

**In The Matter Of:**  
*STATE OF INDIANA*  
*ENVIRONMENTAL RULES BOARD*

---

*June 8, 2022*

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BEFORE THE STATE OF INDIANA  
ENVIRONMENTAL RULES BOARD

- - -

PUBLIC MEETING OF JUNE 8, 2022

- - -

PROCEEDINGS

before the Indiana Environmental Rules Board,  
Beverly Gard, 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 Wednesday, June 8, 2022 at 1:31  
o'clock p.m.

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1 APPEARANCES:

2 BOARD MEMBERS:

- 3 Beverly Gard, Chairman (virtual)
- 4 Michael Schuler (virtual)
- 5 Michael Chambers (virtual)
- 6 Dr. Ted Niemiec (virtual)
- 7 Dan Bortner (virtual)
- 8 Dr. Joanne Alexandrovich
- 9 Ken Rulon
- 10 R. T. Green
- 11 Carrie Kozyrski
- 12 Calvin Davidson
- 13 Mark Wasky, Proxy, Indiana Economic
- 14 Development Corporation
- 15 Katie Nelson, Proxy, Lieutenant
- 16 Governor
- 17 Brian Rockensuess (nonvoting)

11 IDEM STAFF MEMBERS:

- 12 Parvonay Stover
- 13 Sarah Bonick
- 14 Chris Pedersen
- 15 Michael Habeck
- 16 Peggy Dorsey
- 17 Kevin Bump
- 18 Karla Kindrick
- 19 Nancy King
- 20 Susan Bem
- 21 Drake Abramson
- 22 Keelyn Walsh
- 23 Matt Stuckey
- 24 Krystal Hackney
- 25 Paul Higginbotham

19 PUBLIC SPEAKERS:

20 None

21 - - -

22

23

1 1:31 o'clock p.m.  
June 8, 2022

2 - - -

3 CHAIRMAN GARD: I'm going to call the  
4 meeting of the Indiana Environmental Rules Board  
5 to order on June the 8th, 2022 at 1:30 p.m.,  
6 Government Center, Room A. First thing -- order  
7 of business is I'm going to call the roll.

8 Dr. Alexandrovich?

9 DR. ALEXANDROVICH: Here.

10 CHAIRMAN GARD: Mr. Bortner?

11 MR. BORTNER: Here.

12 CHAIRMAN GARD: Mr. Chambers?

13 MR. CHAMBERS: Here.

14 CHAIRMAN GARD: And, you know, if  
15 you're here, be sure and unmute when you want to  
16 talk.

17 Mr. Davidson?

18 MR. DAVIDSON: Yes.

19 CHAIRMAN GARD: Mr. Etzler's not here  
20 yet.

21 Mr. Green?

22 MR. GREEN: Here.

23 CHAIRMAN GARD: Mr. Horn? I don't

1 think he's going to be here.

2 I wish I could say this name right.

3 Ms. Korezki?

4 MS. KOZYRSKI: It's Kozyrski, and

5 yes, ma'am, I'm here. Thank you.

6 CHAIRMAN GARD: Kozyrski? I'm sorry.

7 I butcher your name every time.

8 Ms. Nelson?

9 MS. NELSON: Here.

10 CHAIRMAN GARD: Dr. Niemiec?

11 DR. NIEMIEC: Here.

12 CHAIRMAN GARD: Mr. Rulon?

13 MR. RULON: Here.

14 CHAIRMAN GARD: Mr. Schuler?

15 MR. SCHULER: Here.

16 CHAIRMAN GARD: Ms. Stover?

17 MS. STOVER: Here.

18 CHAIRMAN GARD: Mr. Wasky?

19 MR. WASKY: Here.

20 CHAIRMAN GARD: And the Chair is  
21 present. We have twelve, so we definitely have a  
22 quorum.

23 I'm going to ask Kevin Bump to cover the

1 logistics and explain how that will work.

2 MR. BUMP: Actually, Chairman Gard,  
3 we're going to have Sarah Bonick, of Media and  
4 Communications, take care of that portion today.

5 CHAIRMAN GARD: Okay. Thank you.

6 MR. BUMP: You're welcome.

7 CHAIRMAN GARD: Sarah?

8 MS. BONICK: Hi. My name is Sarah  
9 Bonick. I'm Director of External Relations with  
10 IDEM.

11 For those of us joining on Zoom, all  
12 microphones are currently muted. We will be  
13 taking questions and comment from the public at  
14 today's meeting at the appropriate time. All  
15 participants will be able to unmute themselves  
16 and ask questions and make comments.

17 If you have a question or technical issue  
18 during the presentation, please use the raised  
19 hand or chat feature. To access the raised hand  
20 and chat feature, at the bottom or top of your  
21 screen, depending on your device, you'll see a  
22 menu bar. You may have to move your mouse or  
23 touch the screen for the menu bar to pop up.

1           In the middle of that menu, there's a chat  
2 icon which you can click on to show the chat  
3 dialogue. You should also see the raised hand  
4 option. Please utilize the raised hand or chat  
5 features if you have any questions or comments,  
6 and you will be called upon at the appropriate  
7 time.

8           For those of you joining us by phone, if  
9 you have questions or comments, you can raise  
10 your hand by pressing star nine, and we will call  
11 on you at the appropriate time. When called  
12 upon, you'll need to unmute your phone by  
13 pressing star six.

14           For everyone in today's meeting, please  
15 identify yourself when speaking. If any members  
16 of the media have joined us, please utilize the  
17 chat feature or e-mail [media@idem.in.gov](mailto:media@idem.in.gov). This  
18 meeting is being recorded and will be posted on  
19 IDEM's Web site in the next day or two.

20           And I will turn it back over to Chairwoman  
21 Gard.

22           Thank you.

23           CHAIRMAN GARD: Are there any

1 questions about this from anybody that's either  
2 on Zoom or in present?

3 (No response.)

4 CHAIRMAN GARD: Okay.

5 The first order of business today is the  
6 approval of the summary of the February the 9th,  
7 2022 Board meeting. Are there any additions or  
8 corrections to the minutes as presented?

9 (No response.)

10 CHAIRMAN GARD: If not, is there a  
11 motion to approve?

12 DR. ALEXANDROVICH: Motion to --

13 DR. NIEMIEC: This is Ted Niemiec.  
14 So moved.

15 DR. ALEXANDROVICH: Second.

16 CHAIRMAN GARD: Is there a second?

17 DR. ALEXANDROVICH: Second, Joanne  
18 Alexandrovich.

19 CHAIRMAN GARD: All in favor, aye.

20 (Board members responded, "Aye.")

21 CHAIRMAN GARD: Those opposed, nay.

22 (No response.)

23 CHAIRMAN GARD: The minutes from



1 February the 9th, 2022 are approved.

2 Commissioner, you have a staff member to  
3 introduce, I think.

4 COMM. ROCKENSUESS: Yeah, I have a  
5 couple.

6 Good afternoon, everyone. Sorry I  
7 couldn't be there in person. I was actually  
8 supposed to be in Green Bay today at the Great  
9 Lakes Conference, and I fell victim to travel  
10 issues, like many have around the country, and we  
11 were -- my wife and I are down to one car this  
12 week, so she is using my car and I am at home  
13 working.

14 So, Parvonay Stover, she's my Chief of  
15 Staff, she started in January, is filling in for  
16 me today, and she'll be giving the majority of my  
17 report.

18 A couple of things I do want to cover  
19 quickly, just from an agency level, a couple of  
20 things we're dealing with, and most everyone is  
21 dealing with, one of which is staffing. You  
22 know, when the Daniels Administration came in,  
23 they wanted to get IDEM down to 902 employees.

1 We were well above a thousand at that point, and  
2 today we're down to seven -- just under 750.

3 CHAIRMAN GARD: Oh.

4 COMM. ROCKENSUESS: So, we have had a  
5 drastic reduction in staffing, and it's for a  
6 litany of reasons. You know, families, kind of  
7 like mine, down to one income, or a lot of folks  
8 retired, or folks found -- you know, the job  
9 market right now for employees is very strong,  
10 not as strong for employers.

11 So, we, like most other employers, are  
12 dealing with this, and we're working hard to get  
13 people on the dole or trying to keep them. And  
14 so far, it hasn't really affected our metrics,  
15 but there's only so long you can continue working  
16 at the staffing levels that we have before it  
17 will start affecting our permitting and  
18 compliance metrics.

19 To date, we're staying pretty strong  
20 where, you know, our permit metric is how many  
21 days until we get a permit done before the permit  
22 time frame. Our goal is 75 percent of that time,  
23 so if it is a permit at 100 days, we want to get

1 it done in 75. Last month, we were down to like  
2 54 days, so we're doing really well in the  
3 permitting metric. And then on the compliance  
4 metric, the goal was seven days, and we are  
5 covering right around three and a half to almost  
6 four, so we're doing pretty well there as well.

7 One other thing quickly that I want to  
8 highlight, and then I'm going to turn it over to  
9 Parv, is House Enrolled Act 1226 passed this  
10 session. It's a bill on solid waste. It had  
11 four parts to it. It was almost -- could have  
12 been four different bills that was put together  
13 into one bill.

14 The first part dealt with legit use and  
15 whether or not somebody needed a permit to  
16 legitimately reuse something. I -- in an effort  
17 to try and get some consensus on this topic, I  
18 created a group chaired by Bruce Palin and Cal  
19 Davidson, and we met pretty frequently to talk  
20 about issues with solid waste and reusing it and  
21 ways we could make that better and things we  
22 needed to be careful about so that we don't end  
23 up having a lot of open dumps in the state.

1           The bill somewhat did a lot of what we  
2 were looking at to do anyway, so right now, if  
3 you are putting what would be considered solid  
4 waste in a process, it is no longer regulated,  
5 so -- and Cal would have way more examples than I  
6 do, but, you know, one that comes to mind is  
7 that, you know, where shingles were being used  
8 fore cement in roads. That's not a thing that's  
9 being used as much anymore, but it was.

10           So, in that event, Cal would not have had  
11 to go get a legitimate use approval, he could  
12 just do it because he's putting it in a process  
13 to make another product or use it in another way.  
14 So, anything like that would no longer be  
15 regulated.

16           The second part is -- has to do with  
17 hazardous waste facilities. Some of them are  
18 starting to get involved in solid waste handling  
19 as well, and they did not want to have to get two  
20 permits, and so, we worked with those groups to  
21 make sure that the language was something we were  
22 comfortable with so that the hazardous wastes and  
23 solid wastes were not commingled. That was the

1 big deal. They go different places, and if  
2 they're commingled, they're all -- it's all  
3 considered hazardous waste. We just wanted to  
4 make sure that's clear.

5 Then the third part was adopting our --  
6 that the statute adopts the 2018 solid waste  
7 rules for purposes of hazardous waste. It's a  
8 federal rule, and they stay adopted until the  
9 Board can adopt them. It has to do -- there's a  
10 lot in there, but a big piece of this, the big  
11 push of it was secondary hazardous materials, the  
12 way the rules and the laws are written. Prior to  
13 this law change, people felt it was too rigorous  
14 compared to what EPA allows.

15 And then finally, there was a recycling  
16 piece to the bill, and it's trying to get  
17 Indianapolis to put their foot in the door for  
18 recycling in some big project. We offered four  
19 million dollars for that from the Recycling  
20 Market Development Board Fund. That fund has a  
21 decent chunk of change in it, and we don't use it  
22 every year, so it seemed like a logical place to  
23 get money for this project, and we'll see what

1 that looks like.

2 And with that, if anybody has questions,  
3 I'm happy to answer, and if not, I will pass it  
4 over to Parvonay.

5 CHAIRMAN GARD: Commissioner, I do  
6 have a question. What about things like -- if  
7 there are still such things, but asphalt shingles  
8 and things like that for reuse? Is that tracked  
9 at all?

10 COMM. ROCKENSUESS: Well, now, with  
11 the passage of the bill, if you're putting it in  
12 a process, you don't even have to notify the  
13 agency of what you're doing. So, we won't find  
14 out if something's really being reused until we  
15 get a complaint, and then we will go and  
16 investigate, and if it is being reused and we  
17 can -- after talking with the company, that we  
18 find that it's being reused, then that claim is  
19 closed.

20 If they're stockpiling, if it's clear  
21 they're not reusing or putting anything through a  
22 process, then we'll go through the solid waste  
23 rules that dictate that that's -- that would be

1 an open dump. So, it echoes with any kind of  
2 problems, really.

3 CHAIRMAN GARD: It really makes a lot  
4 of hoops for you all to have to jump through.

5 COMM. ROCKENSUESS: Yeah, but it  
6 was -- the bill was in a different spot before,  
7 that was even more difficult prior to its  
8 passage. So, it did come around a little bit  
9 towards the end, towards something that we could  
10 get control on.

11 And, you know, I developed this group that  
12 I mentioned because I had heard a lot of  
13 complaints from people asking why do they have to  
14 get this big solid waste processing permit when  
15 all they're doing is taking a single-use stream,  
16 whether it's metal, wood, whatever, and reusing  
17 it? And it would be good reasons to reuse it.

18 And I agreed with that, and so, my purpose  
19 of putting together the group was to figure out  
20 ways that we could have lesser regulations around  
21 people that were reusing a single stream so they  
22 wouldn't have to get this big permit that costs a  
23 lot of money, actually.

1           So, the bill went a little bit further  
2 than, you know, I may have wanted it to go, but  
3 that's the way, you know, legislation works  
4 sometimes. So, we're wrapping our arms around it  
5 and we're going to start meeting again with that  
6 group so that we can start discussing what the  
7 legitimate use rule will look like, because there  
8 are some products that will -- that don't go into  
9 a process.

10           Foundry sand would be one of -- that --  
11 example of that. You know, once it's there,  
12 people will want to legitimately use that for  
13 making berms or filling different things, and the  
14 organizations that do that want rules around  
15 legitimate use, to understand what is expected,  
16 what's not expected.

17           CHAIRMAN GARD: Okay. One more  
18 question, then, a different subject, on your low  
19 number of employees. Are you seeing a lot of  
20 overtime?

21           COMM. ROCKENSUESS: No, no. We have  
22 a couple of programs that utilize comp time --

23           CHAIRMAN GARD: Uh-huh.



1                   COMM. ROCKENSUESS:  -- for projects,  
2                   and they're project specific, so our underground  
3                   storage tank IT project, we had some people  
4                   receiving comp time just to get all of that work  
5                   done.  Overtime -- and I guess you could lump  
6                   those two together, comp time and overtime.  The  
7                   difference is overtime is pay, comp time is time  
8                   that we can use, as our vacation or sick time.

9                   CHAIRMAN GARD:  Uh-huh.

10                  COMM. ROCKENSUESS:  Overtime has to  
11                  be very specific and approved by the Budget  
12                  Agency, so many agencies don't utilize overtime,  
13                  except for like State Police, because I mean they  
14                  do run over quite a bit.  The one group we do  
15                  allow for overtime, if it's necessary, is  
16                  environmental response, for our econ group.

17                  CHAIRMAN GARD:  Okay.  Thank you.

18                  COMM. ROCKENSUESS:  Yep.

19                  CHAIRMAN GARD:  Anybody else have  
20                  questions of the Commissioner before --

21   (No response.)

22                  CHAIRMAN GARD:  Okay.

23                  COMM. ROCKENSUESS:  Thank you all.

1                   MS. STOVER: All right. I think I'm  
2 next. Good afternoon, everybody. I'd like to  
3 thank everybody for being here, both those in  
4 person and those of us joining virtually.

5                   Like Brian said, I've been Chief of Staff  
6 here at IDEM since January, so almost five months  
7 now and I've been having a great time, you know,  
8 meeting a lot of fantastic people and learning a  
9 lot, so nothing but wonderful things to say. I  
10 will say, though, the job's gotten a lot easier  
11 since session has ended. That was a little bit  
12 time consuming, as I know most of you know. So,  
13 happy to be on, you know, the cooling-off period  
14 after that.

15                  And again, like Brian mentioned, a lot of  
16 my time these past couple of months has been  
17 spent interviewing and hiring for new positions,  
18 particularly in our senior team. We've had a lot  
19 of turnover in some of our more senior-level  
20 positions, so Brian and I have had to set aside  
21 entire days to interview candidates to make sure  
22 we're finding the right people for our agency.

23                  One of those folks is here today, Drake

1 Abramson. He's our new Legislative Director,  
2 who's a former Senate LA. He worked for  
3 Sen. Doriot and Sen. Alting, and interned for  
4 Sen. Messmer.

5 Did I get that right?

6 MR. ABRAMSON: Yes.

7 MS. STOVER: He's been here about  
8 three weeks, four weeks, maybe, and he's been  
9 doing a really great job for us. We're excited  
10 to have him on board.

11 We also recently promoted Bob Lugar to the  
12 role of Assistant Commissioner over the Office of  
13 Program Support.

14 And most of you know Julia Wickard. Julia  
15 left a couple of months ago to go back to her  
16 previous role at the USDA Farm Services Agency.

17 We also hired a new CFO, Hilary Aldred,  
18 who came to us from Department of Corrections and  
19 has extensive state finance experience.

20 And we are also in the process of  
21 finalizing our pick for a new Communications  
22 Director, which hopefully we will be able to  
23 announce very, very soon and we're very excited

1 about.

2           So, we've had a ton of staffing changes,  
3 but I am truly excited to see some of the new  
4 talent coming into the agency and promoting into  
5 higher level roles, and I'm really hoping nobody  
6 else leaves, because I'm tired of interviewing,  
7 and hopefully Brian and I can get a little bit of  
8 a break from that. So, exciting changes  
9 happening and should be happening in the future.

10           And one other thing that has been  
11 occupying a lot of my time recently is PFAS,  
12 which you guys might know is forever chemicals  
13 because of how tiny the molecules are and how  
14 long they stay in your body and in the  
15 environment.

16           So, last year IDEM was notified of a  
17 detection of PFAS in the Treaty Creek area, so  
18 that's just south of Wabash. So, we began a  
19 sampling project in that area to determine how  
20 widespread the issue was and whether any drinking  
21 water was impacted.

22           So, we initially sampled three public  
23 water systems in the area. One was a residential

1 facility, one was an elementary school, and one  
2 was a middle or high school, I don't remember  
3 exactly, to see whether those systems were  
4 impacted. Luckily we found no detections there.

5 From that, we moved on to sampling the  
6 surface water in Treaty Creek, which  
7 unfortunately did show elevated levels, so it  
8 confirmed the information that was originally  
9 given to us. Once we got those results, we  
10 wanted to see whether private wells would be  
11 impact -- in the area were impacted.

12 So, if you know the area at all, it's a  
13 pretty rural area where folks aren't hooked up to  
14 city water, and most use private wells for their  
15 drinking water. So, we wanted to see, you know,  
16 whether any of the water from Treaty Creek had  
17 seeped into the wells.

18 We ended up sampling about 50 or 60  
19 drinking water wells located within about 300  
20 feet of Treaty Creek, because our Water/Land  
21 folks told us that those were the wells most  
22 likely to be impacted by the surface water or the  
23 creek. And when we were doing the sampling, we

1 didn't really know what to expect. You know, we  
2 didn't know how many of those 50 or 60 wells  
3 might come back with detections, and at what  
4 level, you know, teeny tiny amounts or massive  
5 amounts. You know, we didn't know.

6 So, we got all of the lab results back  
7 from the drinking water wells, and, you know, we  
8 were fortunate that only five of those wells had  
9 PFAS detections, which is honestly better than I  
10 was expecting, and only three of those wells had  
11 detections that exceeded the U.S. EPA lifetime  
12 advisory level of 70 parts per trillion.

13 So, for those three wells we've installed  
14 water filtration systems, kind of a carbon  
15 filter, so not like a small Brita filter like you  
16 might attach to your faucet or put in your  
17 fridge, but larger systems, kind of like a water  
18 softener, that will pull out the PFAS and allow  
19 that to be safe for drinking water. And we've  
20 done that free of charge to the homeowner.

21 And we're still doing additional sampling  
22 in the area across the farmland, soil samples and  
23 water samples both, to try and figure out the

1 source of the contamination. But right now our  
2 land and water experts are working in the area,  
3 so hopefully soon we'll have a better idea of  
4 where it's coming from and whether any drinking  
5 water's impacted.

6 But as of now, the whole situation has  
7 gone kind of better than I expected, and we'll be  
8 sure to keep you guys updated as we know more,  
9 but certainly an issue that I know a lot of  
10 different agencies are dealing with, and we've  
11 coordinated our response with Agriculture, DHS,  
12 Board of Animal Health, Department of Health, all  
13 impacted agencies, and I think we're learning a  
14 lot. So, we'll be sure to keep this group  
15 updated.

16 CHAIRMAN GARD: Are there any  
17 questions?

18 (No response.)

19 CHAIRMAN GARD: Well, thank you so  
20 much. It sounds like you've hit the ground  
21 running.

22 MS. STOVER: I'm sure trying to.

23 CHAIRMAN GARD: Okay.

1           The next order of business is Chris  
2 Petersen for a rulemaking report.

3           MS. PEDERSEN: Good afternoon. I'm  
4 Chris Pedersen, in the Rules Development Section  
5 of the Office of Legal Counsel.

6           Our next Board meeting is tentatively set  
7 for September 14th, and at that meeting, we have  
8 a few rules that we can anticipate bringing  
9 before you. The first two are the final adoption  
10 of the Landfill Emissions Rule that's before you  
11 today, and the Angola Chloride Variance Revisions  
12 Rule that's before you today.

13           In addition to that, we have an emergency  
14 rule that we're preparing for Lake and Porter  
15 Ozone Redesignations. That is one that we're  
16 trying to get the regular rulemaking done  
17 quickly, too, and if we can get that published  
18 soon enough, we may also have the regular  
19 rulemaking before you as a Section 8 rulemaking  
20 for adoption.

21           So, those are the rules that we're  
22 relatively sure of. There are a few others that  
23 we're unsure of, so they'll be added to the



1 agenda if they're ready. And I'll be happy to  
2 answer any questions.

3 CHAIRMAN GARD: Are there any  
4 questions for Chris?

5 (No response.)

6 CHAIRMAN GARD: Okay. Thank you,  
7 Chris.

8 Today we have hearings for the following  
9 Board actions: Adoption of Daviess and Pike  
10 County SO2 Redesignations, State SO2 and Porter  
11 County Designations, preliminary adoption of  
12 Landfill Emissions, Angola Chloride Variance  
13 Revisions. We will also have a Nonrule Policy  
14 Document on the Risk-Based Closure Guide, and an  
15 update on the Citizen's Petition to request  
16 rulemaking on the 2012 EPA recreational water  
17 quality criteria.

18 As a reminder, if you wish to testify in  
19 any of today's hearings, please fill out the  
20 comment card and give it to Karla Kindrick at the  
21 sign table. The rules being considered at  
22 today's meeting were included in Board packets  
23 and are available for public inspection at the

1 Office of Legal Counsel, 13th Floor, Indiana  
2 Government Center North. The entire Board packet  
3 is also available on IDEM's Web site at least one  
4 week prior to each Board meeting.

5 A written transcript of today's meeting  
6 will be made. The transcript and any written  
7 submissions will be open for public inspection at  
8 the Office of Legal Counsel. A copy of the  
9 transcript will be posted on the rules page of  
10 the agency Web site when it becomes available.

11 Will the official reporter of the cause  
12 please stand, raise your right hand and state  
13 your name?

14 (Reporter sworn.)

15 CHAIRMAN GARD: Thank you.

16 Now we'll have a public hearing before the  
17 Environmental Rules Board of the State of Indiana  
18 concerning adoption of amendments to Rules at  
19 326 IAC 1-4-15 and 326 IAC 1-4-64 regarding the  
20 redesignation of a portion of the Daviess and  
21 Parke -- Pike Counties for the Sulfur Dioxide  
22 Standard.

23 I will now introduce Exhibit A, the draft

1 rule, into the record of the hearing.

2 Keelyn Walsh will present the rule.

3 MS. WALSH: Good afternoon, members  
4 of the Board. I'm Keelyn Walsh, with the Rules  
5 Development Section of the Office of Legal  
6 Counsel, and I am here to present Rule  
7 No. 21-258, Sulfur Dioxide Redesignation for  
8 Daviess and Pike Counties in Indiana for your  
9 consideration.

10 This rule amends 326 IAC 1-4-15 and  
11 326 IAC 1-4-64 to update the attainment  
12 designation status for Veale Township in Daviess  
13 County and Washington Township in Pike County  
14 under the 2010 one-hour primary National Ambient  
15 Air Quality Standards for Sulfur Dioxide. This  
16 rule also amends 326 IAC 1-4-15 and  
17 326 IAC 1-4-64 to update the designation status  
18 for the remaining portions of Daviess and Pike  
19 Counties to unclassifiable or attainment under  
20 the 2010 one-hour primary SO<sub>2</sub> NAAQS as published  
21 by U.S. EPA in the Federal Register on  
22 January 19th, 2018, and to clarify that these  
23 counties are designated as better than the

1 national secondary standard for the 1971  
2 three-hour SO2 standard as published in the  
3 Federal Register on March 3rd, 1978.

4 This rule was adopted by the Board on  
5 November 10th, 2021, but was recalled on  
6 March 30th, 2022, due to an administrative error  
7 identified in the promulgation package by the  
8 Attorney General's Office. The Section 8 notice  
9 as published in the Indiana Register was  
10 unintentionally omitted from the November 10th,  
11 2021 Board packet, and the Section 8 notice  
12 contains the findings of the Commissioner, which  
13 are required to be presented to the Board before  
14 final adoption. Therefore, this rule is being  
15 presented again for final adoption with the  
16 Section 8 notice included in your Board packet.

17 IDEM respectfully requests that the Board  
18 final adopt this rule as presented, and I am  
19 available to answer any other questions you may  
20 have.

21 Thank you.

22 CHAIRMAN GARD: Are there any  
23 questions for Keelyn?

1 (No response.)

2 CHAIRMAN GARD: Okay. Thank you very  
3 much.

4 Are there any speaker cards that have been  
5 turned in?

6 MS. KINDRICK: No, ma'am.

7 CHAIRMAN GARD: Any -- any on-line?

8 (No response.)

9 CHAIRMAN GARD: I don't think so.  
10 Okay. This hearing is concluded. The  
11 Board will now consider adoption of amendments to  
12 326 IAC 1-4-15 and 326 IAC 1-4-64, Daviess and  
13 Pike Counties SO2 Redesignation.

14 Board discussion?

15 (No response.)

16 CHAIRMAN GARD: Is there a motion to  
17 adopt the rules as presented?

18 MR. RULON: Ken Rulon, so move.

19 MR. GREEN: Second.

20 CHAIRMAN GARD: Is there a second?

21 MR. GREEN: Second.

22 CHAIRMAN GARD: This is roll-call  
23 vote.

1           Dr. Alexandrovich?

2                   DR. ALEXANDROVICH:   Yes.

3                   CHAIRMAN GARD:   Mr. Bortner?

4                   MR. BORTNER:    Yes.

5                   CHAIRMAN GARD:   Mr. Chambers?

6                   MR. CHAMBERS:   Yes.

7                   CHAIRMAN GARD:   Mr. Davidson?

8                   MR. DAVIDSON:   Yes.

9                   CHAIRMAN GARD:   Is Mr. Etzler on yet?

10                               (No response.)

11                   CHAIRMAN GARD:   Mr. Green?

12                   MR. GREEN:      Yes.

13                   CHAIRMAN GARD:   Ms. Koryski?

14                   MS. KOZYRSKI:   Yes.

15                   CHAIRMAN GARD:   Ms. Nelson?

16                   MS. NELSON:     Yes.

17                   CHAIRMAN GARD:   Dr. Niemiec?

18                   DR. NIEMIEC:    Yes.

19                   CHAIRMAN GARD:   Mr. Rulon?

20                   MR. RULON:      Yes.

21                   CHAIRMAN GARD:   Mr. Schuler?

22                   MR. SCHULER:    Yes.

23                   CHAIRMAN GARD:   Mr. Wasky?

1 MR. WASKY: Yes.

2 CHAIRMAN GARD: And the Chair votes  
3 aye. The vote is 12 to 0.

4 Okay. Now this is a public hearing before  
5 the Environmental Rules Board of the State of  
6 Indiana concerning adoption of amendments to  
7 rules at 326 IAC 1-4 regarding Sulfur Dioxide  
8 Designations for most of the state, and  
9 326 IAC 1-4-65 regarding the Designation for  
10 Porter County for Ozone.

11 I will now introduce Exhibit B, the draft  
12 rule, into the record of the hearing.

13 Keelyn Walsh will present the rule.

14 MS. WALSH: Hello, again. I'm Keelyn  
15 Walsh, and I'm here to present Rule No. 21-515,  
16 State Sulfur Dioxide and Porter County Ozone  
17 Designations, for your consideration.

18 This rulemaking updates the attainment  
19 designation status for 90 of Indiana's 92  
20 counties for sulfur dioxide to accurately reflect  
21 the federal language used in the Code of Federal  
22 Regulations at 40 CFR 81.315. This rulemaking  
23 also updates the designation status of Porter

1 County under the 2015 eight-hour ozone National  
2 Ambient Air Quality Standard based on the final  
3 rule published by U.S. EPA in the Federal  
4 Register on June 14th, 2021.

5 In order to avoid conflict with ongoing  
6 litigation concerning a challenge to the  
7 designation status for several townships in  
8 Huntington County, the rule language differs from  
9 what's currently reflected in 40 CFR 81.315 and  
10 will be updated if necessary once the challenge  
11 is resolved.

12 This rule was adopted by the Board on  
13 February 9th, 2022, but was recalled on  
14 March 20th, 2022 due to administrative error  
15 identified in the promulgation package by the  
16 Attorney General's Office, and the Section 8  
17 Notice as published in the Indiana Register was  
18 unintentionally omitted from the February 9th,  
19 2022 Board packet. The Section 8 Notice contains  
20 the findings of the Commissioner, which are  
21 required to be presented to the Board before  
22 final adoption, and so, this rule is being  
23 presented again for final adoption with the



1 Section 8 Notice included in your Board packets.

2 IDEM respectfully requests that the Board  
3 final adopt this rule as presented, and I'm  
4 available to answer any further questions you may  
5 have.

6 Thank you.

7 CHAIRMAN GARD: Any questions for  
8 Keelyn?

9 DR. ALEXANDROVICH: Yes, I have one,  
10 Chairman Gard.

11 CHAIRMAN GARD: Okay. Go ahead.

12 DR. ALEXANDROVICH: Keelyn, I want --

13 CHAIRMAN GARD: Why don't you state  
14 your name so I will know who it is?

15 DR. ALEXANDROVICH: It's Joanne  
16 Alexandrovich.

17 CHAIRMAN GARD: Okay.

18 DR. ALEXANDROVICH: Keelyn, I was  
19 just wondering if you could tell me what's so  
20 special or different about Dearborn, Gibson,  
21 Jefferson, Porter and Warrick in that they cannot  
22 be classified for the '71 secondary three-hour SO2  
23 standard. I just -- I know it's in the Federal

1 Register, but I'm wondering why those five  
2 counties -- I might have missed one.

3 MS. WALSH: Well, I don't have the  
4 rule directly in front of me.

5 MS. PEDERSEN: Keelyn?

6 MS. WALSH: Uh-huh.

7 MS. PEDERSEN: Is Matt Stuckey on?

8 MS. WALSH: Matt, are you on the Zoom  
9 call?

10 MR. STUCKEY: Yeah, I'm on. This is  
11 Matt.

12 MS. WALSH: Would you be able to  
13 address that, per chance?

14 MR. STUCKEY: So, I don't have the  
15 rule in front of me. I can pull it up real  
16 quick, but I assume the question is why they're  
17 considered unclassifiable; is that what you're  
18 asking?

19 DR. ALEXANDROVICH: Well, it's just  
20 five counties, and it's for this '71 secondary  
21 three-hour, so I'm just wondering why that is.

22 MR. STUCKEY: So, the designations  
23 that EPA establishes are either attainment,

1 nonattainment or unclassifiable. Unclassifiable,  
2 in very general terms, means that we don't have  
3 sufficient data because we don't have sufficient  
4 modeling data or -- to support a designation of  
5 nonattainment, and those are areas where  
6 historically we've not had that information, but  
7 there's no reason, based on modeling information,  
8 they would not be nonattainment.

9           But it's just a -- it's a -- I mean short  
10 of going into too much detail, it's basically the  
11 way in which the EPA establishes those  
12 classifications. So, those old classifications  
13 we're trying to clean up with this particular  
14 rule have long since been essentially replaced by  
15 the newer SO2 standards, and then put in place.

16           DR. ALEXANDROVICH: And just -- okay.  
17 But it just seems a little bit strange, because a  
18 lot of those are ones with power plants that  
19 monitored for SO2, so that's why I don't quite  
20 understand why they're different than the others,  
21 but that's okay.

22           MR. STUCKEY: I don't know if  
23 Susan -- we're supposed to have someone from the

1 Programs Branch there today for rules. I don't  
2 know if she can elaborate if she's there.

3 MS. BEM: Yeah, I am. This is Susan  
4 Bem. You know, I don't have the rule in front of  
5 me either.

6 CHAIRMAN GARD: Susan, why don't you  
7 come up front, if you don't mind?

8 MS. BEM: Hi.

9 CHAIRMAN GARD: Thank you.

10 MS. BEM: This is Susan Bem. The  
11 only thing I can probably add to the discussion  
12 is I think you mentioned Warrick County, Dearborn  
13 County. Those all sound like counties that were  
14 part of -- they were originally nonattainment  
15 counties at one point in time a long time ago  
16 with the three-hour standard.

17 And so, I know you mentioned monitoring  
18 data, and we probably had monitoring data at one  
19 point in time, and I'm not quite sure, without  
20 having the rule in front of me --

21 DR. ALEXANDROVICH: Well, all of the  
22 other counties are better than the national  
23 standard, and this is "Cannot be classified,"

1 so --

2 MS. BEM: Yeah, I just -- those just  
3 sound like the original nonattainment counties,  
4 so somehow the classification is different, but  
5 as Matt --

6 DR. ALEXANDROVICH: Okay.

7 MS. BEM: -- mentioned, you know,  
8 they are, you know, in attainment, and it's just  
9 different.

10 DR. ALEXANDROVICH: And likely better  
11 than the standard. Okay. Thank you.

12 MS. BEM: Thank you.

13 CHAIRMAN GARD: Any -- any other  
14 questions?

15 (No response.)

16 CHAIRMAN GARD: Okay. Thank you,  
17 Keelyn.

18 Are there any speaker cards?

19 MS. KINDRICK: No, ma'am.

20 CHAIRMAN GARD: Okay. This hearing  
21 is concluded. The Board will now consider  
22 adoption of amendments to 326 IAC 1-4, State SO2  
23 and Porter County Ozone Designations.

1           Is there any Board discussion?

2                           (No response.)

3           CHAIRMAN GARD: Is there a motion to  
4 adopt the rules as presented?

5           MS. NELSON: Katie Nelson, so moved.

6           CHAIRMAN GARD: Is there a second?

7           MR. DAVIDSON: Cal Davidson, second.

8           CHAIRMAN GARD: This is roll call.

9           Dr. Alexandrovich?

10           DR. ALEXANDROVICH: Yes.

11           CHAIRMAN GARD: Mr. Bortner?

12           MR. BORTNER: Yes.

13           CHAIRMAN GARD: Mr. Chambers?

14           MR. CHAMBERS: Yes.

15           CHAIRMAN GARD: Mr. Davidson?

16           MR. DAVIDSON: Yes.

17           CHAIRMAN GARD: Mr. Green?

18           MR. GREEN: Yes.

19           CHAIRMAN GARD: Ms. Koroski?

20           MS. KOZYRSKI: Yes.

21           CHAIRMAN GARD: Ms. Nelson?

22           MS. NELSON: Yes.

23           CHAIRMAN GARD: Dr. Niemiec?

1 DR. NIEMIEC: Yes.

2 CHAIRMAN GARD: Mr. Rulon?

3 MR. RULON: Yes.

4 CHAIRMAN GARD: Mr. Wasky?

5 MR. WASKY: Yes.

6 CHAIRMAN GARD: Mr. Wasky?

7 MR. WASKY: Yes.

8 CHAIRMAN GARD: Mr. Schuler?

9 MR. SCHULER: Yes.

10 CHAIRMAN GARD: And the Chair votes  
11 aye. Again, the vote is 12 ayes, 0 nays, so the  
12 rule is passed.

13 This is a public hearing before the  
14 Environmental Rules Board of the State of Indiana  
15 concerning preliminary adoption of amendments to  
16 rules at 326 IAC 8-8.2, Landfill Emissions.

17 I will now introduce Exhibit C, the draft  
18 rule, into the record of the hearing.

19 Keelyn Walsh will present the rule.

20 MS. WALSH: Hello, again. I'm Keelyn  
21 Walsh, and I'm here to present Rule No. 22-109,  
22 Municipal Solid Waste Landfill Emissions Update,  
23 for your consideration.

1           Municipal solid waste landfills are  
2 discrete areas of land or excavation that receive  
3 household waste or other types of nonhazardous  
4 wastes such as commercial solid waste,  
5 nonhazardous sludge, and industrial nonhazardous  
6 solid waste. On May 21st, 2021, U.S. EPA  
7 published a final rule in the Federal Register at  
8 40 CFR 62, Subpart triple O, that requires states  
9 to submit plans implementing the 2016 municipal  
10 solid waste landfills emission guidelines.

11           Indiana is currently operating under state  
12 rules that implemented the federal new source  
13 performance standards at 40 CFR 60, Subpart  
14 triple W, and emission guidelines for municipal  
15 solid waste landfills at 40 CFR 60, Subpart Cc,  
16 that U.S. EPA promulgated on March 16th, 1996.

17           While U.S. EPA's intention is for the 2021  
18 federal plan to replace the existing 2016  
19 approved state plan, the federal rules for  
20 the 2016 emission guidelines did not repeal  
21 40 CFR 60, Subpart triple W that Indiana's state  
22 rules rely on.

23           Consequently, the municipal solid waste



1 landfills in Indiana are now subject to both the  
2 federal plan at 40 CFR 62, Subpart triple O, as  
3 well as the 1996 emission guidelines in state  
4 rules, which creates conflicting requirements for  
5 Indiana sources.

6 IDEM intends to address this conflict with  
7 a Nonrule Policy Document in the interim, until  
8 this rulemaking is final and effective, which is  
9 likely to be presented to you at the next Board  
10 meeting.

11 This rulemaking will repeal 326 IAC 8-8  
12 and 326 IAC 8-8.1, and add a new rule at  
13 326 IAC 8-8.2 to incorporate 40 CFR 62, Subpart  
14 triple O for municipal solid waste landfills in  
15 the state rules, which will remove the  
16 conflicting requirements.

17 The incorporation by reference also  
18 includes the updated federal language published  
19 on February 14th, 2022 in the Federal Register,  
20 which updates several sections of 40 CFR 62 to  
21 clarify compliance schedules, the closed  
22 subcategory, and the definition of  
23 "administrator."

1           Once this rule is final, IDEM will submit  
2 a state plan to U.S. EPA for approval. Once  
3 approved by U.S. EPA, the federal plan will no  
4 longer be in effect in Indiana, which will remove  
5 the conflicting federal and state requirements.

6           It should also be noted that while  
7 326 IAC 8-8.1 was put in place solely to address  
8 the requirements for a state plan under  
9 40 CFR 60, Subpart Cc, the additional rule at  
10 326 IAC 8-8 for landfills located in Lake,  
11 Porter, Clark and Floyd Counties was implemented  
12 to address volatile organic compound emission  
13 reductions for ozone nonattainment counties.

14           The emission standards in the new rule at  
15 326 IAC 8-8.2 will be applicable statewide and  
16 will be sufficient for Indiana to continue  
17 meeting ozone planning requirements. Indiana  
18 also intends to request a state implementation  
19 plan revision to replace 326 IAC 8-8 with a new  
20 rule at 326 IAC 8-8.2 once this rulemaking is  
21 final.

22           IDEM respectfully requests that the Board  
23 preliminarily adopt this rule as presented, and

1 program staff and I are available to answer any  
2 further questions you may have.

3 Thank you.

4 CHAIRMAN GARD: Are there questions  
5 from anyone?

6 DR. ALEXANDROVICH: Alexandrovich has  
7 more questions.

8 MS. WALSH: Uh-huh.

9 DR. ALEXANDROVICH: I assume the 2016  
10 guidelines are a little more stringent than  
11 the 1996 guidelines.

12 MS. WALSH: I believe they're -- they  
13 are a little bit, yeah, more stringent and more  
14 inclusive than the original.

15 DR. ALEXANDROVICH: So, is it going  
16 to -- and I am -- the landfills are already  
17 trying to meet those emission guidelines. Are  
18 they having any difficulties meeting those  
19 guidelines?

20 MS. WALSH: Not that I'm aware of. I  
21 don't know if anyone else would have any further  
22 information on that, but I believe these are, you  
23 know, regulations that they are already familiar

1 with and working to meet or have already met.

2 DR. ALEXANDROVICH: Thank you.

3 CHAIRMAN GARD: Are there any other  
4 questions?

5 (No response.)

6 CHAIRMAN GARD: Are there any speaker  
7 cards?

8 MS. KINDRICK: No, ma'am.

9 CHAIRMAN GARD: Okay. Thank you.  
10 This hearing is concluded. The Board will now  
11 consider preliminary adoption of amendments to  
12 rules at 326 IAC 8-8.2, Landfill Emissions.

13 Is there any Board discussion?

14 (No response.)

15 CHAIRMAN GARD: Is there a motion to  
16 adopt the rules as presented?

17 MR. GREEN: So moved.

18 CHAIRMAN GARD: Is there a second?

19 MR. DAVIDSON: Cal David --

20 CHAIRMAN GARD: Is there a second?

21 MR. DAVIDSON: Second, Cal Davidson.

22 CHAIRMAN GARD: This is a roll-call  
23 vote.

1           Dr. Alexandrovich?

2           DR. ALEXANDROVICH:  Yes.

3           CHAIRMAN GARD:  Mr. Bortner?

4           MR. BORTNER:  Yes.

5           CHAIRMAN GARD:  Mr. Chambers?

6           MR. CHAMBERS:  Yes.

7           CHAIRMAN GARD:  Mr. Davidson?

8           MR. DAVIDSON:  Yes.

9           CHAIRMAN GARD:  Mr. Green?

10          MR. GREEN:  Yes.

11          CHAIRMAN GARD:  Ms. Koroski?

12          MS. KOZYRSKI:  Yes.

13          CHAIRMAN GARD:  Ms. Nelson?

14          MS. NELSON:  Yes.

15          CHAIRMAN GARD:  Dr. Niemiec?

16          DR. NIEMIEC:  Yes.

17          CHAIRMAN GARD:  Mr. Rulon?

18          MR. RULON:  Yes.

19          CHAIRMAN GARD:  Mr. Schuler?

20          MR. SCHULER:  Yes.

21          CHAIRMAN GARD:  Mr. Wasky?

22          MR. WASKY:  Yes.

23          CHAIRMAN GARD:  The Chair votes aye.

1 Again, the vote is 12 ayes, 0 nays. The motion  
2 is passed.

3 This is a public hearing before the  
4 Environmental Rules Board of the State of Indiana  
5 concerning preliminary adoption of amendments to  
6 rules at 327 IAC 2-1.5-7 [sic] regarding Angola  
7 Chloride Variance Revisions.

8 I will now introduce Exhibit D, the draft  
9 rule, into the record of the hearing.

10 Krystal Hackney will present the rule.

11 MS. HACKNEY: Good afternoon, members  
12 of the Board. My name is Krystal Hackney, and  
13 I'm a rule writer in the Rules Development  
14 Section within the Office of Legal Counsel.

15 This rulemaking updates the City of  
16 Angola's chloride variance limits for the monthly  
17 average and daily maximum limits as required as  
18 part of the water quality standard variance  
19 process under 327 IAC 5-3-4.1(m) and reflects the  
20 variance limits for chloride that were approved  
21 in 2021.

22 A variance request can be submitted to  
23 IDEM when an application is submitted for a new

1 or modified NPDES permit. The City of Angola's  
2 modified permit became effective on November 1st,  
3 2021. It reflects the final approval of the  
4 variance from the water quality standard for  
5 chloride.

6 IDEM requests that the Board preliminarily  
7 adopt the rule as presented. Program experts and  
8 I are available to answer any further questions  
9 that you may have.

10 Thank you.

11 CHAIRMAN GARD: Any questions?

12 (No response.)

13 CHAIRMAN GARD: Any cards?

14 MS. KINDRICK: No, ma'am.

15 CHAIRMAN GARD: Okay. This hearing  
16 is concluded. The Board will now consider  
17 preliminary adoption of amendments to the rules  
18 at 327 IAC 2-1.5-17 regarding Angola Chloride  
19 Variance Revisions.

20 Is there any Board discussion?

21 (No response.)

22 CHAIRMAN GARD: Is there a motion to  
23 adopt the rule as presented?

1 MR. RULON: Ken Rulon, so moved.

2 CHAIRMAN GARD: Second? Is there a  
3 second?

4 DR. ALEXANDROVICH: Alexandrovich,  
5 second.

6 CHAIRMAN GARD: This is a roll-call  
7 vote.

8 Dr. Alexandrovich?

9 DR. ALEXANDROVICH: Yes.

10 CHAIRMAN GARD: Mr. Bortner?

11 MR. BORTNER: Yes.

12 CHAIRMAN GARD: Mr. Chambers?

13 MR. CHAMBERS: Yes.

14 CHAIRMAN GARD: Mr. Davidson?

15 MR. DAVIDSON: Yes.

16 CHAIRMAN GARD: Mr. Green?

17 MR. GREEN: Yes.

18 CHAIRMAN GARD: Ms. Koroski?

19 MS. KOZYRSKI: Yes.

20 CHAIRMAN GARD: Ms. Nelson?

21 MS. NELSON: Yes.

22 CHAIRMAN GARD: Dr. Niemiec?

23 DR. NIEMIEC: Yes.



1 CHAIRMAN GARD: Mr. Rulon?

2 MR. RULON: Yes.

3 CHAIRMAN GARD: Mr. Schuler?

4 MR. SCHULER: Yes.

5 CHAIRMAN GARD: Mr. Wasky?

6 MR. WASKY: Yes.

7 CHAIRMAN GARD: The Chair votes aye.

8 Again, the vote is 12 ayes, 0 nays. The motion  
9 is passed.

10 This is a Nonrule Policy Document  
11 presentation. We'll have that presentation by  
12 Michael Habeck of IDEM's Office of Land Quality  
13 regarding Risk-Based Closure Guide.

14 MR. HABECK: Good afternoon. My name  
15 is Mike Habeck. I work in the Office of Land  
16 Quality, where one of my responsibilities has  
17 been coordinating a team of subject matter  
18 experts who were tasked with producing the  
19 attachment to this Nonrule Policy Document that  
20 we're presenting today. It is substantially  
21 reorganized from a previous attachment in 2012,  
22 which is itself a revision of a 2001 attachment,  
23 so this is really the second revision of the

1 original document.

2           It's substantially reorganized, but its  
3 purpose is much the same, which is to provide  
4 guidance on the implementation of IDEM's  
5 statute -- or Indiana's statutes related to  
6 risk-based closure, in particular, how to  
7 characterize chemical releases, how to evaluate  
8 risks arising from those releases, and, where  
9 necessary, how to implement remedies to address  
10 those risks and bring them down to an acceptable  
11 level.

12           So, in addition to reorganizing the  
13 document, we also modified it by adding, removing  
14 and revising material. We did that based on new  
15 science, EPA guidance, our own experience in  
16 working with the previous document over the last  
17 ten years, and input from interested parties.

18           And as an example of that, we invited  
19 members of the consulting community and the  
20 environmental law community to comment on a  
21 preliminary draft. That activity resulted in  
22 about three hundred comments, which we responded  
23 to in writing, and which we then used to revise

1 the preliminary draft into a form that we then  
2 put on public notice.

3 When the document went on public notice,  
4 we got another fifty-something comments, and we  
5 responded by revising the document further, in  
6 response to about forty of those. And so, that  
7 final revision -- I hope it's a final revision --  
8 is what's been made available to you all, and  
9 that's how we got here.

10 Anybody have any questions?

11 CHAIRMAN GARD: Are there any  
12 questions?

13 (No response.)

14 CHAIRMAN GARD: Okay. Thank you very  
15 much.

16 MR. HABECK: Thank you.

17 CHAIRMAN GARD: The next item of  
18 business is the Citizen's Petition, which has  
19 gone on for a pretty long time, a couple of  
20 years, at least. Paul Higginbotham will provide  
21 an update on the discussions between the parties.

22 Paul?

23 MR. HIGGINBOTHAM: Good afternoon,

1 Board members. My name is Paul Higginbotham.  
2 I'm a Deputy Assistant Commissioner for the  
3 Office of Water Quality. I'm here to give you an  
4 update on the Petitioners, what we've been doing  
5 with them, meeting as it relates to their 1212  
6 rec criteria petition.

7 I think, as what I mentioned at the last  
8 Board meeting, we have had some discussions with  
9 them concerning the actual 2012 criteria and  
10 their approach to that, and we basically now have  
11 also kind of put the brakes on that for the  
12 moment, to allow us to have some discussions as  
13 it relates to getting to what they want, what  
14 they are asking for, and the issue of certainty.

15 And we constantly aim toward certainty  
16 when it comes to their long-term control plans,  
17 and seeing if there's a way that we can figure  
18 this approach out in our existing statutory  
19 process as it relates to wet weather limited use  
20 subcategory rulemaking that we have in the  
21 statute now, and we've done for Fort Wayne and  
22 we've done for the City of Indianapolis.

23 So, we've had our last meeting, it was

1 May 24th, I believe, we had a meeting with the  
2 Petitioners. We're in the process now of  
3 scheduling the next meeting here in the next  
4 couple of weeks with the Petitioners to further  
5 discuss that approach of a -- what we're calling  
6 a focused UAA approach, use attainability  
7 analysis approach, if it's needed, to do the  
8 rulemaking for a wet weather limited use  
9 subcategory.

10 And we're trying to figure out a way that  
11 we can streamline it in a manner that would be  
12 helpful for the smaller communities that may not  
13 have the resources, both money and expertise and  
14 staffing, to do what -- like the City -- or  
15 citizens of Indianapolis have done and what the  
16 City of Fort Wayne have done, but can still be --  
17 get to the main elements of a use attainability  
18 analysis for the rulemaking that ultimately goes  
19 as a water quality standard change to EPA for  
20 their review and approval.

21 So, we're working through our -- that  
22 process. I mean it does take some time from the  
23 standpoint of, you know, the folks, the

1 Petitioners themselves have a lot of activities  
2 that they're working on outside of this issue, as  
3 well as staff.

4 As the Commissioner and Chief of Staff  
5 have mentioned, we're pretty lean as it comes to  
6 resources and working on special projects, and  
7 we're trying to fit it in as we go, and I think  
8 we're making progress, and what was submitted to  
9 us for discussion purposes from the Petitioners  
10 at the last meeting was, you know, enlightening  
11 and helpful.

12 I think we just had some more questions  
13 for them concerning some of those submittals and  
14 how they came up with some of that certain data  
15 that they came up with. So, that's what the next  
16 meeting will be about is a little bit further  
17 discussion and delving into those details.

18 And there's a couple of Petitioners here.  
19 I don't know if they -- if I've gotten that  
20 right, but as you can see, we're getting along  
21 still, because I've been back there sitting with  
22 those individuals as well. They're not choking  
23 me, so --

1                   MR. RULON: I just wonder if they --  
2 you guys are working on this. I mean I don't  
3 know that the Citizen's Petition -- I mean the  
4 idea behind that, at least as I understand it, is  
5 to actually get us to encourage a rulemaking. It  
6 seems like that petition has allowed you to get  
7 with them and you're working out a solution to  
8 their problems without us having to tell you to  
9 do a rulemaking; is that fair?

10                   MR. HIGGINBOTHAM: Yes. I would  
11 think they would -- I can't speak for the  
12 Petitioners, but from IDEM's standpoint, the hope  
13 would be that yes, we're able to get to a  
14 resolution to address the Petitioners' concerns  
15 and issues without having to make a rulemaking,  
16 we can just utilize our existing statutory  
17 authority for the wet weather limited use  
18 subcategory rulemaking is what IDEM's -- you  
19 know, in a perfect world, that's what we're  
20 hoping for.

21                   DR. ALEXANDROVICH: That was kind of  
22 my question, because I didn't quite follow if you  
23 were looking at rulemaking or looking at needing

1 a statutory change, or you're trying to work  
2 against all of that.

3 MR. HIGGINBOTHAM: Yeah -- no, if  
4 we're able -- this approach we're going down now  
5 as it relates to the use attainability analysis  
6 and the rulemaking, that if we can come to an  
7 agreement with the Petitioners, we kind of maybe  
8 can satisfy the Petitioners' request, then the --  
9 nothing would be needed from the Board, because  
10 we currently have that now, that process, other  
11 than if there's a rulemaking, like with you --  
12 like you've seen with Fort Wayne or this CWA  
13 authority, Citizens/Indianapolis wet weather  
14 subcategory rulemaking, you would see that when  
15 it would come about, but it would be just like we  
16 have done previously, the previous two  
17 rulemakings on this matter.

18 DR. ALEXANDROVICH: Well, I would  
19 hope if you were looking at some streamline for  
20 the smaller communities, that you can't exclude  
21 the larger communities from those streamlines.

22 MR. HIGGINBOTHAM: Well, I think we  
23 wouldn't necessarily exclude them, but some of



1 those communities are also under federal consent  
2 decrees.

3 DR. ALEXANDROVICH: Oh, yeah.

4 MR. HIGGINBOTHAM: So, the EPA and  
5 Department of Justice are a little bit more -- a  
6 lot more involved --

7 DR. ALEXANDROVICH: Uh-huh.

8 MR. HIGGINBOTHAM: -- in those  
9 federal consent decrees and they have a lot to  
10 say about things, so -- so, they are also a  
11 player, so they may -- they want something a  
12 little bit more robust from those communities,  
13 plus the impacts from the larger communities are  
14 bigger, and because of the volumes and the  
15 locations and CSO outfalls. So, in a situation  
16 like that, the bigger communities may have to do  
17 more.

18 DR. ALEXANDROVICH: So, the  
19 Petitioners are all from nonconsent decree --

20 MR. HIGGINBOTHAM: We have one that's  
21 a person that is from Mishawaka, which is under a  
22 federal consent decree, as part of this, sitting  
23 in on all of our meetings as well and having

1 those discussions.

2 DR. ALEXANDROVICH: Thank you.

3 MS. KOZYRSKI: I have a question. Is  
4 that original consent decree on the ERB  
5 Sharepoint? It's rather aged, and I'm rotating  
6 onto this, so I have not viewed that document.  
7 Is it available?

8 MR. HIGGINBOTHAM: They are  
9 available. We can get that information to Karla  
10 to give to the folks, because like there's ten,  
11 for ten different communities in the State of  
12 Indiana, consent decrees.

13 MS. KOZYRSKI: Okay.

14 MR. HIGGINBOTHAM: Well, actually --

15 MS. KOZYRSKI: I'm talking about the  
16 Petition.

17 MR. HIGGINBOTHAM: Oh, the Petition?

18 MS. KOZYRSKI: Yes.

19 MR. HIGGINBOTHAM: Yes, I'm sure we  
20 can get you the Petition.

21 MS. KINDRICK: Yes.

22 MR. HIGGINBOTHAM: That won't be a  
23 problem.

1 MS. KOZYRSKI: Thank you.

2 CHAIRMAN GARD: Well, Paul, thank you  
3 for your persistence on this, because I think  
4 it's really important that we come to a workable  
5 resolution without having to go back and adopt  
6 those 2012 standards.

7 MR. HIGGINBOTHAM: Thank you, and  
8 we're keeping our fingers crossed, and hopefully  
9 we can get something worked out.

10 Thank you.

11 MR. RULON: So, Chairman Gard, I'm  
12 trying to determine, then, if we should direct  
13 IDEM to keep working on this, but to close the  
14 Citizen's Petition, or do we have to --

15 CHAIRMAN GARD: I -- yeah, I think  
16 that would be -- should be an order of business.  
17 I think -- let's wait -- it would be up to the  
18 Board, I think, to actually close the Citizen's  
19 Petition, rather than IDEM. If I'm wrong,  
20 somebody tell me, but I think we ought to wait  
21 until the next meeting, since we just brought up  
22 this idea, and give other people a chance to  
23 think about it and see if that's what they want

1 to do. It seems to me to make sense.

2 Mr. Etzler sent me an e-mail, realizing he  
3 probably won't be here, saying that they were  
4 making good progress, and he wanted to continue  
5 to see the negotiations and the meetings  
6 continue, and he's been a big part of it, too.

7 MR. RULON: I guess I would just ask  
8 that we take a vote at the next meeting on either  
9 forcing a rulemaking or not, or at least have --

10 CHAIRMAN GARD: I --

11 MR. RULON: -- some way to make --  
12 it's like it's hanging in limbo, and I don't  
13 think that's fair to the citizens or to IDEM, to  
14 let --

15 CHAIRMAN GARD: I think you're -- I  
16 think you're right. I'd like to be able to move  
17 ahead and close the Petition, but continue --  
18 continue these discussions. We've had this on  
19 the agenda for a couple of years now, and I think  
20 that it's probably time to do what you said.

21 MR. RULON: Thank you.

22 CHAIRMAN GARD: Anybody else have any  
23 comments on this?

1 (No response.)

2 CHAIRMAN GARD: Commissioner, what do  
3 you think?

4 COMM. ROCKENSUESS: I appreciate  
5 everyone's patience as we work through this, and  
6 I do think we're going down the right path with  
7 the Petitioners and with, you know, my Water  
8 folks on finding a solution that's workable for  
9 them, and I look forward to the next Board  
10 meeting to hear what you guys want to do.

11 CHAIRMAN GARD: Okay.

12 Any other comments on this?

13 DR. ALEXANDROVICH: My opinion --  
14 Alexandrovich's opinion is that we keep it open,  
15 keep everybody's feet to the fire. I'm a little  
16 disappointed it's taking this long. I understand  
17 it's a big issue, but I don't think we should  
18 drop it, because that will change kind of the --  
19 the umbrella over the discussions. Mark me a  
20 cynic, but it could come from either side, and  
21 I'd prefer to leave it open until it's resolved.

22 CHAIRMAN GARD: Okay. Well, it -- it  
23 isn't my intention that in dropping it, that

1 people stop working on the issue. It would be my  
2 intention they'd continue to work on it, but --  
3 and I do want to get Nancy's opinion, legal  
4 opinion, on this, because this is something we  
5 really haven't faced before, to see what the  
6 implications are if we voted not to move forward  
7 with a rulemaking, but it seems to me that we  
8 could have another motion to continue these  
9 negotiations and actually, if need be, we could,  
10 you know, verify, you know, our support for this  
11 committee moving forward, and it has to be  
12 officially established by the Board that we can  
13 do that.

14                   COMM. ROCKENSUESS: Before Nancy  
15 speaks, I can tell you, Dr. Alexandrovich, that  
16 we are committed to seeing this through, whether  
17 there's a rule or not a rule. We understand that  
18 some of these communities want some certainty,  
19 and it's right for us to help get to a place  
20 where we can provide that.

21                   DR. ALEXANDROVICH: I understand. I  
22 wasn't trying to imply that. It's just my  
23 feeling keeping it open is best, but I appreciate

1 the work.

2 CHAIRMAN GARD: Is Nan --

3 DR. ALEXANDROVICH: It's not that I  
4 don't think IDEM's going to work to resolve it.

5 MS. KING: This --

6 CHAIRMAN GARD: Is Nan --

7 MS. KING: This is Nancy. I'll speak  
8 to this a little bit, since we're somewhat  
9 attenuated from when this was provided to you,  
10 which was a couple of years ago, and the  
11 Citizen's Petition concept in the statute is not  
12 one that we as a Board deal with all that often.

13 But I think that what we can certainly do  
14 at the next Board meeting is basically have an  
15 open hearing so that the Petitioners, those who  
16 have been working with this, can speak to the  
17 Board about not just sort of an update, "Here's  
18 where we are and here's the deal," but the  
19 reality of this situation is -- and I think it  
20 gets down to the question of whether the adoption  
21 of the 2012 rec criteria actually addresses what  
22 the Petitioners had wanted, which is an easier  
23 way to go through the process that was set up and

1 put in statute to allow us to get to the point  
2 where we are with both Indianapolis as well as  
3 Fort Wayne and the rules that you've adopted,  
4 that move through them working through what  
5 they're going to do to reduce their CSO overflows  
6 to the extent possible with the means they have  
7 based on financials with each of those places  
8 that have these. We have over a hundred of them  
9 in this state, so -- and that happened many, many  
10 years ago, like 25 years ago. I was here still  
11 then, so I remember it vaguely.

12 CHAIRMAN GARD: Me, too.

13 MS. KING: Yeah. The reality is, is  
14 that things have changed, technology has changed,  
15 so we're continuously chasing the fact that we  
16 adopt something that is out of date ten minutes  
17 later, in this case, 25 years later. So, these  
18 people who are sitting at the table trying to  
19 address what is their current issue based on what  
20 the existing law is or the existing process is,  
21 you know, it doesn't fit nicely into a category.

22 So, if the 2012 was at the time that they  
23 were -- wanted to get this before the Board, the



1 closest thing to coming up with a solution at  
2 that point in time, but now they've worked  
3 through to a different solution based on what we  
4 currently have on the books, and just working  
5 through that process.

6           And to your point of earlier, how many  
7 communities will this assist? Is there another  
8 process that is within the system that we  
9 currently have that's been EPA approved?  
10 Although they weren't too thrilled about it in  
11 the beginning, if I remember.

12           But the reality is, it is -- the point is  
13 to get to as few -- as little of CSO impact to  
14 the waters of the state as possible. And  
15 everybody has a different issue, everybody has a  
16 different problem as it relates to that. So, a  
17 one size fits all is absurd when you're talking  
18 about over a hundred communities.

19           So, to my knowledge and from what I've  
20 heard from the discussions that have been had,  
21 those kinds of negotiations and discussions about  
22 real-world issues is what has brought them to  
23 this particular point.

1           So, if -- you know, if the folks who  
2 brought this to the fore feel that -- that maybe  
3 the 2012 is not really ever going to be the way  
4 they're going to want to go, they should be able  
5 to say that to you guys, and then you can decide  
6 if, from a process standpoint, it makes sense to  
7 say, "Okay. We're voting not to move this  
8 Petition forward," and ask you to do that  
9 rulemaking.

10           If they come up with another option that  
11 they want to discuss with you, then, you know, we  
12 can go that route. It's really sort of a matter  
13 of: Is it necessary to close out the Citizen's  
14 Petition? The statute doesn't necessarily speak  
15 to that. It just assumes you're going to decide  
16 one way or the other. It doesn't give a time  
17 frame, it doesn't give any of that.

18           So, I think having that open discussion at  
19 the next Board meeting might help you to decide,  
20 "What should we do with this?" Should we leave  
21 it open for the reasons that you're talking  
22 about, Joanne, or can we just ask the IDEM staff  
23 doing this and the Petitioners to come back

1 periodically and talk to us about what's going  
2 on, and decide what direction to take?

3           So, we're not really completely  
4 constrained in what we do, because it's one of  
5 those arcane statutes that I'm probably the only  
6 one who ever looks at it, so, frankly. So, yeah,  
7 I mean I think it makes sense to have that kind  
8 of a discussion, and then you guys can decide  
9 what you really want to do, and we can  
10 accommodate that.

11           CHAIRMAN GARD: Well, thank you,  
12 Nancy, and if it makes you feel any better, I was  
13 here 25 years ago, too.

14                           (Laughter.)

15           MS. KING: Well, I guess okay, that  
16 makes me feel a little better. Thanks.

17           CHAIRMAN GARD: Any other comments or  
18 questions about this?

19                           (No response.)

20           CHAIRMAN GARD: Well, it will be on  
21 the agenda next time. If there are thoughts that  
22 you have in the meantime that you want to share  
23 with the -- with the Board, you can get those to

1 IDEM and they will make sure that they're  
2 distributed to the Board.

3 Okay. The next item of business is Open  
4 Forum. Is there anybody that wishes to address  
5 the Board today?

6 MS. KOZYRSKI: I do have one  
7 question, which I neglected to ask Mr. Habeck,  
8 but the question is -- and perhaps the  
9 Commissioner or someone else can answer -- is  
10 there a red-line version of the revised  
11 remediation closure guide available for review?

12 MS. DORSEY: I can answer that.  
13 Hello. I am Peggy Dorsey. I'm the Assistant  
14 Commissioner for the Office of Land Quality --  
15 excuse me.

16 And no, we do not necessarily have a  
17 red-line. That document originally started  
18 in 2001, and we've had one revision, which was  
19 2012, and since then it has kind of been a  
20 living, breathing document. And so, if you  
21 looked at what we would ordinarily call a  
22 red-line, it wouldn't even appear to be the exact  
23 same document. It would look so different.

1 Almost every word has changed. So, to produce a  
2 red-line version really isn't practical. We can  
3 show you what the 2012 looked like, and we can  
4 show you today's. So, if that would help you, we  
5 can do that.

6 MS. KOZYRSKI: Those are on -- is  
7 the 2012 still on the Web site?

8 MS. DORSEY: Yeah, yeah, that's the  
9 current version.

10 MS. KOZYRSKI: Very good. Thank you.

11 MS. DORSEY: Uh-huh.

12 Any other questions?

13 (No response.)

14 MS. DORSEY: Sorry for my allergies.  
15 They've gotten the better of me.

16 CHAIRMAN GARD: Okay. Is there  
17 anybody else that wishes to question the staff or  
18 the Board or make a comment to the Board?

19 (No response.)

20 CHAIRMAN GARD: Okay. We'll close  
21 the Open Forum. The next meeting is -- of the  
22 Environmental Rules Board -- is tentatively set  
23 for September the 14th at 1:30 in Conference

1 Room A, Government Center South. We'll let you  
2 all know if they'll be able to use Zoom as well  
3 as in person. I think this has worked pretty  
4 good today, at least I think it has from this  
5 end.

6 Is there any other comments, questions  
7 from the Board?

8 MR. RULON: Chairman Gard, Ken Rulon.  
9 You know, Joanne and I have been on the Board  
10 since it was formed, which I think is ten years  
11 ago, twelve years ago. I don't know. We're all  
12 getting old.

13 CHAIRMAN GARD: Yeah, it was 2012.

14 MR. RULON: And I just wanted to  
15 publicly thank her for -- she always asks great  
16 questions, and today's questions were excellent,  
17 and not one of three IDEM employees could answer  
18 your question, not one of three had the rule in  
19 front of them, which is kind of embarrassing.  
20 We'll blame that on Bruno; okay? But I just  
21 wanted to thank her for her service, and you for  
22 yours as well, so thank you.

23 CHAIRMAN GARD: Well,

1 Dr. Alexandrovich always asks good questions, and  
2 that's why I've always pushed for her to remain  
3 on the Board. She's -- she's a real asset.

4 DR. ALEXANDROVICH: Or a curmudgeon,  
5 I'm not sure.

6 CHAIRMAN GARD: Okay. If there's no  
7 other comments from any Board members, is there a  
8 motion to adjourn?

9 MS. NELSON: Katie Nelson, so moved.

10 CHAIRMAN GARD: Is there a second?

11 MR. GREEN: Second.

12 CHAIRMAN GARD: All in favor, say  
13 aye.

14 (Board members responded, "Aye.")

15 CHAIRMAN GARD: Opposed, nay.

16 (No response.)

17 CHAIRMAN GARD: Well, there is some  
18 weather moving in, so if you have traffic, why,  
19 keep an eye on that. So, we'll see you in  
20 September.

21 - - -  
22 Thereupon, the proceedings of  
23 June 8, 2022 were concluded  
at 2:42 o'clock p.m.

- - -

## 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 Wednesday, June 8, 2022 in this matter and  
8 transcribed by me.

9  
10  
11 \_\_\_\_\_  
12 Lindy L. Meyer, Jr.,  
13 Notary Public in and  
14 for the State of Indiana.

15 My Commission expires August 26, 2024.

16 Commission No. NP0690003  
17  
18  
19  
20  
21  
22  
23



	<p><b>27:6;31:14</b> <b>administrator (1)</b> 40:23</p>	<p><b>Aldred (1)</b> 18:17</p>	<p><b>45:23</b> <b>appreciate (2)</b> 60:4;61:23</p>	<p><b>45:17</b> <b>avoid (1)</b> 31:5</p>
<p>[ <b>[sic] (1)</b> 45:6</p>	<p><b>adopt (11)</b> 12:9;27:18;28:17; 32:3;37:4;41:23; 43:16;46:7,23;58:5; 63:16</p>	<p><b>Alexandrovich (41)</b> 3:8,9;7:12,15,17, 18;29:1,2;32:9,12,15, 16,18;33:19;34:16; 35:21;36:6,10;37:9, 10;42:6,6,9,15;43:2; 44:1,2;47:4,4,8,9; 54:21;55:18;56:3,7, 18;57:2;60:13;61:15, 21;62:3</p>	<p><b>approach (6)</b> 51:10,18;52:5,6,7; 55:4</p>	<p><b>aware (1)</b> 42:20</p>
<p><b>A</b></p>	<p><b>adopting (1)</b> 12:5</p>	<p><b>Alexandrovich's (1)</b> 60:14</p>	<p><b>appropriate (3)</b> 5:14;6:6,11</p>	<p><b>aye (6)</b> 7:19,20;30:3; 38:11;44:23;48:7</p>
<p><b>able (8)</b> 5:15;18:22;33:12; 54:13;55:4;59:16; 65:4;69:2</p>	<p><b>adopted (4)</b> 12:8;27:4;31:12; 63:3</p>	<p><b>allergies (1)</b> 68:14</p>	<p><b>approval (5)</b> 7:6;11:11;41:2; 46:3;52:20</p>	<p><b>ayes (3)</b> 38:11;45:1;48:8</p>
<p><b>above (1)</b> 9:1</p>	<p><b>adoption (17)</b> 23:9,20;24:9,11; 25:18;27:14,15; 28:11;30:6;31:22,23; 36:22;38:15;43:11; 45:5;46:17;62:20</p>	<p><b>allow (4)</b> 16:15;21:18;51:12; 63:1</p>	<p><b>approve (1)</b> 7:11</p>	<p><b>B</b></p>
<p><b>Abramson (2)</b> 18:1,6</p>	<p><b>adopts (1)</b> 12:6</p>	<p><b>allowed (1)</b> 54:6</p>	<p><b>approved (6)</b> 8:1;16:11;39:19; 41:3;45:20;64:9</p>	<p><b>back (7)</b> 6:20;18:15;21:3,6; 53:21;58:5;65:23</p>
<p><b>absurd (1)</b> 64:17</p>	<p><b>advisory (1)</b> 21:12</p>	<p><b>allows (1)</b> 12:14</p>	<p><b>arcane (1)</b> 66:5</p>	<p><b>bar (2)</b> 5:22,23</p>
<p><b>acceptable (1)</b> 49:10</p>	<p><b>affected (1)</b> 9:14</p>	<p><b>almost (4)</b> 10:5,11;17:6;68:1</p>	<p><b>area (8)</b> 19:17,19,23;20:11, 12,13;21:22;22:2</p>	<p><b>based (6)</b> 31:2;34:7;49:14; 63:7,19;64:3</p>
<p><b>access (1)</b> 5:19</p>	<p><b>affecting (1)</b> 9:17</p>	<p><b>along (1)</b> 53:20</p>	<p><b>areas (2)</b> 34:5;39:2</p>	<p><b>basically (3)</b> 34:10;51:10;62:14</p>
<p><b>accommodate (1)</b> 66:10</p>	<p><b>afternoon (7)</b> 8:6;17:2;23:3; 26:3;45:11;48:14; 50:23</p>	<p><b>Although (1)</b> 64:10</p>	<p><b>arising (1)</b> 49:8</p>	<p><b>Bay (1)</b> 8:8</p>
<p><b>accurately (1)</b> 30:20</p>	<p><b>again (9)</b> 15:5;17:15;27:15; 30:14;31:23;38:11, 20;45:1;48:8</p>	<p><b>Alting (1)</b> 18:3</p>	<p><b>arms (1)</b> 15:4</p>	<p><b>became (1)</b> 46:2</p>
<p><b>across (1)</b> 21:22</p>	<p><b>aged (1)</b> 57:5</p>	<p><b>always (1)</b> 69:15</p>	<p><b>around (6)</b> 8:10;10:5;14:8,20; 15:4,14</p>	<p><b>becomes (1)</b> 25:10</p>
<p><b>Act (1)</b> 10:9</p>	<p><b>agencies (3)</b> 16:12;22:10,13</p>	<p><b>Ambient (2)</b> 26:14;31:2</p>	<p><b>aside (1)</b> 17:20</p>	<p><b>began (1)</b> 19:18</p>
<p><b>actions (1)</b> 24:9</p>	<p><b>agency (7)</b> 8:19;13:13;16:12; 17:22;18:16;19:4; 25:10</p>	<p><b>amendments (8)</b> 25:18;28:11;30:6; 36:22;38:15;43:11; 45:5;46:17</p>	<p><b>asphalt (1)</b> 13:7</p>	<p><b>beginning (1)</b> 64:11</p>
<p><b>activities (1)</b> 53:1</p>	<p><b>against (1)</b> 55:2</p>	<p><b>amends (2)</b> 26:10,16</p>	<p><b>assist (1)</b> 64:7</p>	<p><b>behind (1)</b> 54:4</p>
<p><b>activity (1)</b> 49:21</p>	<p><b>ago (8)</b> 18:15;35:15;62:10; 63:10,10;66:13; 69:11,11</p>	<p><b>amounts (2)</b> 21:4,5</p>	<p><b>Assistant (3)</b> 18:12;51:2;67:13</p>	<p><b>BEM (8)</b> 35:3,4,8,10,10; 36:2,7,12</p>
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