

[IC 13-14-9.5-1.1](#) NOTICE OF REVIEW OF NONEXPIRING RULES

LSA Document #23-78

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in [IC 13-14-9.5-1.1](#) do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also notice a public hearing before the Environmental Rules Board (board). IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9.5-1](#) provides that chapter 9.5 does not apply to "a rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions." Therefore, those rules are not subject to this notice of review; however, for the reader's information, a list of exempt rules is included in this notice.

[IC 13-14-9-4\(a\)\(5\)](#) THROUGH [IC 13-14-9-4\(a\)\(7\)](#) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. No element of the listed rules imposes either a restriction or requirement on persons to whom the rule applies that is not imposed under federal law. The listed rules at:

- (1) [327 IAC 2-1](#) and [327 IAC 2-1.5](#) concern water quality standards rules required under the Clean Water Act (CWA); and
- (2) [327 IAC 5-2](#) establish the basic NPDES rules required under the CWA.

The CWA is the authority for water quality standards and NPDES rules. Indiana is a delegated state and, as such, the water quality standards and NPDES rules must meet the requirements of the CWA and have federal approval.

These rules are authorized under [IC 13-18-3-2\(a\)](#) and [IC 13-18-3-11](#).

LIST OF RULES THAT DO NOT EXPIRE

The following is a list of rules in [327 IAC](#) that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

327 IAC 2-1-5	Exception to quality standards applicability
327 IAC 2-1-8.1	Calculation of criteria for toxic substances; general
327 IAC 2-1-13	Development of site-specific aquatic life criteria using the recalculation procedure
327 IAC 2-1.5-11	Determination of Tier I aquatic life criteria
327 IAC 5-2-11.1	Establishment of water quality-based effluent limitations for dischargers not discharging to waters within the Great Lakes system
327 IAC 5-2-13	Monitoring

LIST OF EXEMPT RULES

This is a list of rules in [327 IAC](#) to which [IC 13-14-9.5](#) does not apply in accordance with the exceptions in [IC 13-14-9.5-1](#). This list of exempt rules is provided for informational purposes only. The following rules are exempt from [IC 13-14-9.5](#):

327 IAC 5-2-1.5	Incorporation by reference
327 IAC 5-2-12.1	Great Lakes systems dischargers; schedules of compliance
327 IAC 5-2-17	New sources and new dischargers
327 IAC 5-2-22	Signatories to permit applications and reports
327 IAC 5-16	General Provisions
327 IAC 5-17	Definitions; Pretreatment Rules
327 IAC 5-18-2	Pretreatment standards for prohibited discharges

327 IAC 5-18-3	Affirmative defense
327 IAC 5-18-4	National categorical pretreatment standards
327 IAC 5-18-5	Variance from a categorical pretreatment standard for fundamentally different factors
327 IAC 5-18-6	Intake water pollutant credits
327 IAC 5-18-7	Combined wastestreams
327 IAC 5-18-8	State pretreatment standards
327 IAC 5-18-9	Other pretreatment requirements
327 IAC 5-19	POTW Pretreatment Programs
327 IAC 5-20	Removal Credits
327 IAC 5-21-2	Applicability of industrial wastewater pretreatment permits
327 IAC 5-21-3	Permit application submission requirements
327 IAC 5-21-4	Effect of permit issuance
327 IAC 5-21-5	Duration and transferability of an IWP permit
327 IAC 5-21-6	Conditions applicable to all permits
327 IAC 5-21-7	Applicable discharge limitations and related conditions
327 IAC 5-21-8	Schedules of compliance
327 IAC 5-21-9	Monitoring
327 IAC 5-21-10	Recording and reporting of monitoring results
327 IAC 5-21-11	Public notice procedures for IWP permit issuance
327 IAC 8-2	Drinking Water Standards
327 IAC 8-2.1	Consumer Confidence Reports
327 IAC 8-2.3	Ground Water Rule
327 IAC 8-2.4	Revised Total Coliform Rule
327 IAC 8-2.5	Disinfectants and Disinfection
327 IAC 8-2.6	Enhanced Filtration and Disinfection

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on the nonexempt rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany the comments. Comments may be submitted in one of the following ways:

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

LSA Document #23-78 2023 Title 327 Rule Review
MaryAnn Stevens
Rules Development Section
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204

(2) By electronic mail to mstevens@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending 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 email address indicated in this notice.**

Contact Karla Kindrick at kkindric@idem.in.gov or (317) 232-8922 if another method of submitting comments within the comment period is desired. 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 or time stamped not later than April 14, 2023.

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

Christine Pedersen, Section Chief
Rules Development Section
Office of Legal Counsel

[Notice of Public Hearing](#)

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