



# SUMMARY OF IDEM RULEMAKINGS - JANUARY 2020

## Notices of Public Hearing

### Title 326 Air Pollution Control Division

<b>RULEMAKING ACTION:</b>	Vigo County SO <sub>2</sub> Redesignation, Lake and Porter Counties 2008 8-Hour Ozone Reclassification, and Clark, Floyd, Lake, and Porter Counties PM <sub>2.5</sub> Updates - <a href="#">LSA Document #20-10</a>	
Purpose:	<p><b>Public Comment/Notice of Public Hearing</b></p> <p>IDEM is soliciting written comment on the draft rule language and has scheduled a public hearing before the environmental rules board (board) for consideration of adoption of these rules.</p> <p>Proposed rule and public hearing tentatively scheduled for May 13, 2020, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Indianapolis, Indiana - Conference Room A.</p>	
Rulemaking Overview	Amendments to: 326 IAC 1-4-11 and 326 IAC 1-4-23 to correct effective dates for Clark and Floyd counties for the 2012 annual particulate matter with a diameter of 2.5 microns or less (PM <sub>2.5</sub> ) National Ambient Air Quality Standard (NAAQS); 326 IAC 1-4-46 and 326 IAC 1-4-65 to reclassify Lake and Porter counties from " <i>moderate</i> " to " <i>serious</i> " nonattainment for the 2008 8-hour ozone NAAQS and to correct effective dates for the 2012 PM <sub>2.5</sub> NAAQS; and 326 IAC 1-4-85 to update the designation status for Vigo County from " <i>nonattainment</i> " to " <i>attainment</i> " for the 2010 primary 1-hour sulfur dioxide (SO <sub>2</sub> ) NAAQS.	
Statutory Information:	Shortened Rulemaking Process Pursuant to <a href="#">IC 13-14-9-8</a> LSA Document #20-10 <a href="#">Related Documents</a>	
Comment Period Deadlines and Public Hearing Dates:	Comment Period: Public Hearing/Preliminary Adoption:	January 29, 2020 – February 28, 2020 May 13, 2020
Inquiries:	Additional information regarding this rulemaking action can be obtained from and comments can be submitted to Krystal Hackney, Rules Development Branch, Office of Legal Counsel, (317) 232-3158, (800) 451-6027 (in Indiana), or <a href="mailto:khackney1@idem.in.gov">khackney1@idem.in.gov</a> .	
Next Step:	Rulemaking anticipated to be "Effective" in September 2020.	

**Title 326 Air Pollution Control Division**

<b>RULEMAKING ACTION:</b>	Cold Cleaning Degreasing Alternative - <a href="#">LSA Document #18-542</a>	
Purpose:	<b>Notice of Public Hearing / Final Adoption</b> Proposed rule and public hearing tentatively scheduled for May 13, 2020, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Indianapolis, Indiana - Conference Room A.	
Rulemaking Overview	Amends 326 IAC 8-3-1, 326 IAC 8-3-2, 326 IAC 8-3-3, 326 IAC 8-3-4, and 326 IAC 8-3-8, concerning cold cleaning degreasing. Adds the option to use a control device to comply with the requirement to use a low vapor pressure solvent, updates language in each section to ensure rule clarity and consistency, and exempts spray gun cleaners in 326 IAC 8-3-1 from the control equipment, operating, and material requirements of cold cleaner degreasers.	
Statutory Information:	Rulemaking Process Pursuant to <a href="#">IC 13-14-9</a> LSA Document #18-542 <a href="#">Related Documents</a>	
Comment Period Deadlines and Public Hearing Dates:	First Comment Period: Second Comment Period: Public Hearing/Preliminary Adoption: Public Hearing/Final Adoption	December 19, 2018 – January 18, 2019 August 14, 2019 – September 13, 2019 January 8, 2020 May 13, 2020
Inquiries:	Additional information regarding this rulemaking action can be obtained from and comments can be submitted to Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229, (800) 451-6027 (in Indiana), or <a href="mailto:kwalsh@idem.in.gov">kwalsh@idem.in.gov</a> .	
Next Step:	Rulemaking anticipated to be "Effective" in September 2020.	

**Title 329 Solid Waste Management Division**

<b>RULEMAKING ACTION:</b>	Transfer Station Reporting - <a href="#">LSA Document #19-424</a>	
Purpose:	<b>Notice of Public Hearing / Final Adoption</b> Proposed rule and public hearing tentatively scheduled for May 13, 2020, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Indianapolis, Indiana - Conference Room A.	
Rulemaking Overview	Amends reporting requirements at solid waste transfer stations at 329 IAC 11-13.5-13 and 329 IAC 11-13.5-17. Removes the annual reporting requirement in 329 IAC 11-13.5-17 and moves the remaining record keeping requirements to 329 IAC 11-13.5-13. The transfer station annual report would no longer need to be submitted to IDEM because IDEM staff can view these records during on-site facility visits. Most transfer stations do not submit this specific report and of those that do, no detection of prohibited waste has been reported. Moving the requirements for the record keeping to 329 IAC 11-13.5-13 makes 329 IAC 11-13.5-17 obsolete, so 329 IAC 11-13.5-17 is repealed. This rulemaking will update the biosolids and septage acceptance requirements at 329 IAC 11-13.5-13(b)(11) and 329 IAC 11-13.5-13(b)(12) for clarification. In accordance with a statutory change to IC 13-18-12, the term "wastewater" is being replaced with "septage." The term "MSW" is being changed to "solid waste described in subsection (a)" to clarify this requirement. Transfer stations currently check incoming solid waste including all the items listed in 329 IAC 11-13.5-13(a).	
Statutory Information:	Shortened Rulemaking Process Pursuant to <a href="#">IC 13-14-9-7</a> LSA Document #19-424 <a href="#">Related Documents</a>	
Comment Period Deadlines and Public Hearing Dates:	Comment Period: Public Hearing/Preliminary Adoption: Public Hearing/Final Adoption	September 11, 2019 – October 11, 2019 January 8, 2020 May 13, 2020
Inquiries:	Additional information regarding this rulemaking action can be obtained from and comments can be submitted to Krystal Hackney, Rules Development Branch, Office of Legal Counsel, (317) 232-3158, (800) 451-6027 (in Indiana), or <a href="mailto:khackney1@idem.in.gov">khackney1@idem.in.gov</a> .	
Next Step:	Rulemaking anticipated to be "Effective" in September 2020.	



## Changes in Notices of Public Hearing

### Title 326 Air Pollution Control Division

<b>RULEMAKING ACTION:</b>	Nitrogen Oxides Emission Monitoring- <a href="#">LSA Document #19-589</a>	
Purpose:	<b>Change in Notice of Public Hearing / Preliminary Adoption</b> Proposed rule and public hearing tentatively scheduled for May 13, 2020, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Indianapolis, Indiana - Conference Room A.	
Rulemaking Overview	Revises the requirement for affected large electric generating units (EGUs) and large non-EGU boilers and turbines (large affected units) to monitor emissions as specified in 40 CFR 75, and instead allow these sources to report emissions to IDEM at the end of the ozone season based on emission factors or continuous emission monitoring system data. Once the revisions in this rulemaking are completed, IDEM will submit the final rule to U.S. EPA as a SIP revision.	
Statutory Information:	Shortened Rulemaking Process Pursuant to <a href="#">IC 13-14-9-7</a> LSA Document #19-589 <a href="#">Related Documents</a>	
Comment Period Deadlines and Public Hearing Dates:	Comment Period: Public Hearing/Preliminary Adoption:	November 20, 2019 – December 19, 2019 May 13, 2020
Inquiries:	Additional information regarding this rulemaking action can be obtained from and comments can be submitted to Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229, (800) 451-6027 (in Indiana), or <a href="mailto:kwalsh@idem.in.gov">kwalsh@idem.in.gov</a> .	
Next Step:	Rulemaking anticipated Public Hearing/Final Adoption in August 2020	

**Title 327 Water Pollution Control Division**

<b>RULEMAKING ACTION:</b>	Metals Criteria Revisions - <a href="#">LSA Document #14 -58</a>	
Purpose:	<b>Change in Notice of Public Hearing / Preliminary Adoption</b> Proposed rule and public hearing tentatively scheduled for May 13, 2020, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Indianapolis, Indiana - Conference Room A.	
Rulemaking Overview	The CWA requires the states to periodically review and update their water quality standards (WQS) as appropriate. This rulemaking proposes updates to Indiana's WQS. Many of the proposed revisions to these metal criteria reflect updates to NRWQC at Section 304(a) of the CWA. The criteria to be revised are located in <a href="#">327 IAC 2-1-6</a> for waters not within the Great Lakes System and <a href="#">327 IAC 2-1.5-8</a> for waters within the Great Lakes System.	
Statutory Information:	Rulemaking Process Pursuant to <a href="#">IC 13-14-9</a> LSA Document #14-58 <a href="#">Related Documents</a>	
Comment Period Deadlines and Public Hearing Dates:	First Comment Period: Second Comment Period: Continuation of 2 <sup>nd</sup> Comment Period: Public Hearing/Preliminary Adoption:	March 5, 2014 – April 4, 2014 November 15, 2017 – January 2, 2018 January 2, 2018 – February 2, 2018 May 13, 2020
Inquiries:	Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635, (800) 451-6027 (in Indiana), or <a href="mailto:mstevens@idem.in.gov">mstevens@idem.in.gov</a> .	
Next Step:	Public Hearing/Final Adoption to be scheduled	

**Title 327 Water Pollution Control Division**

<b>RULEMAKING ACTION:</b>	NPDES General Permits - <a href="#">LSA Document #18 -238</a>	
Purpose:	<b>Change in Notice of Public Hearing / Final Adoption</b> Proposed rule and public hearing tentatively scheduled for May 13, 2020, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Indianapolis, Indiana - Conference Room A.	
Rulemaking Overview	<p>In July 2015, the Environmental Rules Board (ERB) adopted LSA Document #10-659(F) concerning amendments to the NPDES General Permit Rule Program. That rulemaking was intended to convert all ten existing general permits from permit-by-rule to administratively issued permits, but the final rule converted just five of them because the other five draft general permits were not yet approved by U.S. EPA.</p> <p>This rulemaking converts three additional rules to administratively issued general permits for the following:</p> <p>Rule 5. Stormwater Run-Off Associated with Construction Activity  Rule 13. Stormwater Run-Off Associated with Municipal Separate Storm Sewer System Conveyances  Rule 14. On-Site Residential Sewage Discharging Disposal Systems within the Allen County On-Site Waste Management District</p> <p>The following two permit-by-rule general permits will be converted to administratively issued general permits in a future rulemaking after U.S. EPA approves the general permits for these activities:</p> <p>Rule 6. Stormwater Discharges Exposed to Industrial Activity  Rule 7. Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities</p> <p>The conversion from permit-by-rule general permits to administratively issued general permits is intended to resolve the issues raised by U.S. EPA and, except where new federal requirements have been put in place since the state's permit-by-rule general permit rules were adopted, changes to the regulatory requirements on affected permit holders should be minimal. All changes to the requirements will be included in the draft administrative permits when they are made available for public comment as required under the Clean Water Act.</p>	
Statutory Information:	Rulemaking Process Pursuant to <a href="#">IC 13-14-9</a> LSA Document #18-238 <a href="#">Related Documents</a>	
Comment Period Deadlines and Public Hearing Dates:	First Comment Period: Second Comment Period: Public Hearing/Preliminary Adoption: Public Hearing / Final Adoption	May 23, 2018 – July 9, 2018 March 27, 2019 – April 26, 2019 August 14, 2019 May 13, 2020
Inquiries:	Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635, (800) 451-6027 (in Indiana), or <a href="mailto:mstevens@idem.in.gov">mstevens@idem.in.gov</a> .	
Next Step:	Rulemaking anticipated to be "Effective" in September 2020.	

**Title 329 Solid Waste Management Division**

<b>RULEMAKING ACTION:</b>	Waste Tire Management - <a href="#">LSA Document #17 -279</a>	
Purpose:	<b>Change in Notice of Public Hearing / Final Adoption</b> These rules are not scheduled for hearing at this time. When the public hearing is scheduled, it will be noticed in the Changes in Notices of Public Hearing section of the Indiana Register.	
Rulemaking Overview	<p>Amendments to the waste tire management requirements at <a href="#">329 IAC 15</a>, including many of the amendments originally proposed in LSA Document #12-200, which was withdrawn on March 9, 2016. LSA Document #12-200 was withdrawn because a portion of the proposed amendments pertained to legitimate use of waste tires in lieu of disposal and required additional statutory authority to be considered for adoption. To address this situation, the Indiana General Assembly enacted Public Law 97-2016, which granted authority to the Environmental Rules Board to adopt rules for the legitimate use of waste tires. After the enactment of Public Law 97-2016, IDEM initiated this rulemaking to propose amendments to <a href="#">329 IAC 15</a> that included proposed requirements for the legitimate use of waste tires.</p> <p>The main purposes of this rulemaking are to incorporate statutory changes enacted in Public Laws 37-2012 and 97-2016, add requirements for the legitimate use of waste tires, update requirements to be consistent with current conditions in the waste tire management industry in Indiana, update the financial assurance requirements, amend outdated or repetitive requirements, improve accountability and safety for waste tire management, and clarify and improve the rule language.</p>	
Statutory Information:	Rulemaking Process Pursuant to <a href="#">IC 13-14-9</a> LSA Document #17-279 <a href="#">Related Documents</a>	
Comment Period Deadlines and Public Hearing Dates:	First Comment Period:	June 7, 2017 – July 7, 2017
	Second Comment Period:	April 10, 2019 – May 10, 2019
	Public Hearing/Preliminary Adoption:	November 13, 2019
Inquiries:	Additional information regarding this rulemaking action can be obtained from Daniel Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345, (800) 451-6027 (in Indiana), or <a href="mailto:Dwatts1@idem.in.gov">Dwatts1@idem.in.gov</a> .	
Next Step:	Public Hearing / Final Adoption to be scheduled	



## Other Notices

<b>REGULATORY ACTION:</b>	2020 List of Impaired Waters and Consolidated Assessment and Listing Methodology under Section 303(d) of the Clean Water Act – <a href="#">LSA Document #20-6</a>
Purpose:	<p><b>Notice of Comment Period</b></p> <p>The Indiana Department of Environmental Management (IDEM) is soliciting public comment for the development of its draft 2020 303(d) List of Impaired Waters and the Consolidated Assessment and Listing Methodology (CALM) used to develop it. Any person having water quality data to support or refute the listing of a specific waterbody or to add a waterbody to the list will be able to provide that information to IDEM during the public comment period. Comments and suggestions regarding the CALM will also be accepted during this period.</p> <p><b>Notice of Public Presentation</b></p> <p>Under <a href="#">IC 13-18-2-3</a>, notice is hereby given that on May 13, 2020, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, Indiana, the Environmental Rules Board meeting will include a presentation from staff of the Indiana Department of Environmental Management's Office of Water Quality (OWQ) on the federally required 2020 303(d) List of Impaired Waters. The tables listing the impaired waters are available for viewing on the OWQ website at: <a href="https://www.in.gov/idem/nps/2647.htm">https://www.in.gov/idem/nps/2647.htm</a>.</p>
Action Overview	<p>The IDEM Office of Water Quality (OWQ) is preparing to update its 303(d) List of Impaired Waters, as required by Section 303(d) of the federal Clean Water Act (CWA) and the Water Quality Planning and Management regulation contained in the Code of Federal Regulations (CFR) at 40 CFR Part 130. Under the CWA, each state is required to assemble all existing and readily available water quality-related data and information for use in assessing its waters for compliance with the state's water quality standards (WQS). States may adopt national water quality criteria or develop state-specific criteria, or do both, to protect the uses described in their WQS. In Indiana, these uses include recreational uses, aquatic life use, and the use of some waters as a drinking water resource. States are required to prepare and make public a list of waters that do not meet the WQS and the methodology used to evaluate the data and determine impairment status. The 303(d) List of Impaired Waters will identify the following:</p> <ul style="list-style-type: none"> <li>• The reach or reaches of the stream or river waterbody that is impaired or the lake that is impaired (lakes are evaluated as a single waterbody).</li> <li>• The pollutant or pollutants that do not meet the WQS, thereby causing the impairment.</li> <li>• A schedule for development of a Total Maximum Daily Load (TMDL).</li> </ul> <p>A TMDL evaluation is a process that quantifies the amount of a specific pollutant that a waterbody can assimilate and still meet WQS. A description of what constitutes a pollutant is provided in Section 502(6) of the CWA and includes materials such as sewage, chemical wastes, biological materials, and wastes from industrial, municipal, and agricultural operations. The definition also encompasses drinking water contaminants that are regulated under Section 1412 of the Safe</p>



	<p>Drinking Water Act (SDWA). A TMDL is a written, quantitative assessment that accomplishes the following:</p> <ul style="list-style-type: none"> <li>• Identifies how much of the pollutant is coming from point sources and nonpoint sources.</li> <li>• Specifies the amount of pollutant reduction necessary from each source in order to meet the WQS set for that pollutant.</li> <li>• Lays the groundwork for developing and implementing a plan to reduce the amount of the pollutant coming from each source.</li> </ul> <p>As part of IDEM's TMDL process, the public is invited to participate in the plan to develop and implement the TMDL.</p>	
<p>Comment Period and Public Presentation Dates:</p>	<p>Comment Period: Public Presentation</p>	<p>January 29, 2020 – April 28, 2020 May 13, 2020</p>
<p>Comments or Inquiries:</p>	<p>Additional information regarding this notice may be obtained from Jody Arthur in the Watershed Assessment and Planning Branch, Office of Water Quality, (317) 308-3179 or (800) 451-6027 (in Indiana), or <a href="mailto:JARTHUR@idem.IN.gov">JARTHUR@idem.IN.gov</a>.</p> <p>Comments may be submitted to: Document #20-6 2020 Draft 303(d) List of Impaired Waters Attn: Karla Kindrick, Administrative Assistant Rules Development Branch, Office of Legal Counsel Indiana Department of Environmental Management Indiana Government Center North 100 North Senate Avenue, Indianapolis, IN 46204-2251 By electronic mail to <a href="mailto:kkindric@idem.in.gov">kkindric@idem.in.gov</a>.</p> <p>Additional information regarding public presentation can be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635, (800) 451-6027 (in Indiana), or <a href="mailto:mstevens@idem.in.gov">mstevens@idem.in.gov</a>.</p>	
<p>Next Step:</p>	<p>IDEM will submit its finalized 2020 303(d) List of Impaired Waters as part of its 2020 Integrated Report to U.S. EPA by April 1, 2020 (the deadline). All public comments received during the public comment period and IDEM's responses will be included as an addendum to IDEM's April 1, 2020, submittal U.S. EPA.</p>	



## Environmental Rules Board Meeting Summary – January 8, 2020

### ERB Agendas and Summaries

- [Agenda for the January 8, 2020 Environmental Rules Board Meeting \[PDF\]](#)
- [Board Packets and Meeting Summaries](#)

### Rulemaking Actions

Rulemaking	Rulemaking Information	Rulemaking Status
Vigo County SO <sub>2</sub> Redesignation and Lake and Porter Counties Ozone Reclassification Emergency Rule	<ul style="list-style-type: none"> <li>• <a href="#">Rule Information Sheet [PDF]</a></li> <li>• <a href="#">Emergency Rule [PDF]</a></li> </ul>	2 <sup>nd</sup> Adoption
Emission Reporting Revisions, LSA #19-409	<ul style="list-style-type: none"> <li>• <a href="#">Rule Information Sheet [PDF]</a></li> <li>• <a href="#">Response to Comments from 2nd Comment Period [PDF]</a></li> <li>• <a href="#">Proposed Rule as Preliminarily Adopted [PDF]</a></li> </ul>	Final Adopted
Indiana Harbor Coke Company and Cokenergy SO <sub>2</sub> Revisions, LSA #19-388	<ul style="list-style-type: none"> <li>• <a href="#">Rule Information Sheet [PDF]</a></li> <li>• <a href="#">Response to Comments from 2nd Comment Period [PDF]</a></li> <li>• <a href="#">Proposed Rule as Preliminarily Adopted [PDF]</a></li> </ul>	Final Adopted
Transfer Station Reporting, LSA #19-424	<ul style="list-style-type: none"> <li>• <a href="#">Rule Information Sheet [PDF]</a></li> <li>• <a href="#">Response to Comments from 1st Public Hearing [PDF]</a></li> <li>• <a href="#">Draft Rule [PDF]</a></li> </ul>	Preliminarily Adopted
Cold Cleaning Degreasing, LSA #18-542	<ul style="list-style-type: none"> <li>• <a href="#">Rule Information Sheet [PDF]</a></li> <li>• <a href="#">Response to Comments [PDF]</a></li> <li>• <a href="#">Draft Rule [PDF]</a></li> </ul>	Preliminarily Adopted
Indy CSO Wet Weather Limited Use LSA, #19-510	<ul style="list-style-type: none"> <li>• <a href="#">Rule Information Sheet [PDF]</a></li> <li>• <a href="#">Response to Comments [PDF]</a></li> <li>• <a href="#">Draft Rule [PDF]</a></li> <li>• <a href="#">Indianapolis Approval Letter [PDF]</a></li> <li>• <a href="#">UAA Approval [PDF]</a></li> <li>• <a href="#">IC 13-18-3-2.5 [PDF]</a></li> <li>• <a href="#">IC 13-14-9-14 [PDF]</a></li> </ul>	Adopted