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TITLE 327 WATER POLLUTION CONTROL BOARD

Proposed Rule LSA Document #04-320

DIGEST

Adds 327 IAC 3-2-1.5, 327 IAC 3-2-3.5, and 327 IAC 3-2-5.5 concerning state permits for the construction of water pollution treatment/control facilities and sanitary sewers. Effective 30 days after filing with the secretary of state.

HISTORY

Second Notice of Comment Period and Notice of First Hearing: #04-320(WPCB) January 1, 2005, Indiana Register (28 IR 1368).
Date of First Hearing: March 9, 2005.

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 twenty-one (21) days long. Because this proposed rule is not substantively different from the draft rule published on January 1, 2005, at 28 IR 1368, 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 January 1, 2005, through January 31, 2005, on IDEM's draft rule language. No comments were received during the second comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On March 9, 2005, the water pollution control board conducted the first public hearing/board meeting concerning the new rule concerning state permits for the construction of water pollution treatment/control facilities and sanitary sewers. No comments were made at the first hearing.

327 IAC 3-2-1.5

327 IAC 3-2-5.5

327 IAC 3-2-3.5

SECTION 1. 327 IAC 3-2-1.5 IS ADDED TO READ AS FOLLOWS:

327 IAC 3-2-1.5 Valid permit requirement

Authority: IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-4-1

Affected: IC 13-18-2

Sec. 1.5. No person shall cause or allow the construction, installation, or modification of any water pollution treatment/control facility or sanitary sewer without a valid construction permit issued by the commissioner. (*Water Pollution Control Board; 327 IAC 3-2-1.5*)

SECTION 2. 327 IAC 3-2-3.5 IS ADDED TO READ AS FOLLOWS:

327 IAC 3-2-3.5 Conditions of approval

Authority: IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-4-1

Affected: IC 13-18-2

Sec. 3.5. (a) The permit may specify expiration dates by which the construction must be started and completed, which dates

shall be compatible with any federal or state, or both, grants or grant funds impacted. The commissioner may grant an extension of time for start and completion of construction if the commissioner believes the extension is necessary and justified.

(b) The commissioner shall have the authority to specify the limits and conditions necessary to ensure proper design and ease of operation of water pollution treatment/control facilities.

(c) Sanitary sewers that have been issued construction permits shall be tested for infiltration/exfiltration in a method approved by the commissioner. All force mains shall be tested for leakage in an approved method. Results of the infiltration/exfiltration test for sanitary sewers and leakage test for force mains shall be submitted for approval within ninety (90) days of completion of construction. Failure to submit test results within the allotted time period or failure to meet guidelines for infiltration/inflow and leakage would be subject to enforcement proceedings as provided by 327 IAC 3-5-3.

(d) Sanitary sewers that are flexible in type and that are issued construction permits shall be tested for vertical deflection. The tests shall be conducted after the final backfill has been in place at least thirty (30) days. No flexible sewer shall exceed a vertical deflection of five percent (5%). (*Water Pollution Control Board; 327 IAC 3-2-3.5*)

SECTION 3. 327 IAC 3-2-5.5 IS ADDED TO READ AS FOLLOWS:

327 IAC 3-2-5.5 Nonsite-specific permit

Authority: IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-4-1

Affected: IC 13-18-2

Sec. 5.5. The commissioner may grant a nonsite-specific construction permit for the following category of discharger: Short term drainage/sediment control lagoons.

- (1) Said lagoons are those constructed according to approved general plans and specifications; however, the specific site location changes with time.**
- (2) Any request for issuance of such a nonsite-specific, ongoing construction permit shall be made by the applicant in conjunction with the application information presented in section 2 of this rule.**
- (3) It shall be the responsibility of the recipient of such a permit to notify the commissioner each time of a change in location of the permitted facility.**

(*Water Pollution Control Board; 327 IAC 3-2-5.5*)

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on April 13, 2005 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Water Pollution Control Board will hold a public hearing on proposed new rules concerning state permits for the construction of water pollution treatment/control facilities and sanitary sewers.

The purpose of this hearing is to receive comments from the public prior to consideration of final adoption of this rule by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rule. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

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

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204

or call (317) 233-0855 or (317) 232-6565 (TDD). Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Water Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Room N1255 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Thomas W. Easterly
Commissioner
Indiana Department of Environmental Management