
TITLE 327 WATER POLLUTION CONTROL BOARD

IC 13-14-9.5 Notice of Final Readoption

LSA Document #07-554(F)

Readopts rules in anticipation of [IC 13-14-9.5-2](#), providing that an administrative rule adopted under [IC 13-14-9](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

READOPTION OF RULES IN TITLE 327 UNDER [IC 13-14-9.5](#)

PURPOSE OF NOTICE

Pursuant to [IC 13-14-9.5-4\(c\)](#), the Indiana Department of Environmental Management (IDEM) is publishing a notice of readoption of rules in Title 327 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rule is readopted.

READOPTED RULES: [327 IAC 2-4](#).

The foregoing rule is identified by name as follows:

[327 IAC 2-4](#) Waste Treatment Control Facilities; Discharge into State Waters; Monthly Reports

RULES TO EXPIRE: [327 IAC 11-1](#); [327 IAC 11-2](#).

AUTHORITY: [IC 13-14-9.5](#).

HISTORY

First Notice of Comment Period: September 19, 2007, DIN: [20070919-IR-327070554BNA](#).

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 rules listed to be readopted have an expiration date of January 1, 2008. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

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.

NOTICE OF READOPTION

The rule, [327 IAC 2-4](#), received a comment during the first notice of comment period asking that it be readopted separately from all the rules listed in LSA Document #07-553 and is not exempt from the readoption process under [IC 13-14-9.5](#). Therefore, the rule, [327 IAC 2-4](#), is readopted pursuant to [IC 13-14-9.5-4](#). The rule will be submitted to the publisher for filing and will be effective thirty (30) days after that filing date. The rule will remain in effect until its next expiration date, January 1, 2014. However, all rules are subject to amendment or

repeal under IDEM's regular rulemaking process found at [IC 13-14-9](#).

LSA Document #07-554(F)

First Notice of Comment Period: [20070919-IR-327070554BNA](#)

Filed with Publisher: November 21, 2007, 1:19 p.m.

Posted: 12/19/2007 by Legislative Services Agency

An [html](#) version of this document.