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TITLE 327 WATER POLLUTION CONTROL BOARD

IC 13-14-9.5 NOTICE OF FIRST COMMENT PERIOD #05-24(WPCB)

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 pursuant to IC 13-14-9.5.

RULES TO BE READOPTED: 327 IAC 3-2-2; 327 IAC 3-2-2.5; 327 IAC 3-2-4; 327 IAC 3-2-6; 327 IAC 3-6-1; 327 IAC 3-6-2; 327 IAC 3-6-3; 327 IAC 3-6-4; 327 IAC 3-6-5; 327 IAC 3-6-6; 327 IAC 3-6-7; 327 IAC 3-6-8; 327 IAC 3-6-9; 327 IAC 3-6-10; 327 IAC 3-6-11; 327 IAC 3-6-12; 327 IAC 3-6-13; 327 IAC 3-6-14; 327 IAC 3-6-15; 327 IAC 3-6-16; 327 IAC 3-6-17; 327 IAC 3-6-18; 327 IAC 3-6-19; 327 IAC 3-6-20; 327 IAC 3-6-21; 327 IAC 3-6-22; 327 IAC 3-6-23; 327 IAC 3-6-24; 327 IAC 3-6-25; 327 IAC 3-6-26; 327 IAC 3-6-27; 327 IAC 3-6-28; 327 IAC 3-6-29; 327 IAC 3-6-30; 327 IAC 3-6-31; 327 IAC 3-6-32.

AUTHORITY: IC 13-14-9.5.

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, 2006. 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 secretary of state 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 secretary of state 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. IDEM also solicits comment on rules exempt from readoption and rules to expire. Mailed comments should be addressed to:

#05-24(WPCB)[2005 Readoption]

MaryAnn Stevens

Rules Section

Office of Water Quality

Indiana Department of Environmental Management

Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, Room 1255, 100 North Senate Avenue, Indianapolis, Indiana. Comments also may be submitted by facsimile to (317) 232-8406, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality, Rules Section at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with another sent through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by March 31, 2005.

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

Thomas W. Easterly

Commissioner

Indiana Department of Environmental Management