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TITLE 327 WATER POLLUTION CONTROL BOARD

IC 13-14-9.5 NOTICE OF READOPTION

#05-24(F)

READOPTED RULES IN TITLE 327 UNDER IC 13-14-9.5

PURPOSE OF NOTICE

Pursuant to IC 13-14-9.5-4(c), the Indiana Department of Environmental Management (IDEM) is publishing a notice of readoption of rules in Title 327 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rules are readopted.

READOPTED RULES: 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.

RULES TO EXPIRE: None.

AUTHORITY: IC 13-14-9.5.

HISTORY

First Notice of Comment Period: March 1, 2005, Indiana Register (28 IR 1865).

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.

NOTICE OF READOPTION

The following rules received no comments during the first notice of comment period and are not exempt from the readoption process under IC 13-14-9.5:

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

Therefore, the above-listed rules are readopted pursuant to IC 13-14-9.5-4. The rules will be submitted to the secretary of state for filing and will be effective thirty (30) days after that filing date. The rules will remain in effect until their next expiration date, January 1, 2013. However, all rules are subject to amendment or repeal under IDEM's regular rulemaking process found at IC 13-14-9.

Filed with Secretary of State: April 11, 2005, 2:45 p.m.