

APPEARANCES: 1 2 BOARD MEMBERS: 3 Nivas Vijay, Chairman Lauren Nielsen 4 Kevin Ryan Tom Navarre 5 Mark Aldous 6 Brian Wolff, IDEM (Nonvoting) 7 8 IDEM STAFF MEMBERS: 9 Hilary Aldred Katie Blackburn 10 Billie Franklin Nancy King 11 Kevin Bump Karla Kindrick 12 13 PUBLIC SPEAKERS: 14 Christopher Braun 15 _ _ 16 17 18 19 20 21 22 23

1 1:29 o'clock p.m. October 24, 2024 2 3 CHAIRMAN VIJAY: So, I call the 4 meeting to order. I think it's 1:30. All right. 5 Welcome, Board members. Welcome to the -- I'm 6 still figuring out how to introduce things here. 7 I'll make this -- I'll figure it out about the 8 third or fourth time. Luckily, Nancy gave me a 9 cheat sheet. 10 So, welcome, Board members, including 11 those in attendance and joining us remotely. Ι 12 believe we do have a quorum. Two of the Board 13 members are joining us remotely via Teams, so we 14 will do a call to order, and also I'll ask the 15 Board members to introduce themselves, starting 16 with Lauren. 17 MS. NIELSEN: Lauren Nielsen. Ι 18 represent environmental interests. 19 MS. KING: I'm Nancy King, Board 20 Counsel. 21 CHAIRMAN VIJAY: Nivas Vijay, with 22 Heartland Environmental, and I represent the 23 environmental consulting industry.

1 MR. RYAN: I'm Kevin Ryan, retired 2 CEO of National Institution. I guess I look at 3 the numbers. 4 MR. WOLFF: Brian Wolff. I'm the 5 Assistant Commissioner of the Office of Land 6 Quality at IDEM. 7 CHAIRMAN VIJAY: And I think we have Mark and Tom via Teams. 8 9 So, Tom, I'll have you introduce yourself 10 first. 11 MR. NAVARRE: Tom Navarre -- good 12 afternoon. Tom Navarre, and I represent the 13 convenience store industry. 14 CHAIRMAN VIJAY: And Mark. 15 MR. ALDOUS: Yes, good afternoon. Mark Aldous. I'm here for the property and 16 17 casualty insurance industry. CHAIRMAN VIJAY: Okay. So, then, 18 19 verifying that we do have a quorum, so we're good 20 there. 21 One of the items of business we'll get to 22 today, the Board will be asked to readopt the 23 ELTF Rules after the agency reports to the Board,

1 so if there is anyone who wishes to speak on the 2 rules, fill out a card at the reception desk. 3 And where would that card be? 4 MS. KING: That would be right over 5 there (indicated). 6 CHAIRMAN VIJAY: Right over there. 7 So, if anyone does need to feel like speaking on the rules, you have to fill out that card, 8 9 please. 10 And we'll go to the Fund Administrator's Report, with Hilary. 11 12 (Discussion off the record.) 13 MS. ALDRED: Good afternoon, Chairman 14 and members of the Committee. My name is Hilary 15 Aldred, and I am here to present the Fund 16 Administrator's Report for Fiscal '24. 17 Out of the total budget of 31. -- 36.1 18 million, our total expenses for Fiscal '24 19 was 10.4 million, including 5.8 million in claim 20 payments. The ending balance for Fiscal '24 21 was 212.2 million. As we discussed previously, 22 we've updated the statement to show the interest 23 earned in this legal fund, which for Fiscal '24

was 6.9 million dollars. 1 2 Here is a comprehensive overview for 3 Fiscal '24 comparing monthly revenue and claim 4 payouts. For Fiscal '24, the monthly revenue 5 averaged 3.5 million from fuel inspection fees, 6 and the average claim payout was 490,000 a month. 7 For the Aviation Fuel Account, as you recall, this was new for Fiscal '24. The 8 9 Aviation Fuel Account received 876,000 for this 10 fiscal year, the previous fiscal year averaging 11 97,000 -- or 79,000 a month. 12 And lastly, the Petroleum Trust Fund had 13 an ending fund balance of 8.8 million. 14 Any questions? 15 (No response.) 16 MS. ALDRED: Thank you. 17 CHAIRMAN VIJAY: We move on to Katie, 18 with the Financial Assurance Update. 19 MS. BLACKBURN: Good afternoon. My 20 name is Katie Blackburn. I'm the Section Chief 21 for the UST Operations Section, which houses the 22 ELTF Fund. 23 Incidents reported and confirmed in Fiscal

1	Year '24, we had 139 total, and then 130 of those
2	were confirmed. That is a little bit lower than
3	previous years.
4	So far in Fiscal Year '25, we have had 59
5	incidents reported, 38 of those have been
6	confirmed releases, so we're still working
7	through the Petroleum Remediation Section is
8	still working through those other ones.
9	For Corrective Action or LUST
10	eligibilities received and approved, we have
11	in Fiscal Year '24, we received 72, and of those,
12	we approved 49 eligibility applications. Sixteen
13	of those were admin denials, and typically for
14	eligibilities, if it's an admin denial, the IFC
15	hasn't been received yet by IDEM, so we just move
16	that on. We had only had two that were deemed
17	ineligible in Fiscal Year '24.
18	So far in Fiscal Year '25, we've received
19	26 of those eligibility applications. Six have
20	been approved, and we're still working through
21	the other ones. There's been one admin denial,
22	so we have about 19 of those we're still working
23	through.
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1	For corrective action claims received in
2	Fiscal Year '24, we received a total of 483
3	claims for just over 18 million dollars.
4	You'll you may have noticed the increase in
5	March. We had one incident that submitted almost
6	six million dollars on its own. We had one
7	claim excuse me one claim for that incident
8	was over five million dollars, so that was the
9	major uptick there.
10	And through September of this fiscal year,
11	we have so far received 85 claims for almost 3.2
12	million.
13	Claims reviewed in Fiscal Year '24, we
14	reviewed 482, with an amount reimbursed of 5.1
15	million. And again, that is less than the amount
16	reviewed, but the common denials, as we've talked
17	about before, are, you know, missing backup,
18	labor classifications, reasonableness and cost
19	effectiveness, and then some of those just rule
20	denials for labor rates, mileage, equipment, that
21	kind of stuff.
22	Fiscal Year to Date for Fiscal Year '25,
23	we've received 68 claims so far, and we have
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1 reimbursed just over \$820,000.

2	We were asked about admin denials before,
3	so for Fiscal Year '24, we did a dotal of 33
4	admin denials. Typically those are for incorrect
5	form versions or there's a discrepancy, like the
6	FID and the incident don't actually go together.
7	We reach out, we maybe don't get the information
8	back, so we do admin denials. And so far for
9	Fiscal Year '25, we've had four.
10	For the 50 Percent Decommissioning &
11	Replacement Program, this slide is the Fiscal
12	Year '24 eligibilities received and approved. We
13	received 207, and 188 were deemed eligible. Of
14	those denials, the main reasons were either that
15	the applicant was not the owner, or that the
16	tanks didn't meet the age requirement. And this
17	is Fiscal Year to Date '25. We've received 37.
18	We've approved 30 so far.
19	This is the cost claims that were received
20	for the 50 Percent Decommissioning & Replacement
21	Program in Fiscal Year '24. It looks like it's
22	calendar year, but we just didn't receive
23	anything in the first few months of the fiscal
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1 year, in calendar year '23. So, for Fiscal 2 Year '24, we received 18 cost claims for just 3 over 3.2 million. 4 MR. RYAN: The big one, the seven in 5 June, just -- was it something like extraordinary 6 or something? 7 MS. BLACKBURN: Yes. There was just larger costs. So far, the trend we've noticed is 8 9 that if it's a decommissioning only, those tend 10 to be significantly lower than the reinstallation 11 claims. MR. RYAN: 12 Okay. 13 MS. BLACKBURN: So, if there was two 14 or three reinstallation claims in June, then that 15 would have bumped that up. Thank you. 16 MR. RYAN: 17 MS. BLACKBURN: And this is Fiscal Year to Date for '25. We did actually receive 18 19 two like at the very, very end of September that 20 didn't make it on here. So, this is claims that 21 we reviewed for the 50 Percent Decommissioning & 22 Replacement Program in Fiscal Year '24. 23 So, the amount reviewed is what could have

1 been submitted if this program was a hundred The claim amount is the 50 percent that 2 percent. would be eligible for reimbursement, so the 3 4 amount approved goes with the amount reviewed 5 when you're looking at those numbers. 6 And then the claim amount goes with the 7 amount reimbursed. So, of the 305,000 that we received in the claim amounts, we reimbursed 8 9 301,000. And then this is that same information 10 for the first couple of months of Fiscal 11 Year '25. 12 So far with this program, we have only had 13 to do two administrative denials for cost claims, 14 and both of those were because no closure report 15 had been received by IDEM yet -- excuse me -- and that is one of the requirements. 16 17 This slide is the combined total based on 18 the owner size that we have reimbursed so far. 19 We combined Fiscal Year '24 and '25 because that 20 money rolls over, so this gives a more accurate 21 reflection of what's actually left in those owner 22 groups. 23 This is just some information for the 50

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1	Percent Program for Claim Submittals that would
2	be helpful for our review process. We
3	lump-sum invoices and incomplete backup is going
4	to slow down the review times and delay people
5	getting their reimbursement, so if we can get a
6	breakdown of the charged costs for things like
7	labor equipment and supplies, that'll be very
8	beneficial to everybody.
9	And then that next point is just on your
10	invoice summary, all invoice costs can be listed,
11	but then in the column for requested costs, only
12	put things that are eligible in that column.
13	Based on some feedback we have gotten from
14	the work group that we we've had one meeting.
15	We have another one scheduled next week. We are
16	looking at doing some trainings on the nonrule
17	policy document that was released earlier this
18	year.
19	And on the 50 Percent Program for Claim
20	Submittals, we're looking at doing that in 2025.
21	So, if anyone has suggestions for what could be
22	included in that, please let me know.
23	Any questions?
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1 CHAIRMAN VIJAY: Katie, just a quick 2 question on the -- it looks like in August of --3 I'm sorry. It looks like in August '24, you had 4 a decent amount -- a decent difference in the 5 claim amount compared to the claim reimbursed on 6 the 50 Percent. 7 MS. BLACKBURN: The 50 Percent. CHAIRMAN VIJAY: Was that some 8 9 anonymous claim that had resulted in denial? 10 MS. BLACKBURN: Let me get that. 11 Yes, actually we had a reinstallation claim where 12 we reached out to a subcontractor, a consultant 13 reached out to the subcontractor, and they didn't 14 really give us the breakdown that we needed, and 15 the consultant actually asked that we just go ahead and deny those costs, because they were --16 17 it was just being delayed, and so, they wanted to 18 be able to take that denial to their 19 subcontractor and say, "This is why we need this 20 information." 21 CHAIRMAN VIJAY: That makes sense. 22 MS. BLACKBURN: Anything else? 23 (No response.)

1 MS. BLACKBURN: All right. Thank you 2 for your time. 3 (Discussion off the record.) 4 CHAIRMAN VIJAY: Yes. So, we're 5 going to move on to the Title 328 Readoption, and 6 Billie Franklin is here to help explain that to 7 us. MS. FRANKLIN: Good afternoon. 8 Μv 9 name is Billie Franklin. I am the Rules Branch 10 Section Chief, and I am -- today I am presenting 11 Title 328 for readoption. 12 With the implementation of House Enrolled 13 Act 1623, a rule now expires on January 1st of 14 the fifth year after the year in which the rule 15 took effect under Indiana Code 4-22-2.6. Due to elimination of exemptions in Indiana 16 Code 4-22-2.5, there are no longer any rules in 17 18 which -- that do not expire, also known as 19 forever rules. 20 With that in mind, we have decided to 21 readopt our rules as a whole package today -- I'm 22 sorry -- a whole package to avoid having them 23 expire as of January 1st, 2025. Readopting the

1 titles in their entirety will keep all of the 2 rules on the same schedule for a readoption every 3 five years, making it easier to ensure we do not 4 have rules that inadvertently expire. 5 For Title 328, we have provided a 30-day 6 comment period for this rule. The comment period 7 for this readoption was for -- from August 21st, 2024 through September 20th, 2024. We received 8 9 no comments. 10 We ask the Board to approve this 11 readoption in its entirety without amendments so 12 we don't run the risk of our agency rules 13 expiring. I am happy to answer any questions you 14 may have. 15 MR. RYAN: So moved. No questions 16 here. 17 CHAIRMAN VIJAY: So, did anybody --18 if anybody signed up to speak, I'll open the 19 floor to them. 20 MS. KINDRICK: No, sir. 21 MR. BRAUN: Could I -- I didn't sign 22 up. 23 MS. KINDRICK: Oh, Chris.

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1	MR. BRAUN: Can I speak?
2	CHAIRMAN VIJAY: Absolutely.
3	MR. BRAUN: Chris Braun, on behalf of
4	the Indiana Food and Fuel Association.
5	Just to support what Katie's talking
6	about, we rise in support of readoption. And to
7	give you some idea of the impact that these rules
8	have had and that this Board approved is, if you
9	remember back in 2016 when we had the ELTF audit
10	done, we were running a deficit, and we were
11	leveraged about 400 percent. We were underwater.
12	The average cost or the costs that were
13	being paid out during that time period from 2013
14	to 2020 were over 300 million dollars, and we
15	were averaging the high was in 2017. We were
16	at north of 50 million dollars.
17	Last year, this fiscal year just ended
18	June 30, the payout of claims is less than six
19	million. The average over that seven-year
20	period, 2013 to 2020, was thirty-seven and a half
21	million.
22	Since these rules have been adopted that
23	she's asking that you reinstate and approve

1 today, the average cost per year on these payouts 2 is 7.7 million, so it's been a dramatic drop, in 3 part, because of the stewardship demonstrated by 4 this Board, as well as IDEM and the regulated 5 community, and wanting to make sure the viability of the ELTF Fund remains. 6 7 And -- but I also want to alert you, as part of this rule adoption, that while we're 8 9 sitting on a lot of money right now, over 200 10 million dollars, because of the rule changes that 11 you approved previously that are captured in 12 here, there will be temptations in the coming 13 session come January for perhaps someone to raid 14 the fund. 15 And I would encourage you to be vigilant about not allowing that, in part, because, as was

16 about not allowing that, in part, because, as was 17 demonstrated by the IDEM report just a minute 18 ago, we're on the very tip or cusp of seeing the 19 full impact of this Tank Decommissioning & 20 Replacement Program, because while it became 21 effective on July 1 of last year, just supply 22 chain, paperwork and everything else, that's why 23 you didn't see anything until January of this

1	year, the very first claims coming in.
2	There's going to be I don't want to say
3	a tidal wave, but there's going to be a much more
4	regular recurrence of very significant claims
5	coming in, and you can see here, they approved
6	188 in the Decommission & Replacement Program.
7	For a typical gas station, the average cost to
8	decommission, replace and install a new system is
9	about a half a million dollars.
10	So, you know, if you take 188 times a half
11	a million dollars, that's 94 million dollars.
12	IDEM's share of that through the ELTF Fund would
13	be 47 million. That would be in addition to the
14	six or seven million you're paying a year.
15	So, there's great cause for celebration,
16	and I encourage you to embrace these rules and
17	the balance, but understand, it's not permanent,
18	that we anticipate it will start being drawn down
19	in the coming year. So, if you get contacted, we
20	would ask that you be vigilant about saying
21	while we look flush because the other thing
22	we're going to do is we're going to ask for an
23	increase in the legislature.

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1	Right now we're only allowed to pay out 20
2	million a year, but as you can see here, the
3	market demand and this has been very well
4	received. This is a great program, and the
5	environmental consulting community, the tank
6	suppliers, et cetera, are all working hard to
7	upgrade these programs so that or systems
8	so that we can be proactive in terms of
9	environmental investigation and cleanup, and not
10	reactive in having to pay a lot on the back end
11	after a tank fails.
12	So, you know, with 188 already approved,
13	and you've already heard there'll be more coming
14	in this coming fiscal year, we need to increase
15	the cap on this 20 million a year, with the
16	lion's share of that going to tank owners, zero
17	to twelve tank owners, which have been the ones
18	most tapped into it, which is basically the
19	mom-and-pops, who can't afford to go out and
20	spend a half a million dollars on their own to
21	replace these systems. But with IDEM and through
22	ELTF, this program is really vital to them.
23	And so, we're going to ask again, you
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1may get questions about, "Well, if you're sitting2on 200 million dollars, why do you need an3increase above 20 million?" It's because the4market demand is there, and we're now seeing5and in fact, it's substantially oversubscribed.6If all 188 of these came in at that, you're7talking about a 47-million-dollar payout. We8only have a 20-million-dollar authority, so we9want to ask for an increase going forward.10So, a long-winded explanation as to why11the IFFA rises in support of this, that you do12approve this, and then also be mindful that you13may be contacted in the coming weeks as we head14into the next legislative session, and I just15wanted to give you a heads-up on that.16MR. RYAN: Thank you.17MR. BRAUN: I'm happy to answer any18questions anyone might have.19CHAIRMAN VIJAY: Well, thank you,20Chris, for that clarification.21MR. BRAUN: Great. Thanks, Nivas.22CHAIRMAN VIJAY: Any other anybody23else want to speak on the rule, on 328?	-	
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1 (No response.) 2 CHAIRMAN VIJAY: Is there anybody on 3 the Board who wants to discuss? 4 (No response.) 5 CHAIRMAN VIJAY: Do I have a motion 6 to readopt 328? 7 MR. RYAN: So moved. 8 CHAIRMAN VIJAY: And is there a 9 second? 10 MS. NIELSEN: Aye. CHAIRMAN VIJAY: I don't know if I'm 11 12 allowed to second. 13 Okay. All opposed? 14 (No response.) 15 CHAIRMAN VIJAY: And then I believe the Title 328 Rules have been readopted. 16 17 MS. FRANKLIN: Thank you. 18 CHAIRMAN VIJAY: I see I'm running 19 out of items. 20 MS. KING: I will just jump in there 21 and say this is -- I cribbed this from the ERB, 22 and it's like there's all kinds of Board members, 23 and everybody's always wanting to make motions

1 and everything, and since we're a small, 2 lean-and-mean machine today, we don't have that 3 many, but it still works, and we're happy to have 4 it done. 5 So, thank you. 6 CHAIRMAN VIJAY: And I think we'll 7 move to Open Forum, if anyone wants to address the Board at this time. 8 9 (No response.) 10 CHAIRMAN VIJAY: This might be the 11 shortest Board meeting I've been in. 12 (Laughter.) 13 MR. BRAUN: Well, the Chairman's 14 cracking the whip. 15 CHAIRMAN VIJAY: We have a fine-tuned 16 machine here. 17 MS. KING: Yes. 18 CHAIRMAN VIJAY: All right. Well, 19 motion to adjourn? 20 MR. RYAN: So moved. 21 CHAIRMAN VIJAY: All in favor? Ι 22 apologize. Normally I'd think this is going to 23 be longer. I'm trying to drag it on like five

more minutes, but okay. This meeting is adjourned. Thank you. Thereupon, the proceedings of October 24, 2024 were concluded at 1:52 o'clock p.m. — —

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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, October 24, 2024 in this matter and
8	transcribed by me.
9	
10	Lindy L. Meyer Jr.
11	Lindy L. Meyer, Jr.,
12	Notary Public in and
13	for the State of Indiana.
14	
15	My Commission expires August 26, 2032.
16	Commission No. NP0690003
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