

Summary Environmental Rules Board  
Indiana Government Center South  
Conference Center Room A  
Teams Meeting  
Indianapolis, Indiana  
Wednesday, August 14, 2024

**A. Call to Order**

Chair Gard called the meeting to order at 1:33 p.m. A quorum was present.

Members present: Beverly Gard, William Etzler, Dr. Joanne Alexandrovich, Calvin Davidson, Dr. Ted Niemiec, Chris Horn, Ken Rulon, R. T. Green, Carrie Kozyrski, Dan Bortner, Jaime Brown, Ric Zehr, and Brian Rockensuess.

**B. Approval of Meeting Summary of April 10, 2024**

Chair Gard called for approval of the April 10, 2024, meeting summary, which was approved.

**C. IDEM Reports**

Commissioner's Report

Mr. Brian Rockensuess, Commissioner, said that staffing currently is around 822. Peggy Dorsey, Assistant Commissioner for Land Quality, retired. Brian Wolff, the former Branch Chief over Wetlands Operations and Stormwater in the Office of Water Quality, has taken over for Peggy as the Assistant Commissioner for Land Quality. With the recent vacancy of Corey Webb, the Deputy Assistant Commissioner in Land Quality, IDEM hired Andrew Pappas to fill this position. We also hired Michele Murday Pariso for the Northwest Regional Office Director. Finally, Brian Wolff's former OWQ Branch Chief position was filled by Amari Farren, who has been with the agency a number of years and has served in a variety of inspector and enforcement roles. Lastly, we have a new Branch Chief in the Office of Land Quality, Tom Kreke, who was formerly the Section Chief in Solid Waste Permitting.

Education and Training Director Amanda Hall has been doing a phenomenal job getting the training program up and going. In the last month, a leadership academy has been started.

We just submitted the Climate Pollution Reduction Grant application to U.S. EPA that has \$4.6 billion of funding available. We were notified that we were not chosen to receive the money. However, by simply applying for the grant, we were able to obtain a three million dollar grant to put towards a few close-up things in the next two years.

Due to the cybersecurity attack that occurred in Tipton, Indiana in April of this year, we are taking steps to better our communication on a state level and provide resources to facilities who have been hit with security attacks to triage the situation while the Federal government conducts their protocols. We are going to be presenting a plan to legislation at the upcoming session.

### Rules Update

Ms. Billie Franklin, Chief, Rules Development Section (RDS), Office of Legal Counsel (OLC), spoke on the rulemakings. Today we will have three civil penalty rules that will be presented for final adoption and Kaiser Aluminum rulemaking will be presented for preliminary adoption. Our next Environmental Rules Board meeting, which is tentatively scheduled for October 9, 2024, we anticipate presenting four rules for final adoption which include 3 readoptions. This will be our only opportunity to present these rules in order to have them finalized by December 31<sup>st</sup>. We are also planning to have a December board meeting to present several rules moving forward with the new timeline that we have to follow now.

The board had no questions.

### **D. Rules**

#### 1. Title 326 Civil Penalties

Chair Gard opened the discussion for final adoption of the Title 326 Civil Penalties rule. Mr. Seth Engdahl, Rule Writer, RDS, OLC, spoke for the agency. Mr. Engdahl requested that the board consider final adoption of Title 326 Civil Penalties rule. This rule has new requirements of changes due to the new administrative rulemaking. One of the requirements is that any fee, fine, or civil penalty imposed by the agency must be included in the agency's rules. This needs to be done by December 31<sup>st</sup> of this year. The essential elements and structure of the existing civil penalty policy remain intact in the rule, and it is IDEM's intention to implement the rules in the exact same way it implements the nonruled policy document.

**Mr. Green moved to adopt the rule and Mr. Rulon seconded. By a roll-call vote, the rule was final adopted.**

#### 2. Title 327 Civil Penalties

Chair Gard opened the discussion for final adoption of the Title 327 Civil Penalties rule. Mr. Seth Engdahl, Rule Writer, RDS, OLC, spoke for the agency. Mr. Engdahl requested that the board consider final adoption of Title 327 Civil Penalties rule. This rule has new requirements of changes due to the new administrative rulemaking. One of the requirements is that any fee, fine or civil penalty be imposed by the agency and must be included in the agency's rules. This needs to be done by December 31<sup>st</sup> of this year. The essential elements and structure of the existing civil penalty policy remain intact in the rule, and it is IDEM's intention to implement the rules in the exact same way it implements the nonruled policy document.

**Mr. Rulon moved to adopt the rule and Mr. Green and Mr. Horn seconded. By a roll-call vote, the rule was final adopted.**

#### 3. Title 329 Civil Penalties

Chair Gard opened the discussion for final adoption of the Title 329 Civil Penalties rule. Mr. Seth Engdahl, Rule Writer, RDS, OLC, spoke for the agency. Mr. Engdahl requested that the board consider final adoption of Title 329 Civil Penalties rule. This rule has new

requirements of changes due to the new administrative rulemaking. One of the requirements is that any fee, fine or civil penalty be imposed by the agency and must be included in the agency's rules. This needs to be done by December 31<sup>st</sup> of this year. The essential elements and structure of the existing civil penalty policy remain intact in the rule, and it is IDEM's intention to implement the rules in the exact same way it implements the nonruled policy document.

Chair Gard, Dr. Alexandrovich, and Mr. Davidson had questions. Each one of their questions was answered by IDEM staff.

**Mr. Davidson moved to adopt the rule and Dr. Niemiec seconded. By a roll-call vote, the rule was final adopted.**

Ms. Moehle from Indiana Manufactures Association, and Mr. Patrick Bennett, Rideout Public Affairs on behalf of the Indiana Cast Metals Association, presented their testimony to the board.

There was discussion regarding the possibility of a work group to update the civil penalty rules that were adopted at the August Board meeting. The Commissioner stated that the agency is amenable to the idea of a work group to explore amendments and updates to the rules.

#### 4. Kaiser Aluminum

Chair Gard opened the discussion for preliminary adoption of the Kaiser Aluminum rule. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke for the agency. Ms. Walsh requested that the board consider preliminary adoption of Kaiser Aluminum rule. The rulemaking to update the Warrick Operations facility in Newburgh, IN from Alcoa Corporation to Kaiser Aluminum Warrick LLC. Kaiser is requesting IDEM to delist the wastewater treatment sludge under their name as it was delisted under Alcoa. Additionally, Kaiser is upgrading the wastewater treatment equipment. The proposed rulemaking will increase the sampling requirements and the new point of sludge generation.

**Mr. Etzler moved to adopt the rule and Mr. Green seconded. By a roll-call vote, the rule was preliminarily adopted.**

#### **F. Non-Rule Actions**

No discussion

#### **G. Other Matters**

##### 1. Open Forum

No discussion

##### 2. Tentative Date and Location of Next Meeting

The next meeting is tentatively October 9, 2024, Indiana Government Center-South, Conference Room A, 10 North Senate Avenue, Indianapolis, Indiana.

**H. Adjournment**

Chair Gard adjourned the meeting at 2:30 p.m.

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CHAIRPERSON

The summary is derived from Rules Development Branch staff members' notes. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management and will be made available on the IDEM rules website. To view approved summaries, you may go online to <http://www.in.gov/idem/legal/2355.htm>.