal
7 done as corrective action, or was it --

8 MR. SMITH: No, under 50 percent.

9 MS. NIELSON: Okay. So, the release
10 was discovered during --

11 MR. SMITH: No. There was already a
12 previous incident, the previous incident was
13 exposed, in fact, we had vapors and an angler.

14 MS. NIELSON: Okay.

15 MR. SMITH: So, we then went -- you
16 have to wait in line to wait and get your tanks
17 replaced, so the site has been out of business
18 for a considerable amount of time, then went
19 through and started replacing the tanks, which
20 was a great thing, but then as you start opening
21 it up, the contamination is not where you might
22 have thought it was going to be, and you didn't
23 have three bids, because you started off with --

1 MS. NIELSON: Right.

2 MR. SMITH: -- replacing tanks.

3 MS. NIELSON: So, my question is:

4 Was the site fully characterized before the
5 removal action started? Was it like in ISC
6 stage, or FSI or --

7 MR. SMITH: ISC, and we -- yeah. And
8 then during that time we also did an FSI, which
9 was basically -- we were trying to investigate.
10 We did a trench, just doing some further --
11 trying to figure out -- there was a direct path
12 that they were getting, because -- a preferential
13 pathway to the neighbor, to where we -- you know,
14 they had extremely high vapors in the basement.

15 MS. NIELSON: Well, I'm glad that you
16 brought this anecdote up, because it directly
17 proves the necessity of finding the source, where
18 the contamination actually originated, and if
19 there had been perhaps more investment in
20 identifying exactly what went wrong and
21 identifying the source point as defined in
22 the R2, that may not have been a surprise, and
23 then it would have --

1 MR. SMITH: I don't think so, not in
2 this situation, no.

3 CHAIRMAN VIJAY: I think what he's
4 alluding to here is more of a realtime
5 evaluation, and I know there was a comment -- I
6 probably can't find it right now, but there was a
7 comment that you made about the realtime costs
8 for soil excavation.

9 MR. SMITH: Right.

10 CHAIRMAN VIJAY: And currently, I
11 think, from the consulting side, you're right
12 that -- I'm not sure if even the new rule policy
13 can really figure out realtime --

14 MR. SMITH: Right.

15 CHAIRMAN VIJAY: -- assessment and
16 remediation. And I fully get that right now, the
17 way everything is written, and just as -- it's a
18 general comment that it almost, from an
19 eligibility standpoint, would have benefited you,
20 or to cover the excavation back up, go through
21 the three-bid process, which is costly, incurs
22 more mobilization costs, more time costs, and
23 everything related to it, as opposed to realtime

1 remediation, which --

2 MR. SMITH: Right.

3 CHAIRMAN VIJAY: -- we do, where we
4 pull tanks and "Okay. We have a ton of
5 contaminated, so let's start moving." And in
6 this instance here, it sounds like it wouldn't
7 have been practical to do a site characterization
8 to find that source, particularly underneath
9 that -- the concrete footers.

10 MS. NIELSON: Yeah.

11 CHAIRMAN VIJAY: If you're looking at
12 the utility trace that you didn't know existed,
13 how are you supposed to find that without pulling
14 the tanks?

15 MR. SMITH: And we've done borings
16 around the area, and it looked like it was
17 basically clean.

18 CHAIRMAN VIJAY: Again, I didn't look
19 at the investigation.

20 MR. SMITH: Yes.

21 MS. NIELSON: Yes, borings are --

22 MR. SMITH: Yeah.

23 MS. NIELSON: -- borings are one of

1 the antiquated technologies that I was alluding
2 to earlier. I'm talking about something as
3 simple as like a passage soil-gas survey that you
4 can, you know, use concentration gradients to
5 find -- and combined with like GPR to explore
6 preferential pathways. We know about these
7 things because it's not like that's never
8 happened before.

9 CHAIRMAN VIJAY: But I think in this
10 instance --

11 MR. SMITH: It has.

12 CHAIRMAN VIJAY: -- a site-specific
13 issue -- just specifically talking about Troy's
14 instance, it's a site-specific issue related to
15 what was encountered in real time.

16 MR. SMITH: Yeah.

17 CHAIRMAN VIJAY: That some of the
18 technologies may or may not have worked, that's a
19 different argument, but in this instance, you're
20 doing a fifty-percent project on a
21 hundred-percent ELTF eligible site and you're
22 finding realtime impacts that you had approved by
23 an IDEM project manager to remove, yet you're

1 finding contaminated concrete that is technically
2 outside of the approval.

3 It's -- I understand what you're saying,
4 Troy, but I'm not sure if it's a vision that --
5 maybe that's another conversation we'll probably
6 have.

7 MR. SMITH: The bigger -- the bigger
8 issue, too, is that by not addressing, you know,
9 any of the yellow iron or trucking costs, I mean
10 we still have trucks at \$85 an hour, and that's
11 not even remotely close, and so, I got denied.
12 And so, you know, there's a huge hit because you
13 didn't have three bids in the situation. Well,
14 you're in a job, in the middle of it, and you're
15 not going to pull that equipment off to bring,
16 you know, another contractor in to do that work.

17 So -- and I do agree with Lauren as far as
18 on the tank, because we've been doing a lot of
19 these projects. And I know Tom, on the
20 compliance side, he likes to hold the owners
21 accountable, but if you look at other states, I
22 mean simple things as far as, you know, testing
23 companies, you know, Illinois, they report it,

1 the information, up to the state, and they upload
2 that information.

3 Contractors, the same thing, if they make
4 a repair, they upload that information. We don't
5 get that information unless we specifically ask
6 for it, typically with the contractors. They go
7 out and do something and move on.

8 I know that since we've taken over and do
9 the licensing portion of it, they determined that
10 some people they didn't think were properly
11 licensed, even though they are already properly
12 licensed in all of the contiguous states. So, I
13 think that we focus on the wrong things
14 sometimes.

15 Let's make sure that the contractor
16 actually knows what he's supposed to do, because
17 a lot of these guys doing the installs, you know,
18 it's pulling teeth. You know, you guys have got
19 to do all of your hydrostatics, is everything --
20 you know, all of your testing done, and they act
21 like that's foreign to them. Well, they should
22 know that if that's their license. They should
23 know what they're supposed to be doing.

1 So, I think we just need to hold -- you
2 know, I'm going to be held accountable for doing
3 my part. I think we all need to be held to the
4 same standard.

5 CHAIRMAN VIJAY: I think, to
6 piggy-back on that and to Lauren's comment, you
7 are right that other states are doing the
8 third-party direct reporting.

9 MR. SMITH: Right.

10 CHAIRMAN VIJAY: Both Illinois and
11 Michigan, you know, at the installation, the
12 third party's reporting directly to the state.
13 It's not going to the consultant or the owner.
14 So, the third-party testing company or the --

15 MR. SMITH: Yeah.

16 CHAIRMAN VIJAY: -- compliance
17 company is directly reporting.

18 MR. SMITH: And I just disagree. I
19 don't think it's fair to the owner. I mean
20 that's why they hire a testing company or they
21 hire a contractor, because they are the experts.

22 MS. NIELSON: That's right.

23 MR. SMITH: This guy's not going to

1 even know what to do with it.

2 CHAIRMAN VIJAY: Correct.

3 MR. SMITH: So, anyway.

4 MS. LOGAN: Thank you.

5 CHAIRMAN VIJAY: Thank you.

6 MS. NIELSON: And I think the main
7 difference with Illinois is the -- they have a
8 permitting system in place, so -- and I think
9 given Senate Enrolled Act 277, that's going to be
10 less likely here now.

11 CHAIRMAN VIJAY: You're absolutely
12 right, but it's a very different process in
13 Illinois.

14 Would anybody else like to speak on -- I
15 think I saw --

16 MR. WHITE: Thank you, Mr. Chairman.
17 Hi. My name is Chris White. I work for ADC.
18 This was submitted as part of the comments on the
19 proposed 328. I guess I would just like to bring
20 it up again.

21 The supplemental cost guidance, where we
22 have the separate document today, I would highly
23 recommend we keep that model, just so we keep 328

1 as clean as possible.

2 By incorporating that document or those
3 costs into the 328, every time there's a change,
4 you're going to have to modify 328, and if it's
5 codified as a -- separately as a reference, it
6 makes it very easy. Rates go up, rates go down,
7 you add new technology, whatever the case may be,
8 if that document's separate and codified by
9 reference, I think it makes 328 a lot cleaner and
10 a lot easier.

11 And in three years from now, if somebody
12 who doesn't know what we do here comes in and
13 picks up 328, they can see a reference, and if
14 there's something in a cost guidance document
15 that may have changed from the three years ago
16 when we -- this eventually gets passed.

17 So, that would be my recommendation again.
18 I just think it's much cleaner. I think it's
19 easier for everybody to follow, even for us here
20 today, and going forward, it would make it a lot
21 better.

22 And in light of, you know, the passage of
23 the Senate Bill 277, I'm not going to go through

1 this document and look at every reference to the
2 new Title 13 stuff. I'm assuming that's on the
3 books to be taken care of and cleaned up, but I
4 just wanted to bring that up, and thank the
5 Commissioner for all of his hard work on Senate
6 Bill 277.

7 Okay. Thanks, guys.

8 CHAIRMAN VIJAY: Thank you, Chris.

9 Would anybody else like to speak?

10 MS. NIELSON: Was the suggestion to
11 reference a nonrule policy document in the rule?

12 CHAIRMAN VIJAY: That's correct. The
13 direct comment --

14 MS. NIELSON: How does that work?

15 CHAIRMAN VIJAY: Chris, do you
16 remember what the -- where the direct comment --
17 it was --

18 MR. WHITE: I do not have it in front
19 of me, Mr. Chairman.

20 MS. NIELSON: It just seems a bit
21 antithetical to the rulemaking process to
22 reference something that was not adopted through
23 rulemaking into a rule.

1 CHAIRMAN VIJAY: I think it was
2 already mentioned, but real quick, I'm just
3 making sure nobody else wants to speak in the
4 public forum, because now we will consider the
5 preliminary adoption and have our -- I guess our
6 Board discussion.

7 (No response.)

8 CHAIRMAN VIJAY: So, now, moving on
9 to the point, so from the NPD standpoint, I
10 understand where Chris is coming from on trying
11 to reference the NPD, because the NPD was
12 essentially done before the document that has
13 been allowed to address annual or every three
14 year real -- changes in real time, and we've
15 noticed in the last five, six, seven years the
16 real time cost increases that have significantly
17 changed what all of this costs.

18 IDEM did a great job a couple of years ago
19 with the drilling changes. That was incorporated
20 via an NPD document; correct? So, how -- I guess
21 one of the questions that I think is appropriate
22 to ask for this Board is: How does IDEM envision
23 that moving forward, say two years?

1 Drilling costs, for example -- let's use
2 that as an example -- increased tenfold because
3 of supply-chain issues. Would that be another
4 NPD document that's on top of it, and this is
5 just going to be a continual like revision of NPD
6 documents?

7 And I guess that's a question that
8 probably needs to be clarified through Chris and
9 really everybody who -- both the consulting side
10 and the private side, as to how this is going to
11 look. That is -- I think that's a fair question
12 for everybody to ask, and I don't know --

13 Colleen, do you have a thought on that?

14 MS. RENNAKER: Yeah. I think the
15 hope is to move away from guidance documents and
16 move more into a rule structure, but with that
17 being said, we don't want the rule to continually
18 be outdated. So, I do think there's some
19 ownership for IDEM to continue to evaluate those
20 rates, which is what we did, realizing that the
21 drilling rates were outdated. And so, that will
22 be just a continual review process in the
23 rulemaking.

1 CHAIRMAN VIJAY: And it does seem
2 like the labor rates are still going to be kind
3 of outside of the -- still allow the annual
4 changes. I believe that's in rule or statute,
5 but I fully -- I think that's something that
6 probably would need to be addressed by IDEM, some
7 language that there's going to be some
8 flexibility to continue to review all rates,
9 subcontractor rates, realtime rates, because it
10 is -- particularly how things are looking, those
11 rates are going to change, if not monthly, on a
12 regular basis.

13 MS. RENNAKER: Yeah, and if you
14 remember previously with the drilling rates, it
15 was -- there is a piece in the rule that allows
16 for costs as approved by the Commissioner, so we
17 were able to increase those drilling rates
18 quickly when we realized that the industry needed
19 that, and that that was appropriate based on
20 other states and other programs that do similar
21 reimbursement work. So, that will continue to be
22 reviewed as those change. And you're correct,
23 the labor rates will continue to be change --

1 will be adjusted annually, and that is in the
2 rule.

3 CHAIRMAN VIJAY: So, do you envision
4 a potential annual Commissioner review of what
5 we're working on, Commissioner --

6 MS. NIELSON: Uh-huh.

7 CHAIRMAN VIJAY: -- of how this
8 would -- how this would look?

9 MS. RENNAKER: I think that
10 understanding challenges from the Board is
11 helpful, understanding the industry is helpful,
12 and we continue to have those conversations with
13 our partners to know when the rates are updated.

14 CHAIRMAN VIJAY: Does the Board have
15 anything else to discuss related to the
16 preliminary adoption? And I will stress this is
17 a preliminary adoption of the rule.

18 (No response.)

19 CHAIRMAN VIJAY: All right. So, a
20 motion needs to be made to preliminarily adopt
21 the rule as presented -- as presented.

22 (No response.)

23 CHAIRMAN VIJAY: I guess I'll make

1 the motion.

2 Ms. Logan, how do you vote?

3 MS. LOGAN: Aye.

4 CHAIRMAN VIJAY: We do not have
5 Mr. Moser, I don't believe, or Mr. Rickabaugh.

6 Mr. Ryan, on-line, how do you vote?

7 (No response.)

8 MS. LOGAN: He can't hear you.

9 CHAIRMAN VIJAY: If you can hear me.
10 I think he's still there.

11 MR. RYAN: Can you hear me?

12 CHAIRMAN VIJAY: Yes.

13 MR. RYAN: Okay. You know, I'm
14 sitting here just glued -- listening to
15 everything, and a little bit over my head, you
16 know, as I look at it. So, I'd like to hear what
17 others have to say first, if that's okay. I sure
18 won't stand in the way, but I'd like to find out;
19 is there somebody on this group with a lot more
20 experience than me, which is probably everybody,
21 that have a different opinion than moving forward
22 with what's been recommended?

23 CHAIRMAN VIJAY: I guess I will come

1 back to Mr. Ryan, then.

2 Mr. Navarre, on-line?

3 MR. NAVARRE: Yes, I'm for it.

4 CHAIRMAN VIJAY: Ms. Nielson.

5 MS. NIELSON: Nay.

6 CHAIRMAN VIJAY: And I am for it,
7 aye.

8 So, Mr. Ry -- Kevin, did you have a
9 specific question you wanted to ask related to
10 your vote?

11 MR. RYAN: Are you talking to me?

12 CHAIRMAN VIJAY: Yes.

13 MR. RYAN: Thank you. Why do you say
14 "yes," sir? I'd like to hear it in your words.

15 CHAIRMAN VIJAY: It's a preliminary
16 adoption, essentially, and overall, IDEM has
17 spent quite a bit of time on the response to
18 comments, in my opinion, and at the end of the
19 day, this is also preliminary, a vote to look at
20 the changes, and we'll see what it looks like as
21 a final version. So, this is not a final
22 adoption of this rule; it is a preliminary
23 adoption. So, while it is --

1 MR. RYAN: So, we'll have another
2 chance to talk about it?

3 CHAIRMAN VIJAY: Yeah, we're going to
4 have another chance to talk about this, yes.

5 MR. RYAN: Then I'll go ahead and
6 move forward with a yes. Thank you.

7 CHAIRMAN VIJAY: So, there are four
8 yeases and one no. And I do not believe this
9 needs to be unanimous; correct?

10 MR. WOLFF: (Shook head no.)

11 CHAIRMAN VIJAY: So, that means the
12 Board approves the preliminary adoption of the
13 Excess Liability Trust Fund Rule.

14 MR. RYAN: I apologize for my
15 hesitation. It's just the experience level.

16 CHAIRMAN VIJAY: No, it's fully --

17 MR. RYAN: If it was something with
18 fracking, I'd be all over it. There you go.

19 CHAIRMAN VIJAY: All right. We can
20 all take a breath. We've done the formal stuff,
21 so we're going to have an Open Forum now.

22 Comm. Woods wants to speak today, so --

23 COMM. WOODS: Yeah.

1 CHAIRMAN VIJAY: I made you wait; I'm
2 sorry.

3 COMM. WOODS: No, no, that's great.
4 Thanks so much for the opportunity, and thanks
5 for everybody's attention today.

6 You've preliminarily adopted ELTF rule
7 changes, and I really want to thank -- this is
8 the first time I've been to a Financial Assurance
9 Board meeting, so, sorry; it's taken me a little
10 bit of time, I know. We've had a lot on the
11 agenda, but I really wanted to just say thank you
12 for your service and for working with us.

13 You know, we get great value. We have --
14 we actually discovered a few boards and
15 commissions we didn't know we had to have as part
16 of our review of Title 13 over the last year, but
17 one of the things that we reflected on in kind of
18 looking at various statutory provisions is we've
19 got four boards and commissions that IDEM is
20 supposed to operate according to the General
21 Assembly.

22 And, you know, we benefit greatly from the
23 time and expertise and experience that folks

1 bring to those jobs, especially in a Board that's
2 focused on, you know, a specific program as the
3 Excess Liability Trust Fund and the expertise
4 that you all bring, given diverse backgrounds.
5 And so, I wanted to say, first of all, just thank
6 you for the time and expertise that you provide.
7 I know that sometimes can seem trying.

8 I want to just give you a couple of quick
9 updates about the agency, because I think, you
10 know, there are some pieces that I think fit
11 really well within the work of the FAB. I know
12 we've had some efforts -- and I appreciate the
13 Chairman for, one having me, but two,
14 participating, for example, with our
15 Environmental Rules Board recently.

16 We're trying to figure out if we can
17 better integrate those boards and commissions,
18 where there are certainly rulemaking and other
19 activities, where there's some common ability to
20 work more efficiently and think about, you know,
21 whether we can share information, in the
22 rulemaking that was considered today, for
23 example, you know, the -- or at least the vast

1 majority of our rules. And so, they're
2 opportunities for us to have some more
3 collaboration, I think, between those independent
4 advisory bodies.

5 I want to share a couple of things that
6 I'm very excited about, one being, as we lead up
7 to Earth Day this year, we're going to be doing a
8 little bit more of a concerted effort, so if you
9 subscribe to it, that's IDEM's social media and
10 our press releases. You may be seeing an uptick
11 in kind of cross-cutting the environmental
12 progress and success stories.

13 So, we kind of have said we really want to
14 take a stab at -- you know, we've always done --
15 chased certain metrics and really exceeded a lot
16 of our competitor states when it comes to things
17 like how efficiently we issue permits or how
18 quickly we turn around inspection reports and our
19 compliance activities.

20 We haven't always told the stories of the
21 multi-decadel improvement in air, water and land
22 quality in the State of Indiana, and so, kind of
23 redoubled some efforts there, and in the lead-up

1 to Earth Day, we're going to be doing even more
2 of that.

3 So, I know the Chairman and I had a
4 conversation to talk a little bit last year about
5 this, and about how -- I know the purpose of this
6 Board has a few statutory obligations, and one is
7 to hear a report on the finances related to the
8 ELTF funds, but also to help oversee our
9 rulemaking.

10 But I think there's an excellent
11 opportunity for us across a number of our Office
12 of Land Quality programs, to help people to
13 understand the significant investments of
14 taxpayer dollars and resources and time and
15 blood, sweat and tears of folks who are involved
16 inside and outside the agency in improving land
17 quality in the state.

18 And I think we've got a lot of success
19 stories that I'd like to make sure we don't miss
20 and that Hoosiers understand programs like the
21 Excess Liability Trust Fund, the work that our
22 Petroleum Branch does, but also like our programs
23 in voluntary remediation and state cleanup, the

1 work that we do with our federal partners under
2 CERCLA, the significant environmental improvement
3 that Hoosiers experience in their everyday lives.

4 So, you may have seen an uptick in press
5 releases there. We would love to highlight more
6 of those stories, and I've been pleasantly
7 surprised at the degree to which -- like I think
8 everyone's assumption is if there's bad news
9 about the environment, it's going to lead the
10 headlines, if there's good news, nobody's going
11 to cover it.

12 We have had some really good stories
13 around a number of water quality issues get
14 picked up by major publications, so that includes
15 we're leading the country in lead service line
16 inventories on the Lead & Copper Rule, really
17 significant milestones as it relates to combined
18 sewer overflows in the State of Indiana, where
19 we're soon about to have the last of our CSO
20 communities with a long-term control plan
21 approved by EPA.

22 But also significant investments, like the
23 two million dollars invested here in DigIndy that

1 really have an absolutely substantial impact, I
2 mean the largest, you know, infrastructure and
3 environmental improvement that many Hoosiers will
4 experience, but also things like improvement in
5 water quality in terms of impaired waters, but
6 also our robust monitoring program. So, we would
7 love if you have ideas for us to help highlight,
8 not just around Earth Day, but going forward.

9 That's also something I'm really excited
10 to celebrate is we are beginning several months
11 of celebration of IDEM's 40th Anniversary. So,
12 we were created in 1986, just a long time, and
13 we've done a lot, and a lot of new programs that
14 have come our way.

15 A lot of progress and a lot of -- we've
16 got several team members that have been at IDEM
17 or its predecessor agencies longer than we've
18 been an agency, so folks who have long memories,
19 but also a lot of new staff members. So, we're
20 viewing this as an opportunity to look back, but
21 also look forward to the next 40 years of
22 environmental progress.

23 And so, I think you'll see some things

1 that we're doing around that, that we're really
2 excited to use as an inflection point about the
3 work that we do, making sure that we're getting
4 to our core statutory responsibilities under
5 state and federal law, but that we're also
6 helping to, you know, serve customers across the
7 state, and that includes the permitted industry,
8 but it also includes individuals that want to
9 weigh in on our activities, whether it be
10 rulemaking or permits or others, whether it's
11 someone who's just interested in getting more
12 information about the state of the environment in
13 their communities, and that we can meet them
14 using modeling and mapping tools.

15 So, we're doing a lot of stuff in that
16 effort, and then also I think that Senate
17 Bill 277's been referenced a few times this
18 afternoon. So, we have a lot of other activity
19 that I think, in some ways, of that as an
20 important starting gun, so we have a number of
21 executive orders the Governor has signed around
22 cleanup of our Administrative Code and
23 potentially opportunity for red tape reduction.

1 We've gone through a public process where
2 we took public comments on opportunities, whether
3 it was IDEM rules or nonrule policies or other
4 things that may require legislative changes that
5 may be unnecessarily burdensome or don't improve
6 the environment and are not based on the best
7 available science or law, and a lot of those
8 suggestions that now either -- have been looked
9 at through a legislative lens.

10 We're going through -- we're going through
11 a process over the next three years, reviewing
12 our water, land, and then air sections of our
13 Administrative Code comprehensively. And so, the
14 legislative changes, I think, are an important
15 precursor there.

16 I will say that there's a handful of, I
17 think, small or largely conforming changes for
18 our four boards and commissions, but for this
19 Board, for example, I know we're kind of going
20 through a process -- I just had an important
21 kickoff meeting this week with our team about how
22 we're going to implement many of those changes.

23 And so, there's a few new things. I think

1 we'll have one new face here starting July 1st,
2 which will be representing the aviation industry
3 and their role under the ELTF program with UST's
4 and AST's, but a few other changes in terms of
5 kind of just clarity on when and how people get
6 appointed and when and how membership terms last.
7 We recognize that, you know, some of those are
8 opportunities for us to say, "Hey, is there --
9 are there things we can do better?"

10 So, let me just maybe harken back to my
11 appreciation for you all and your attention to
12 the finances, the rulemaking, the claim status.
13 So, we've got a very hard-working team in our
14 Office of Land Quality and our Petroleum Branch
15 and its respective sections. New faces, we're
16 excited to have Connor McNeely in his new role.
17 I thought everybody did a great job in presenting
18 today.

19 But I just want to say thanks for having
20 me this afternoon. This is -- this has been
21 really helpful and instructive, and if there's
22 anything that we can do to be helpful, we really
23 want to make sure that we're fully engaging this

1 Board, because I think we get tremendous benefit
2 from active engagement, and even the public
3 participation that that support can channel, to
4 make sure that our programs are running as well
5 as they should.

6 So, that was all I wanted to say, but also
7 happy to answer if there's any questions that the
8 Board members may have.

9 Yeah, Lauren.

10 MS. NIELSON: Yeah. I was wondering
11 if you could speak on the explicit changes to the
12 Financial Assurance Board that are now enacted
13 as SEA 277.

14 COMM. WOODS: Yeah. Let me make sure
15 I don't miss any. So, I think there's a couple
16 of changes. So, I think the Board technically
17 goes from nine to ten. There were some outdated,
18 I think, references to certain legacy
19 associations in terms of recommending certain
20 membership categories.

21 MS. NIELSON: Uh-huh.

22 COMM. WOODS: And so, those have kind
23 of been cleaned up. They're just essentially to

1 say anybody can help provide recommendations and
2 make suggestions. They come from their
3 respective constituencies.

4 One dynamic that we have with all of our
5 boards and commissions is there's very, very
6 specific direction about what kind of people we
7 have, like I often joke that the Environmental
8 Rules Board has to have a left-handed engineer
9 from Southwest Indiana and they're hard to find,
10 but then also we have a couple of other layers of
11 additional, you know, direction from the General
12 Assembly.

13 So, in the past, for example, there were
14 sometimes some political parity recommendations
15 that, I'll just say, never really quite added up
16 in some cases. We had one board that I think we
17 were supposed to have no more than three members
18 from the same political party, but it was a
19 seven-person board, and we have some challenges
20 in the way that we do party affiliation in the
21 State of Indiana in even identifying those folks.

22 But I'll say, more importantly, we care
23 about the expertise and making sure that we've

1 got, you know, representative backgrounds that
2 help to inform the work that we do, and so, the
3 specific direction about the types of people.

4 So, the language we have, I think, for all
5 of the boards and commissions actually mirrors
6 some things in the Federal Advisory Committee Act
7 around the need for diversity of perspective that
8 we think captures that goal more, without
9 necessarily being -- having the emphasis on any
10 partisan background considering programs like
11 ELTF that are nonpartisan, and we've got folks
12 from all walks of life that help to, you know,
13 advise us in relation to these programs.

14 I think the other couple of changes are
15 related to membership terms, so that no member
16 may serve more than two consecutive terms, and I
17 believe that's of --

18 MS. NIELSON: Yes.

19 COMM. WOODS: -- four years each,
20 which, I think, is consistent across our boards
21 and commissions. So, that one, you know, I think
22 there is a natural tension between -- it's great
23 to have, you know, folks with, I think, extensive

1 experience, but sometimes we do get -- sometimes
2 there's value to a fresh set of eyes. And so,
3 that's consistent with some of the other EPA
4 Advisory Committees that we've engaged with.

5 I will say a couple of the other changes
6 we've made to other boards and commissions are
7 largely to conform with EPA, various requirements
8 around things like conflicts of interest and
9 permit reviews, and I do think we want to make
10 sure we have that also front and center, you
11 know, which is -- you know, this Board in
12 particular is overseeing the ELTF Fund.

13 And while there's a claims report, it is,
14 in my mind, about matters of general
15 applicability, and that includes rulemaking,
16 whereas, you know, we had folks who obviously
17 have an interest, both personally and
18 professionally, in some of those specific claims.

19 And so, striking that right balance and making
20 sure that we're looking at policy as opposed to
21 individual actions, I think, is really critical.

22 So, I think one thing we've also asked
23 that's not in the legislation is to make sure

1 that our designated ethics official, for example,
2 is making sure that all of our boards and
3 commissions are drawing that bright line between
4 having experts help to advise us, but also making
5 sure that advice is on matters of general
6 applicability.

7 And I think those are the primary changes.
8 I think we -- there's a broader effort that ended
9 up consolidating or eliminating about 40 boards
10 and commissions. That was House Bill 1003. None
11 of IDEM's boards or commissions was affected by
12 that, but we did include, for example -- and to
13 me, this is less a sunset, per se, but an
14 expiration date for the FAB and several other
15 boards in 2031.

16 To me, this is an important thing, because
17 while I don't think the ELTF program will ever
18 lack for legislative interest -- obviously we've
19 had a lot of changes in past legislative
20 sessions -- I think there's value to making sure
21 that we've got boards and commissions that are
22 responsive to what our General Assembly has
23 delegated to us.

1 So, for me, that's more of an inflection
2 point for us to have a conversation about whether
3 or not any changes are needed in the future, five
4 years out. So, those other boards and
5 commissions were sunset and/or eliminated on a
6 much more aggressive timeline. So, those were a
7 few of the provisions that ended up in the final
8 version of Senate Bill 277.

9 MS. NIELSON: Yeah. Those -- the
10 last two things that you mentioned, the terms --
11 term limitation and sunseting of it, my
12 colleagues and I had some questions about what
13 that would mean in practice. And so, I believe
14 everyone who's on the Board right now has already
15 served -- we're on our second term, and so, the
16 entire Board would be replaced at the end of our
17 terms.

18 COMM. WOODS: Not necessarily. I
19 think -- so, the legislation is effective as of
20 July 1st, and it's prospective, so I think --

21 MS. NIELSON: Okay.

22 COMM. WOODS: -- there's some things
23 that we need to work through. I think the

1 reality, in addition to the fact that there --
2 believe it or not, there are not thousands of
3 people dying to serve on the Financial Assurance
4 Board.

5 (Laughter.)

6 COMM. WOODS: But the process,
7 especially with the new Governor, of getting
8 appointments made for fairly niche boards and
9 commissions can be a challenge.

10 So, one thing that we are hoping to do
11 for, frankly, all of our boards and commissions
12 is to have a little bit more of an open public
13 process, where we -- maybe there's somebody who
14 just isn't aware, but brings a great background
15 or how to -- I think about Kevin's comments.

16 I -- Kevin, you clearly know more than I
17 do, because I was trying to keep up during the
18 discussion earlier, but folks who come from
19 different backgrounds would obviously bring, you
20 know, financial experience, and some of the
21 direction that we have, you know, from the
22 General Assembly about some categories where
23 folks may not know what ELTF is, but may bring a

1 valuable perspective.

2 So, we are kicking around some ideas about
3 whether or not -- maybe ahead of that July 1st
4 implementation, there may be some process changes
5 we need to make about soliciting for new members,
6 about reappointments, but I think we have a bit
7 of wiggle room, because it is just looking
8 forward in terms of two consecutive terms of four
9 years.

10 And again, striking that balance of making
11 sure that people have enough time to learn some
12 stuff and hopefully help hold our feet to the
13 fire, but also, that we have fresh perspectives
14 coming on. So, I think we do have not just for
15 this Board, but a couple of our others, several,
16 you know, folks who have been -- their terms have
17 expired and we need to get some reappointments
18 done. And so, that's just the beginning of the
19 process of Gubernatorial appointments tackled.

20 And actually, that does remind me. I
21 think that one thing I'm just going to note,
22 because I think Colleen did a great job in the
23 discussion around nonrule policies versus rule,

1 it's an interesting place.

2 I do think there are several executive
3 orders that are asking us to figure out what
4 makes sense to have in a rule, what makes sense
5 to be a nonrule policy. A lot of agencies' bills
6 this last session actually shifted to a
7 substantial portion of their Administrative Code
8 going into the -- into their respective portions
9 of the statutory code.

10 I'll say, from my perspective, I think
11 there is a couple of things. One, I want to make
12 sure we're thinking creatively, and this one, I
13 think, builds upon some of the successes that
14 we've had with the nonrule policy, but what does
15 need to be, you know, in rule versus not, because
16 there's some value in it.

17 One, the legislature really cares if
18 something goes through a rulemaking process,
19 because the Budget Committee can actually approve
20 that and oversee it, so there's a legislative
21 check. It also means a much more robust process
22 when it comes to regulatory analysis and the role
23 of our State Budget Agency and Office of

1 Management and Budget.

2 It's several bites at the apple,
3 especially for IDEM rules. That is the most
4 robust rulemaking process of any agency in the
5 state, frankly, just about any agency in the
6 country. I mean the fact that we go through so
7 many opportunities for public comment, so many
8 preliminary adoptions. You know, a very rigorous
9 process is good, but it also means we're not that
10 nimble.

11 So, there are some things -- I think we're
12 also thinking creatively about, you know, whether
13 there's opportunities for sort of framework rules
14 that are more -- especially when it comes to fees
15 and prices and rates, where things change pretty
16 dynamically and where we can incorporate things
17 like the consumer price index or appropriate
18 adjustments as necessary, because a lot of our
19 permit fees, for example, have not been updated
20 in decades and haven't kept pace with the demands
21 of those programs.

22 So, we are taking a broader look. A lot
23 of that is going through our Environmental Rules

1 Board, because they have a ton of authority to
2 change our fees except by very little amounts, so
3 all of that will likely need to be a legislative
4 effort in the longer run. So, I do think that
5 question of, you know, what's the right amount of
6 rigor?

7 We certainly want the flexibility to move
8 quickly through the use of nonrule policy
9 documents, but some things we may be able to
10 establish in rule. We're trying to be as quick
11 as possible in that, and some things there's even
12 more value in establishing it by statute, because
13 then the General Assembly can't yell at us,
14 because they put it in state law.

15 So, I think that sorting is really
16 important and is kind of part of our thinking,
17 but we are certainly getting some direction. If
18 possible, those nonrule policies, especially ones
19 that are on the books and that will be on the
20 books for a long time, if you can put those in
21 rule, it makes sense.

22 MS. NIELSON: Okay. And then back to
23 the sunseting of the Board, was the expectation

1 that by that time, the legislature would adopt a
2 replacement, or --

3 COMM. WOODS: I can't speak for them.
4 I think there are several other boards and
5 commissions that were proposed to be sunset in a
6 year or less.

7 So, this one, in my mind, was -- is a
8 provision that the sponsors wanted to send a
9 direction about making sure that we got a regular
10 check-in for some of the boards and commissions
11 that IDEM operates. I think that was included
12 maybe for our Compliance Advisory Panel as well,
13 which is more of a Clean Air Act Stationary
14 Source, a small-entity consultative body that
15 we're sort of standing up.

16 So, I'm not sure exactly what their plan
17 is, but I -- to me, just -- at least in other
18 states that have much more aggressive sunset
19 commissions, it doesn't necessarily mean that
20 it's a substantial elimination of those boards
21 and commissions, but more a chance for them to
22 check in and see if there's any course
23 correction.

1 And that may be a different statutory
2 direction, it may be renewing them for another
3 five years, or maybe longer, but at least the
4 chance to make sure that there's legislative
5 oversight of that -- those delegated boards and
6 commissions.

7 MS. NIELSON: Okay. I was just
8 curious if there was something that was
9 envisioned for being -- you know, whether it was
10 a larger body absorbing it or something, but --

11 COMM. WOODS: No. I would --
12 obviously I would love -- and this is more just a
13 practical thing, but, you know, the greater
14 inte -- not so much integration, but
15 collaboration between our boards and commissions,
16 I think, where there's common stuff.

17 Even where, shoot, let's have a day of
18 board meetings where we only have to worry about
19 renting out one room, and Aidan and Kevin helping
20 us on the AV side, and we can do it back to back
21 to back, and maybe, you know, I think I'll ask
22 for some changes with the Environmental Rules
23 Board, adding the chairs of some of our other

1 boards to potentially serve in ex officio
2 capacities, which, I think, can help manifest
3 that collaboration.

4 So, I think that's a very legitimate
5 question and one where I don't think we're -- I
6 don't think we know what the future holds on
7 those changes that we'll be looking at how to
8 implement in the short run.

9 MS. NIELSON: Okay. There won't be a
10 time when there's like 300 million dollars in the
11 Fund and no overseeing body.

12 COMM. WOODS: I'm confident that
13 you're accurate on that one.

14 (Laughter.)

15 MS. NIELSON: Thank you.

16 COMM. WOODS: Well, thank you so much
17 for the time. I appreciate the chance to speak
18 to the Board, and thank you again for your
19 service.

20 CHAIRMAN VIJAY: Thank you.

21 It's Open Forum for anybody else.

22 (No response.)

23 CHAIRMAN VIJAY: All right. The next

1 FAB Board meeting is -- oh, I'm sorry.

2 MS. RENNAKER: I just wanted to add
3 quickly. So, the reason why -- part of the
4 reason why I'm sitting up here next to Brian is
5 I've talked the last few meetings about proposing
6 a few changes to the Board just so that these
7 meetings are as productive as possible, and I
8 think one piece that has been of notice to us is:
9 We do not want IDEM to come up and just speak
10 without there being valid discussion of what
11 we're presenting.

12 So, one of the changes that we may propose
13 in the future to -- for these Board meetings is
14 more IDEM presenting the information ahead of
15 time, going through, asking for questions on the
16 financials, and then really just being part of
17 the conversation, instead of being more of a
18 podium presenting to the Board.

19 So, Brian is currently the designee that
20 sits on the Board by making sure that IDEM is a
21 part of the conversation, and not always leading
22 the conversation. And so, interested in feedback
23 on that.

1 I've asked for feedback on agenda items,
2 how we can change up on reporting, how we can
3 present the information in a way that's
4 consumable and in a timeframe that is able to be
5 consumed. So, always interested in feedback from
6 that, and any of those changes that we can make
7 going forward.

8 CHAIRMAN VIJAY: And Colleen, I know
9 we talked about this as well is I'm also
10 interested in, I guess, for lack of a better
11 word, not having this meeting just be a
12 regurgitation of numbers.

13 MS. RENNAKER: Yeah.

14 CHAIRMAN VIJAY: These are pub --
15 these are public numbers, for the most part, and
16 presenting them to the public a week or two
17 before this meeting, and having it a more
18 streamlined meeting the first half hour is
19 probably beneficial for everybody, just -- we've
20 all seen -- we can see these numbers pretty
21 regularly, it is a public record.

22 So, having these given to us a couple of
23 weeks beforehand, given to the general public

1 beforehand, to inform a discussion, as opposed to
2 just having a presentation, I think, would be
3 beneficial, so we can spend -- I know this
4 meeting's a little unique relative to a rule, and
5 so, for the next meeting.

6 But yeah, moving forward, I certainly
7 would ask the public out there if they have a
8 comment, but it seems that would be more
9 beneficial to everybody involved to have this
10 public beforehand, and then we can have a
11 discussion, as opposed to just, "Here's the
12 numbers," them kind of being thrown in
13 everybody's face up front.

14 MS. RENNAKER: Yeah, it's -- I'm
15 sorry. Part of the reason why the numbers seem a
16 little outdated -- so, we do try to get our
17 presentation together well in advance. Our Media
18 Department reviews it, and then we do make sure
19 it's publicly available two weeks before the
20 meeting.

21 And so, it does -- there's a little bit of
22 lag between the end of our reporting period and
23 what we report. We try to get as close as we can

1 to those meetings, but we do try to get that
2 information out at least two weeks before the
3 Board meeting.

4 MS. NIELSON: I have a quick
5 question. The -- back to 277, a lot of the
6 things that were statutorily required to be
7 conducted as part of these meetings had been
8 removed, and one of them that I guess was a
9 little bit unclear to me was the frequency that
10 we're expected to convene. I -- I wasn't sure
11 how IDEM interpreted the latest legislation with
12 regard to when we would actually have these
13 meetings.

14 MS. RENNAKER: Can you read that? I
15 don't have the -- those in front of me.

16 MS. NIELSON: Yeah. So, under the
17 Section 248, IC 13-23-11-6 as amended, the Board
18 must have a quorum to transact business, five
19 members constitute a quorum, and then it used to
20 be that the Board shall meet upon the request of
21 the chairperson or the written request of three
22 of the Board's members, and --

23 MS. RENNAKER: Maybe some of those

1 provisions may have been a little updated and
2 part of how we actually do call these meetings.
3 We've called them at the request of the Board,
4 when we had information to present, when we have
5 a rule to present, and then there is a piece in
6 the rule that offers a timeline for presenting an
7 annual report.

8 And so, I think that how often we meet
9 could be open for discussion. I don't have the
10 bill language in front of me to see how that's --
11 that's changed.

12 MR. WOLFF: What was that, Lauren?

13 MS. RENNAKER: 248.

14 CHAIRMAN VIJAY: Lauren, I think I
15 interpreted the rule as unless it's being
16 requested more frequently, then we would maintain
17 essentially quarterly meetings or maintain the
18 status quo, even though it's not explicitly
19 stated that -- of a meeting frequency. The
20 frequency is basically dictated by, I guess,
21 essentially, what purpose that we want.

22 MS. NIELSON: Okay.

23 CHAIRMAN VIJAY: That's how I

1 interpret it, as kind of --

2 MS. NIELSON: There wasn't anything
3 left that said when --

4 CHAIRMAN VIJAY: Correct.

5 MS. NIELSON: -- you would --

6 CHAIRMAN VIJAY: And unless there's a
7 need to have this Board meeting more than on a
8 quarterly basis -- I know last year we did -- we
9 had very few meetings, I think like one meeting,
10 so I think it's as needed, but it seems to me at
11 least it's appropriate to have -- make it a
12 quarterly meeting for the time being, unless we
13 feel we need to have it more frequently. So, I
14 mean it's just kind of at the behest of us.

15 MS. LOGAN: It's been quarterly for
16 as long as --

17 CHAIRMAN VIJAY: I was going to say
18 it's been quarterly since I've been on the Board,
19 so that's what --

20 MS. LOGAN: I've been on the Board
21 for a number of years, and it's been quarterly.

22 CHAIRMAN VIJAY: So, unless there's a
23 need to have more, it seems to -- we seem to have

1 a good reason to have it on a quarterly basis,
2 and I don't think the rule change, at least my
3 interpretation, changes that.

4 MS. NIELSON: Okay.

5 CHAIRMAN VIJAY: If there is nothing
6 else, I'll get to my script. The next meeting of
7 the Financial Assurance Board is tentatively
8 scheduled for June 30th at 1:30 in this
9 Conference Room. The meeting date is tentative
10 and subject to change.

11 And I will take a motion to adjourn.

12 MS. LOGAN: Motion to adjourn.

13 CHAIRMAN VIJAY: Anybody second?

14 MS. NIELSON: Second.

15 CHAIRMAN VIJAY: Second. All those
16 in favor?

17 (Board members responded, "Aye.")

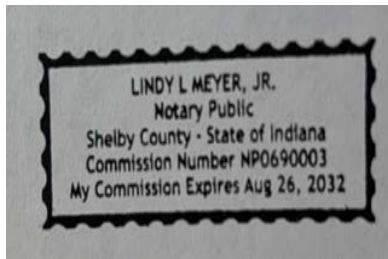
18 CHAIRMAN VIJAY: We'll see you on
19 June -- what did I say? June 30th.

20 - - -
21 Thereupon, the proceedings of
22 March 26, 2026 were concluded
23 at 2:54 o'clock p.m.
- - -

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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, March 26, 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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