

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Notice of Review of Water Quality Standards and Public Hearing

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on Indiana's Water Quality Standards (WQS). The federal Clean Water Act (CWA) requires all states to develop, review, revise, and adopt WQS. WQS must include the designated uses of the waterbody, water quality criteria necessary to protect those uses, and antidegradation provisions to protect the water quality.

The CWA requires the states to periodically review their water quality standards as appropriate. The most significant rulemaking to revise Indiana's WQS was development of the statewide antidegradation standards and implementation procedures, Legislative Services Agency (LSA) Document #08-764, that was final adopted on March 14, 2012. Another rulemaking, LSA Document #11-320, to amend the WQS for chloride and sulfate, was final adopted on May 23, 2012. A rulemaking on special designations and exceptional use waters, LSA Document #13-290, was final adopted on September 10, 2014. A rulemaking to update Indiana's aquatic life and human health water quality criteria (WQC) for metals, LSA Document #14-58, is in process.

A priority for IDEM is to make the standards consistent for all waters, which includes both the waters within the Great Lakes System and those outside of the Great Lakes System, commonly referred to as "downstate". Currently, IDEM has the following proposals and plans under consideration:

- (1) Update Indiana's procedures for calculating aquatic life ambient WQC to reflect current United States Environmental Protection Agency (U.S. EPA) guidance and to implement consistent statewide procedures. These methodologies are used to derive ambient WQC for chemicals that do not have a National Recommended Water Quality Criteria (NRWQC) at Section 304(a) of the CWA but have the potential to impact aquatic life.
- (2) Adopt numeric NRWQC at Section 304(a) of the CWA for the protection of aquatic life for substances not included in our current rules including: acrolein (2009), carbaryl (2012), diazinon (2005), nonylphenol (2005), and tributyltin (2004) for waters within and outside of the Great Lakes System.
- (3) Update current Indiana WQS variance rules to include a 2015 U.S. EPA rule (40 CFR 131.14) that establishes a regulatory framework for the adoption of WQS variances to implement adaptive management approaches to improve water quality.
- (4) Update Indiana's procedures for calculating human health ambient WQC to reflect current U.S. EPA guidance and to implement consistent statewide procedures. These methodologies are used to derive ambient WQC for chemicals that do not have a NRWQC at Section 304(a) of the CWA but have the potential to impact human health. Updating these procedures will include adopting updated exposure, bioaccumulation, and toxicity factors that reflect the latest scientific information and U.S. EPA policies.
- (5) Update or adopt new and updated human health ambient WQC for 94 chemical pollutants that are NRWQC at Section 304(a) of the CWA. U.S. EPA derived the 94 human health ambient WQC using updated exposure, bioaccumulation, and toxicity factors that reflect the latest scientific information and U.S. EPA policies.
- (6) Remove the limited use waters classification and waters classified for limited use in [327 IAC 2-1](#) and [327 IAC 2-1.5](#).

IDEM conducted a WQS Review in 2018. Since then, U.S. EPA published NRWQC at Section 304(a) of the CWA for aluminum for the protection of aquatic life (December 2018). U.S. EPA has not published other NRWQC for the protection of aquatic life or human health since IDEM's 2018 WQS Review. IDEM is considering adopting the 2018 NRWQC at Section 304(a) of the CWA for aluminum for the protection of aquatic life as part of this WQS Review.

During the 2018 WQS Review, commenters recommended that IDEM adopt the NRWQC at Section 304(a) of the CWA for ammonia for the protection of aquatic life (2013) and phosphorus criteria for lakes/reservoirs (2000) and rivers/streams (2000). IDEM continues to research how to implement the NRWQC at Section 304(a) of the CWA for ammonia and phosphorus criteria across a wide range of wastewater treatment systems. IDEM's 2018 WQS Review report to U.S. EPA included public comments and IDEM's responses. This report may be viewed on IDEM's Water Quality Standards web page: https://www.in.gov/idem/cleanwater/files/wqs_rulemaking_20180702_final_report.pdf.

IDEM believes these proposed rulemaking priorities focus on key updates needed to improve Indiana's WQS but is interested in hearing public opinion on all aspects of the WQS. With this notice, IDEM requests feedback from all interested parties on any aspect of Indiana's WQS contained in Title 327 of the Indiana Administrative Code (IAC), Article 2. Public comments should include:

- (1) the matter at issue;
- (2) whether the issue is currently covered by the WQS, and, if so, where any suggested change should be made to the WQS;
- (3) the basis for the suggested change; and
- (4) technical information, reports, or references that support the comment.

The estimated fiscal impact of changes to the WQS is impossible to determine at this notice stage without knowing what changes may ultimately occur.

The Environmental Rules Board (ERB) will hold a public hearing concerning the 2021 Review of WQS at its meeting held on May 12, 2021, starting at 1:30 p.m. The public may join the ERB meeting by using the following Zoom link, meeting ID, and passcode, or telephone numbers:

Join Zoom Meeting:

<https://zoom.us/j/93141090224?pwd=cG5xck5rMGRncUIHSlId0RkNFdjFXdz09&from=addon>

By phone:

312-626-6799

929-205-6099

Meeting ID: 931 4109 0224

Passcode: 255913

Following a brief presentation by IDEM, the ERB will hold a public hearing on any aspect of Indiana's WQS. The purpose of this hearing is to solicit public comments on Indiana's WQS. All interested persons are invited and will be given reasonable opportunity to express their views concerning Indiana's WQS. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing. No votes or actions will be taken by the ERB. At this time, additional public meetings to solicit public comments are not scheduled.

Individuals requiring reasonable accommodations for participation in this public hearing should contact the IDEM, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management

Indiana Government Center North

100 North Senate Avenue Indianapolis, IN 46204-2251

or call (317) 233-1785 (V). Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service (711) or (800) 743-3333. Please provide a minimum of 72 hours notification.

Written comments in response to this notice must be postmarked or time stamped not later than May 23, 2021, and submitted in one of the following ways:

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

Notice of Review of WQS

MaryAnn Stevens

Rules Development Branch Office of Legal Counsel

Indiana Department of Environmental Management

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- (2) By electronic mail to mstevens@idem.in.gov. To confirm timely delivery of your comments, please request a document receipt when you send the electronic mail.

Regardless of the delivery method used, in order to properly identify each comment, it must clearly specify the title of "Notice of Review of WQS".

Additional information regarding this action may be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635 or (800) 451-6027 (in Indiana) or Eileen Hack, Technical Environmental Specialist, Office of Water Quality, (317) 234-7914 or (800) 451-6027 (in Indiana).

Martha Clark Mettler

Assistant Commissioner

IDEM, Office of Water Quality

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