TITLE 327 WATER POLLUTION CONTROL DIVISION

NOTICE OF READOPTION
IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD
LSA Document #13-176

READOPTION 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 under IC 13-14-9.5.

RULES TO BE READOPTED:

327 IAC 1	GENERAL PROVISIONS
327 IAC 2-2	Cyanides and Cyanogen Compounds; Drainage into Sewer Systems or Watercourses Prohibited; Exception
327 IAC 2-3	Coal Mines; Restrictions on Acid Drainage and Refuse Deposits into State Waters
327 IAC 2-4	Waste Treatment Control Facilities; Discharge into State Waters; Monthly Reports
327 IAC 2-5	Phosphates; Permits for Use by Manufacturers and Processors; Detergents
327 IAC 2-6.1	Spills; Reporting, Containment, and Response
327 IAC 2-10	Secondary Containment of Aboveground Storage Tanks Containing Hazardous Materials
327 IAC 3-1	General Provisions
327 IAC 3-2.1	Permitting Authority of Units for Sanitary Sewer Construction
327 IAC 3-3	Approval of Completed Construction
327 IAC 3-4	Operational Permits; Facilities not Covered by Other Permit Programs
327 IAC 3-5	Miscellaneous Administrative Provisions
327 IAC 4	WASTEWATER TREATMENT FACILITIES; OVERLOAD CONDITION
327 IAC 5-1	NPDES and Pretreatment Programs; General Provisions
327 IAC 5-1.5	Definitions
327 IAC 5-3	Procedures for the Issuance of NPDES Permits
327 IAC 5-5	NPDES Criteria and Standards for Technology-Based Treatment Requirements
327 IAC 5-6	Criteria and Standards for Determining Fundamentally Different Factors
327 IAC 5-7	Alternative Thermal Effluent Limitations; Determination
327 IAC 5-9	Best Management Practices; Establishment
327 IAC 5-10	Additional Treatment Requirements
327 IAC 6.1	LAND APPLICATION OF BIOSOLID, INDUSTRIAL WASTE PRODUCT, AND POLLUTANT-BEARING WATER
327 IAC 8-3	Public Water Supply Construction Permits
327 IAC 8-3.2	Technical Standards for Water Mains
327 IAC 8-3.3	Public Water System Quantity Requirement Standards
327 IAC 8-3.4	Public Water System Wells
327 IAC 8-3.5	General Construction Permit for Water Mains
327 IAC 8-3.6	Demonstration of New Public Water Supply System Capacity
327 IAC 8-4.1	Wellhead Protection
327 IAC 8-5	Construction of Public Water Supply Systems Under Order of the DEM
327 IAC 8-10	Cross Connections; Control; Operation
327 IAC 15-1	General Provisions
327 IAC 15-3	NOI Letter Requirements
327 IAC 15-5	Storm Water Run-Off Associated with Construction Activity
327 IAC 15-6	Storm Water Discharges Exposed to Industrial Activity
327 IAC 15-7	Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities
327 IAC 15-8	Facilities Discharging Noncontact Cooling Water
327 IAC 15-9	Wastewater Discharge Associated with Petroleum Products Terminals
327 IAC 15-10	Wastewater Discharge Associated with Ground Water Petroleum Remediation Systems
327 IAC 15-11	Wastewater Discharge Associated with Hydrostatic Testing of Commercial Pipelines
327 IAC 15-12	Facilities Engaged in Sand, Gravel, Dimension Stone, or Crushed Stone Operations
327 IAC 18	VOLUNTARY PERFORMANCE BASED LEADERSHIP PROGRAMS

RULES TO EXPIRE: None.

AUTHORITY: IC 13-14-9.5.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. All rules adopted after January 1, 2002, 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, 2014. 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 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 the Publisher 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 requesting that a rule be readopted separately from this readoption rule include a basis for the request. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #13-176 2013 Title 327 Rule Readoption
MaryAnn Stevens
Rule Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-41
Indianapolis, IN 46204

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rule Development Branch at (317) 233-8903.

(3) By electronic mail to mstevens@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when you send the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than June 21, 2013. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from MaryAnn Stevens, Rule Development Branch, Office of Legal Counsel, (317) 232-8635 or (800) 451-6027 (in Indiana).

Nancy King, Chief
Rule Development Branch

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