
TITLE 327 WATER POLLUTION CONTROL BOARD

NOTICE OF READOPTION
IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD
LSA Document #07-555

READOPTON OF RULES IN TITLE 327 UNDER IC 13-14-9.5

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 327 of the Indiana Administrative Code pursuant to IC 13-14-9.5. This is a supplemental notice to identify a rule that may generate specialized interest and, therefore, warrant a separate notice. The other rules IDEM is noticing for readoption are listed in LSA Document #07-553 and LSA Document #07-554 (Supplement A).

RULES TO BE READOPTED: 327 IAC 3-2.1.

The foregoing rule is identified by name as follows:

327 IAC 3-2.1 Permitting Authority of Units for Sanitary Sewer Construction

AUTHORITY: IC 13-14-9.5.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required pursuant to IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. A rule that was adopted under a provision of IC 13 and was in force on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under IC 13-14-9, expire on January 1 of the seventh year after the year in which each rule takes effect. The rule listed to be readopted has an expiration date of January 1, 2008.

IDEM has chosen to separate 327 IAC 3-2.1 from the IC 13-14-9.5 First Notice of Readoption, LSA Document #07-553, in order to draw attention to this rule and ask for specific public comment as to whether the rule adds value to the protection of the environment. 327 IAC 3-2.1 is a rule that was required, according to House Enrolled Act 1265 passed by the 1996 Indiana General Assembly, to be adopted by the Water Pollution Control Board. The rule allows local units of government (cities and towns) that choose to conduct their own sanitary sewer construction plan permitting program to provide review and approval of plans for the construction of sanitary sewers rather than have those plans submitted to IDEM for review and approval.

Under IC 13-14-9.5-4, the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one (1) rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to Legislative Services Agency for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
 - (A) readopt that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

REQUEST FOR PUBLIC COMMENTS

IDEM requests that any written comments concerning the readoption of 327 IAC 3-2.1 include a basis for the request. IDEM also solicits comment on rules exempt from readoption and rules to expire. Mailed comments should be addressed to:

LSA Document #07-555 [2007 Readoption-Supplement B]
MaryAnn Stevens

MC 65-40
Rules Section
Office of Water Quality
Indiana Department of Environmental Management
Indianapolis, Indiana 46204-2251

Hand delivered comments will be accepted by the IDEM receptionist on duty at the twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana. Comments also may be submitted by facsimile to (317) 232-8406, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality, Rules Section at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with another sent through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by October 19, 2007.

Additional information regarding this rulemaking action may be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 or (800) 451-6027 (in Indiana).

Bruno Pigott
Assistant Commissioner
Office of Water Quality

Posted: 09/19/2007 by Legislative Services Agency
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