
TITLE 327 WATER POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #10-403**DIGEST**

Amends [327 IAC 8-3.5-3](#) concerning the eligibility of a water main project funded by the drinking water state revolving fund (SRF) to receive a general construction permit. Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: June 30, 2010, Indiana Register (DIN: [20100630-IR-327100403FNA](#)).

Second Notice of Comment Period: September 1, 2010, Indiana Register (DIN: [20100901-IR-327100403SNA](#)).

Notice of Public Hearing: September 1, 2010, Indiana Register (DIN: [20100901-IR-327100403PHA](#)).

Change in Notice of Public Hearing: October 6, 2010, Indiana Register (DIN: [20101006-IR-327100403CHA](#)).

Date of First Public Hearing: November 10, 2010.

PUBLIC COMMENTS UNDER [IC 13-14-9-4.5](#)

[IC 13-14-9-4.5](#) states that a board may not adopt a rule under [IC 13-14-9](#) that is substantively different from the draft rule published under [IC 13-14-9-4](#) until the board has conducted a third comment period that is at least 21 days long.

REQUEST FOR PUBLIC COMMENTS

This proposed (preliminarily adopted) rule is not substantively different from the draft rule posted on September 1, 2010, at DIN: [20100901-IR-327100403SNA](#); therefore, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from September 1, 2010, through October 1, 2010, regarding IDEM's draft rule language eliminating the prohibition against a water main project funded by the drinking water state revolving fund (SRF) being eligible to receive a general construction permit. IDEM received no comment letters during the comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On November 10, 2010, the Water Pollution Control Board (WPCB) conducted the first public hearing/board meeting concerning the draft rule language eliminating from [327 IAC 8-3.5-3\(c\)](#) the prohibition against a water main project funded by the drinking water state revolving fund (SRF) receiving a general construction permit. No comments were made at the first public hearing.

[327 IAC 8-3.5-3](#)

SECTION 1. [327 IAC 8-3.5-3](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 8-3.5-3](#) Eligibility and exclusions for eligibility

Authority: [IC 13-14-8](#); [IC 13-14-9](#); [IC 13-15-2](#); [IC 13-18](#)

Affected: [IC 13-11-2](#); [IC 13-18](#)

Sec. 3. (a) A responsible person as defined by section 6 of this rule is eligible for a general construction permit.

(b) A responsible person, responsible person's engineer, responsible person's developer, or the proposed public water system that has been issued a general construction permit program ban by the commissioner in accordance with section 8 of this rule is not eligible for a general construction permit.

~~(c) Proposed water main projects funded in entirety or in part by the Drinking Water State Revolving Fund are not eligible for a general construction permit.~~

~~(d)~~ **(c)** Proposed water main projects to a public water system under a connection ban in accordance with [327 IAC 8-3-4.2](#) are not eligible for a general construction permit.

~~(e)~~ **(d)** Proposed water main projects that meet any of the following criteria are not eligible for a general construction permit as defined by this rule:

(1) The corresponding public water system has a two (2) year average peak that is between ninety percent (90%) and one hundred percent (100%) of the public water system's daily capacity, and the product of the following is equal to or exceeds two percent (2%) of the public water system's daily capacity:

(A) The average daily customer demand of the proposed water main.

(B) The peaking factor of the proposed water main.

(2) The corresponding public water system's two (2) year average peak is equal to or less than ninety percent (90%) of the public water system's daily capacity and the sum of corresponding public water system's two (2) year average peak, and the product of the following is equal to or exceeds ninety-two percent (92%) of the public water system's daily capacity:

(A) The average daily customer demand of the proposed water main.

(B) The peaking factor of the proposed water main.

(3) The sum of corresponding public water system's two (2) year average peak and the product of the following is equal to or exceeds one hundred percent (100%) of the public water system's daily capacity:

(A) The average daily customer demand of the proposed water main.

(B) The peaking factor of the proposed water main.

~~(f)~~ **(e)** Proposed projects that meet the definition of a transmission main as defined by section 1 of this rule are not eligible for a general construction permit.

~~(g)~~ **(f)** An individual construction permit issued under [327 IAC 8-3](#) is required for all other water main extension construction meeting the criteria of [327 IAC 8-3-2\(a\)](#) that is not eligible for a general construction permit in accordance with this section or does not meet the general construction permit conditions listed in section 5 of this rule.

(Water Pollution Control Board; [327 IAC 8-3.5-3](#); filed Mar 31, 1999, 10:20 a.m.: 22 IR 2522; errata filed Aug 17, 1999, 3:15 p.m.: 23 IR 25; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; readopted filed Nov 21, 2007, 1:16 p.m.: [20071219-IR-327070553BFA](#))

[Notice of Public Hearing](#)

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