



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Commissioner

To: The Honorable Mike Braun, Governor
The Honorable Rodric Bray, Senate Chair
The Honorable Todd Huston, House Vice-Chair
Legislative Council

From: Clint Woods, Commissioner, Indiana Department of Environmental Management
William Anthony, General Counsel, Indiana Department of Environmental Management

Subject: Indiana Department of Environmental Management Regulatory Review Report pursuant to Executive Order 25-38, Creating Opportunity Through Reduction of Excessive Environmental Regulation

Date: December 31, 2025

BACKGROUND

The Indiana Department of Environmental Management (“IDEM”) provides this report pursuant to its obligations set forth under Executive Order 25-38, signed on March 12, 2025, which provides in relevant part:

Any environmental rules or regulations currently in place in the State of Indiana that exceed an applicable federal requirement or limitation without explicit direction to do so in Indiana Code must be reviewed. The review shall be completed by October 31, 2025, with a written report provided to the Governor and the Legislative Council by December 31, 2025, providing an explanation for why the current rule or regulation is more stringent than federal standards, and whether maintaining this higher standard is necessary to protect human health or the environment, or otherwise benefits the community being regulated. The report should include specific justification supporting the need for maintaining more stringent regulation or recommend changes to bring the agency’s regulatory framework in line with federal requirements, if appropriate.

This report is meant to supplement the initial report submitted to Governor Braun on July 1, 2025, a full copy of which is available on IDEM’s [website](#).

INTRODUCTION

IDEM has undertaken several efforts to identify regulations that may be “unduly burdensome, significantly raise the cost of living for Hoosiers, ... not supported by current law and the best available science, or ... do not benefit Indiana’s environment.” EO 25-38. In its July 1 report, IDEM provided an initial assessment of state environmental regulations that should be revisited based on

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these efforts. The list included opportunities to streamline processes, removal of unnecessary non-rule policy documents, elimination of unnecessary paperwork, extension of permitting timeframes, rescission of planning, prior approval, and certification requirements, as well as expanding eligibility for certain seeking programs. A more fulsome discussion is included *supra*. Additionally, IDEM sought and [received more than 1,400 pages of public feedback](#) regarding rules that should be identified for review and potential rescission, and its initial report included several excerpts of comments from the public in response to an IDEM solicitation seeking feedback on rules that should be identified for review and potential rescission pursuant to EO 25-38.

IDEV has completed a comprehensive review of its rules to identify those which exceed federal requirements and/or statutory authority in accordance with EO 25-38. That review is summarized in **Appendix A**. The review included Titles 326, 327, 328, and 329, of the Indiana Administrative Code. Based on IDEM's review, the subset of regulations in this category is relatively small. Indiana Code, as well as previous Gubernatorial administrations, have limited IDEM's ability to promulgate rules that are more restrictive than federal regulations for decades. Similar provisions are contained in more than 35 state codes around the country (see additional background [here](#), [here](#), [here](#), and [here](#)). IDEM is committed to reducing regulatory burdens that do not benefit Hoosiers and the environment and therefore intends to pursue changes to federal or state law or regulation that will allow Indiana to implement environmental policies that "support business development, job creation, and economic growth, while also striving to ensure responsible environmental protection and stewardship." EO 25-38. Additionally, and pursuant to Executive Order 25-17, signed by Governor Braun on January 14, 2025, IDEM has committed to "review existing rules scheduled for readoption, in compliance with Ind. Code § 4-22-2.6-4 . . . , to determine the continued need for the agency's rules" and to achieve "25% reduction in regulatory requirements . . . by January 1, 2029." IDEM intends to stagger amendments and readoption of its four administrative code titles, beginning with Title 327 (water quality) in 2026. Titles 328 and 329 (land quality) will be reviewed and readopted in 2027, and Title 326 (air quality) will be completed in 2028.

I. Actions in Response to EO 25-38

Since February of 2025, IDEM's senior leadership has undertaken a comprehensive review of its authorities under Title 13 of the Indiana Code, with a particular focus on unduly burdensome or unnecessary requirements across several categories (boards and commissions; public hearings and engagement; reporting requirements; permit and other fee programs; and enforcement). This review process has resulted in the identification of several areas for improved consistency, reduced burden, or provisions or programs that may be targeted for legislative or regulatory clarification or rescission. IDEM intends to seek revisions to Title 13 as part of a comprehensive cleanup bill in the 2026 legislative session. This proposal would help improve clarity, reduce unnecessary burdens, and better enable IDEM to serve Hoosiers. It could result in the elimination or consolidation of more than 250 unnecessary mandates, 90 sections of law, and more than a dozen outdated references to state or federal law. This proposal could also streamline certain permitting programs as well as the operations of statutory boards and commissions, as well as sunset future non-rule policy documents. In addition, it would incorporate a requirement that IDEM implementation of federal environmental laws and regulations be "less burdensome" in addition being "no more stringent" than their federal equivalents.

In response to EO 25-38, IDEM also requested input from senior management in each of its program areas to assist in identifying any regulations and policies that are "unduly burdensome, significantly raise the cost of living for Hoosiers, are not supported by current law and the best available science, or do not benefit Indiana's environment." Illustrative examples of priority regulations identified were included in IDEM's initial report on July 1. Additionally, in response to both EO 25-38 and EO 25-

13, IDEM developed a comprehensive snapshot of agency activities and related authorities. Many of the IDEM-identified opportunities for state regulations that are unduly burdensome, inconsistent with the law or best available science, or not environmentally beneficial correspond to federal environmental requirements. As a result, IDEM has continued to identify and is pursuing both formal and informal opportunities to encourage the U.S. Environmental Protection Agency (U.S. EPA) and other federal bodies to reevaluate these examples of federal overreach that result in unnecessary state regulation.

In the course of its review of its regulations, IDEM reviewed them to ensure that agency deregulatory priorities are also consistent with directives and activities under Executive Order 25-06 (“Creation of the Office of Energy and Natural Resources”), Executive Order 25-49 (“Encouraging Practical Approaches to Climate and Energy Solutions by Rejecting Social Cost of Greenhouse Gases and Climate Action Plans”), Executive Order 25-50 (“Ensuring Economic Opportunity and Indiana’s Energy Future by Supporting Life Extensions for Coal Energy Generation and Assessing Natural Gas Supplies”), Executive Order 25-17 (“Promoting Freedom and Opportunity for Hoosiers by Reducing Regulation and Controlling Regulatory Costs”), Executive Order 25-40 (“Increasing Opportunity for Indiana’s Businesses and Hoosiers through Permitting Transparency and Accountability”), and Executive Order 25-48 (“Creating Economic Opportunity and Securing Indiana’s Energy Future through Advanced Nuclear Development”).

In addition, during the week of May 27th, IDEM posted a notice on its website to invite input from entities and individuals affected by Indiana’s environmental regulations that meet EO 25-38 and other Executive Order criteria to inform its evaluation of existing regulations. Comments were requested for submission on or before June 30, 2025, to Efficiency@idem.in.gov. Responses have been reviewed by IDEM senior management and Office of Legal Counsel, and illustrative excerpts of relevant comments were incorporated in IDEM’s July 1 report. IDEM has made the public comments available on its website and provided copies of relevant comments for consideration by the Environmental Rules Board (“ERB”) at its October 16, 2025, meeting. Ind. Code ch. 13-13-8 establishes the ERB, which adopts rules under Ind. Code chs. 4-22-2 and 13-14-9. Accordingly, input and buy-in from the ERB will be essential in implementing any regulatory changes suggested by this review.

IDEF has also engaged its Environmental Rules Board to provide additional guidance in prioritizing and implementing revision of identified regulations pursuant to EO 25-38. IDEM provided related material to the Board during its June 11, October 16, and December 18 meetings. The October 16 meeting included approval of a workgroup to help provide related advice.

Building upon these internal reviews and external feedback processes, IDEM has also begun reviewing its non-rule policies and guidance as well as internal policies and standards for potential rescission or updates. IDEM, in its agency bill for the 2026 legislative session, will propose to statutorily sunset its non-rule policies and guidance in furtherance of EO 25-38.

In its July 1, 2025, initial response to EO 25-38, IDEM identified the following regulations and non-rule policy document to revisit and/or repeal in collaboration with the Environmental Rules Board and subject to the public notice and other administrative requirements of Ind. Code chs. 4-22-2 and 13-14-9, either through traditional rulemaking or legislative revision:

- (1) Underground Storage Tank (UST) Notification Forms (Ind. Code 13-23-1-2(c)(8), 329 IAC 9-2-2): State regulations currently require re-submittal of a form for any change at a facility in addition to federal requirements for form

submittal after an ownership change or new tank installation. These requirements are duplicative, burdensome, and unnecessary. IDEM recommends removing certain facility changes that trigger submittal of a new form, such as facility type, location, name, financial responsibility, and minor UST system modifications. This would require a rule change, and changes to state UST implementation may also trigger the need for new state program approval (even if they better align with federal program).

- (2) Removal of Requirement for Prior Approval for Fire Training Open Burning (326 IAC 4-1-4.1): The current rule requires prior approval for burning not exempted under 326 IAC 4-1-3 and 4-1-4. This includes fire training. These requirements are burdensome. IDEM recommends removing the requirement to obtain prior approval for fire training conducted by fire departments. This would require a rule change and potential federal approval of revisions to Indiana's State Implementation Plan.
- (3) Streamline National Pollution Discharge Elimination (NPDES) Permit Schedule of Compliance (Ind. Code § 13-18-3-2.6; 327 IAC 5-2-12 DS; 327 IAC 5-2-12.1 GL): Directives regarding the allowable length of time for facilities to meet newly imposed permit limitations are out-of-date and inconsistent between waters in the Great Lakes basin and downstate waters. The three-year maximum for downstate dischargers is often impractical and unreasonable considering five is allowed by EPA. IDEM recommends clarifying in statute and allow a maximum five-year schedule of compliance for all waters of the state. No federal approval should be required.
- (4) Biomass Digester Definition of Biomass/Appropriate Feedstock (Ind. Code ch. 13-20-10.5, 329 IAC 11.5): The code allows for digestion of both biomass and appropriate feedstocks but does not allow for digestion of appropriate feedstocks only. A waste defined as appropriate feedstock also requires a land application permit where a biomass does not. IDEM recommends statutory and rule changes to change the definition of what qualifies as biomass and what qualifies as appropriate feedstock or change the code to allow for appropriate feedstock only digesters in 329 IAC 11.5. No federal approval should be required.
- (5) Eliminate or Revise Requirement to Submit Emissions Reduction Plan for Malfunctions (326 IAC 1-6-6): This rule requires the submittal of a plan to reduce emissions resulting from malfunctions that occur at permitted sources. Prior to a recent rule change, this obligation did not apply to FESOPs or Title V sources. IDEM recommends revising the rule to either remove the requirement or make it less burdensome on sources. This would require a rule change and potential federal approval of revisions to Indiana's State Implementation Plan.
- (6) Remove Requirement for IDEM Certification for Certain Tax Deductions (Ind. Code § 6-11-12-35.5): Current code directs IDEM to determine if certain systems or devices qualify for tax deductions. This requirement is unnecessary and IDEM does not have expertise in this area. IDEM recommends a statutory

change to remove this requirement (or change the responsibility to a county assessor or other appropriate entity).

- (7) Expand Flexibility in Use of Electronic Waste Funds (Ind. Code 13-20.5). IDEM's electronic waste registration and recycling funds are currently limited to the expenses of administering the fund. IDEM recommends statutory changes to expand eligibility in order to enhance collection activities and provide additional outreach.
- (8) Extend Certain Waste Permit Terms to 10 Years (329 IAC 3.1-13-15; 329 IAC 10-12-1). Currently, IDEM permits for solid and hazardous waste range from 3 to 5 years. Extending the timeframe of these permits would reduce paperwork burdens associated with renewals and improve Indiana's competitiveness. IDEM revisiting associated rules and considering changes to reduce these burdens in association with a review of accompanying fee structure.
- (9) Streamline the Process for Alternative Thermal Effluent Limits Under Section 316(a) of the Clean Water Act (327 IAC 5-7). The process for facilities unable to meet thermal water quality standards to study, develop, and seek approval of alternative thermal effluent limits (ATELs) can be burdensome and create uncertainty. There are currently 14 permitted facilities in Indiana with ATELs. IDEM recommends revisiting the agency's 2015 Section 316(a) Thermal Guidance Document based on feedback from affected stakeholders.
- (10) Rescind IDEM Nonrule Policy Documents [Enf-001](#) (Penalty Policy For Underground Storage Tank/Leaking Underground Storage Tank Requirements) and [Enf-002](#) (Civil Penalty Policy), which have been incorporated into the Indiana Administrative Code. IDEM anticipates that additional Nonrule Policy Documents will be rescinded, amended, and/or incorporated into rule or statute based on feedback received in response to its solicitation for input related to EO 25-38 and other executive orders, as well as through internal reviews and collaboration with the ERB.

Some potential barriers, limitations, and challenges for rescission of certain rules or regulations pursuant to EO 25-38 previously identified, include the following:

- (1) Corresponding federal requirements, including in federal environmental statutes, U.S. EPA regulations, or grant agreements, may limit the ability of IDEM to fully address certain requirements or risk impacting IDEM's status as a delegated authority to implement federal environmental programs.
- (2) The need to go through a fulsome, legally compliant, and lengthy process, including approval by the ERB, public comment, and regulatory analysis, to rescind state regulations or non-rule policies.
- (3) Expressed support for certain state programs by stakeholders and the regulated community.
- (4) Competing priorities, including directives under Title 13 and other executive orders.

(5) Personnel and succession challenges.

As discussed further *infra*, because Indiana law has ensured for decades that IDEM does not pass rules that are more stringent than federal law, a substantial majority of IDEM's regulations are consistent with and required by federal environmental laws, regulations, or other policies. Or, the regulations are supported by state law and have support from the regulated communities subject to the regulations. In order to better understand the underlying federal and statutory mandates and authorities associated with its rules, IDEM has undertaken a comprehensive review of its rules to identify: the cited statutory authority for each rule; whether the statute's rulemaking directive is permissive or mandatory; any federal authority for the rule; any federal requirements on the same subject matter as the rule; and whether any of Indiana's delegated authority under federal law is contingent upon the rule. The resulting information from that analysis is attached to this report as **Appendix A**, and will be discussed in greater detail *supra*.

IDEV has sought additional opportunities to effect changes to unduly burdensome federal requirements impairing Indiana's ability to provide "a stable, predictable, and fair environment for businesses and industries that contribute to the prosperity of our State." EO 25-38. As the substantial majority of IDEM's rules are required by federal law or regulation, IDEM has attempted to reduce unnecessary or burdensome environmental regulations prompted by federal laws or regulations through:

- (1) Informal engagement with U.S. EPA. For example, IDEM identified priority deregulatory actions through meetings with Trump administration leadership in U.S. EPA Region 5 as well as EPA's Office of the Administrator, Office of Air and Radiation, Office of Chemical Safety and Pollution Prevention, and Office of Land and Emergency Management as well as meetings and calls with the White House Council on Environmental Quality and Office of Management and Budget. These priority actions include swift approval of Indiana state plans for national air quality standards for sulfur dioxide and to address pollution that impairs visibility for National Parks. As a result, U.S. EPA has taken steps to recognize that all of Indiana meets or exceeds national standards for regional haze as well as particulate matter, lead, carbon monoxide, nitrogen dioxide, and sulfur dioxide.
- (2) In 2025, IDEM, often in conjunction with other affected state agencies, has filed more than 100 pages of substantive comments on significant U.S. EPA reconsiderations, regulatory exemptions, and other rulemaking activities as well as resolutions of disapproval under the Congressional Review Act, including the following: Visibility Protection: Regional Haze State Plan Requirements Rule Revision, Procedures for Chemical Risk Evaluation Under the Toxic Substances Control Act, Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category-Deadline Extensions, Air Plan Approval for Sulfur Dioxide Redesignation and Maintenance Plan, Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units, Reconsideration of 2009 Endangerment Finding, Implementation Challenges Associated with Clean Water Act Section 401, Mercury and Air Toxics Standard, Air Plan Approval Proposal for Sulfur Dioxide Attainment Plan, Update to the Emissions Budget and Allowance Allocations for Indiana Under the Revised Cross-State Air Pollution Rule,

[Regional Haze Third Implementation Period Extension of the SIP Due Date](#), and [Regional Haze State Plan Requirements Rule Revision](#).

IDE M also intends to file substantive comments on recently proposed or forthcoming EPA rules, including: [Updated Definition of “Waters of the United States”](#); [Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Extension of an Alternative Closure Requirement Deadline](#); [Clean Water Act Section 401 Water Quality Certification Improvement Rule](#); and [National Primary Drinking Water Regulation for Perchlorate](#).

- (3) IDE M actively participates in federal advisory committees as well as intergovernmental organizations to shape national deregulatory priorities in air, water, and land. For example, more than a half-dozen IDE M employees were nominated for EPA’s recent solicitation for members of the agency’s [Science Advisory Board](#) and [Clean Air Scientific Advisory Committee](#).
- (4) Continuing support for actions by Indiana’s Congressional delegation to right-size federal environmental requirements, including, e.g., encouraging Congress to [utilize the federal Congressional Review Act to counteract Biden EPA actions](#) allowing California to set national emissions standards for cars, trucks, RVs, and engines in a manner detrimental to Indiana manufacturers.

On September 16, IDE M [testified](#) at a U.S. House Committee on Energy and Commerce hearing on “[From Gridlock to Growth: Permitting Reform Under the Clean Air Act](#).”

- (5) Continuing support for legal challenges to federal rules and actions that are unduly burdensome.

IDE M is also undertaking several related activities consistent with EO 25-38:

- (1) IDE M, via rule promulgation or proposed legislation, is seeking to secure or maintain “primacy” over key federal permitting programs, including for coal combustion residuals under the Resource Conservation and Recovery Act as well as lead and copper regulations under the Safe Drinking Water Act, in order to ensure that Hoosiers benefit from Indiana-specific programs that reflect our state’s unique needs.
- (2) IDE M continues to identify and pursue federal reforms to unleash reliable, affordable energy and to implement Governor Braun’s [Executive Order 25-50](#) (“Ensuring Economic Opportunity and Indiana’s Energy Future by Supporting Life Extensions for Coal Energy Generation and Assessing Natural Gas Supplies”). For example, [EPA took action](#) to ensure that Indiana energy producers were not unnecessarily penalized under federal air quality requirements for keeping coal-fired power plants open. Additionally, [Duke Energy Indiana recently announced a settlement](#) to evaluate the continued operation of coal units at its Cayuga Generating Station in Vermillion County. On December 23, 2025, the U.S. Department of Energy [issued emergency](#)

orders pursuant to Section 202(c) of the Federal Power Act to continue the operation of coal-fired power plants in Indiana.

- (3) IDEM, in response to [Senate Enrolled Act 103](#), which was passed on a bipartisan basis by the Indiana General Assembly in April and signed by Governor Braun on May 6, 2025, is currently working with U.S. EPA to identify air pollution reduction and regulatory relief strategies to get Northwest Indiana removed from so-called “nonattainment” with federal ground-level ozone standards affecting the Chicago metropolitan area, including addressing air quality issues resulting from international, natural, interstate, and fire-related sources. This plan could help eliminate burdensome requirements, including emission inspection programs for light-duty vehicles and heavy-handed restrictions on economic growth, that result from this status. IDEM has been in close contact with EPA Region 5 and continues exploring options to remove unnecessary requirements in coordination with EPA.
- (4) Consistent with Governor Braun’s [Executive Order 25-49](#), “Encouraging Practical Approaches to Climate and Energy Solutions by Rejecting Social Cost of Greenhouse Gases and Climate Action Plans,” IDEM [concluded its participation](#) in the U.S. EPA’s Climate Pollution Reduction Grants (CPRG) program authorized under Section 60114 of the federal Inflation Reduction Act. Under EO 25-49, state agencies are directed to not develop or issue state plans or regulations for greenhouse gases without explicit authorization from the Indiana General Assembly and the Governor as well as to revisit and consider rescinding climate action plans by the end of 2025. While IDEM was awarded a small CPRG planning grant in July 2023, Indiana was notified in 2024 that it was not among the states selected for CPRG implementation grants
- (5) IDEM continues to collaborate on implementing executive orders that will position Indiana to be a leader in next-generation industries like [advanced nuclear development](#) and [recovery of “rare earth” metals and critical materials](#). In April, [Indiana was selected to host an in-state retreat on nuclear energy planning](#) by the U.S. Department of Energy and National Governors Association, which was held on November 5-6, 2025.
- (6) IDEM is undertaking internal actions and discussions to prepare for next-generation investments in artificial intelligence and data centers as well as growth in Indiana’s energy, agriculture, and manufacturing sector, including through the development of a [comprehensive statewide water inventory and management plan](#) pursuant to Executive Order 25-63.

2. *Statutory History*

As stated above, IDEM’s regulations are already closely tailored to federal environmental requirements, due in part to statutory restraints on the agency’s rulemaking authority. Title 13 of the Indiana Code, which is the primary statute for the state’s environmental laws, has required that IDEM provide justification for any proposed rules that are more stringent than federal law beginning nearly twenty years ago, in 2006, with SEA 234, which codified the following language into Ind. Code §§ 13-14-9-3 and 13-14-9-4:

SECTION 8. IC 13-14-9-3, AS AMENDED BY P.L.2-2005, SECTION 54, AND AS AMENDED BY P.L.215-2005, SECTION 16, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Except as provided in subsection (b), the department shall provide notice in the Indiana Register of the first public comment period required by section 2 of this chapter. A notice provided under this section must do the following:

- (1) Identify the authority under which the proposed rule is to be adopted.
- (2) Describe the subject matter and the basic purpose of the proposed rule. The description required by this subdivision must:
 - (A) ~~include a listing of list~~ all alternatives being considered by the department at the time of the notice; ~~and must~~
 - (B) ~~include:~~ (i) ~~a statement indicating~~ state whether each alternative listed under clause (A) ~~is~~ creates:
 - (i) a restriction or requirement more stringent than a restriction or requirement imposed under federal law; or
 - (ii) a restriction or requirement in a subject area in which federal law does not impose restrictions or requirements;
 - (ii) ~~a statement explaining how~~ (C) state the extent to which each alternative listed under clause (A) ~~that is not imposed under federal law~~ differs from federal law; and
 - (iii) (D) include any information known to the department about the potential fiscal impact of each alternative under clause (A) that ~~is not~~ creates:
 - (i) a restriction or requirement more stringent than a restriction or requirement imposed under federal law; or
 - (ii) a restriction or requirement in a subject area in which federal law does not impose restrictions or requirements; and
- (E) set forth the basis for each alternative listed under clause (A).

- (3) Describe the relevant statutory or regulatory requirements or restrictions relating to the subject matter of the proposed rule that exist before the adoption of the proposed rule.
- (4) Request the submission of alternative ways to achieve the purpose of the proposed rule.
- (5) Request the submission of comments, including suggestions of specific language for the proposed rule.
- (6) Include a detailed statement of the issue to be addressed by adoption of the proposed rule.

(b) This section does not apply to rules adopted under IC 13-18-22-2, IC 13-18-22-3, or IC 13-18-22-4.

(c) *The notice required under subsection (a) shall be published electronically in the Indiana Register under procedures established by the publisher.*

(SECTION 9. IC 13-14-9-4, AS AMENDED BY P.L.215-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The department shall provide notice in the Indiana Register of the second public comment period required by section 2 of this chapter. A notice provided under this section must do the following:

- (1) Contain the full text of the proposed rule, ~~as provided to the extent required~~ under IC 4-22-2-24(c).
- (2) Contain a summary of the response of the department to written comments submitted under section 3 of this chapter during the first public comment period.
- (3) Request the submission of comments, including suggestions of specific amendments to the language contained in the proposed rule.
- (4) Contain the full text of the commissioner's written findings under section 7 of this chapter, if applicable.
- (5) Identify each element of the proposed rule that imposes a restriction or requirement on persons to whom the proposed rule applies that:
 - (A) is ~~not~~ more stringent than a restriction or requirement imposed under federal law; or

(B) applies in a subject area in which federal law does not impose a restriction or requirement.

(6) With respect to each element identified under subdivision (5), identify:

(A) the environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement to protect human health and the environment;
(B) examples in which federal law is inadequate to provide the protection referred to in clause (A); and

(C) the:

- (i) estimated fiscal impact; and
- (ii) expected benefits;

based on the extent to which the proposed rule ~~exceeds~~ is more stringent than the restrictions or requirements of federal law, or on the creation of restrictions or requirements in a subject area in which federal law does not impose restrictions or requirements.

(7) For any element of the proposed rule that imposes a restriction or requirement that is ~~not imposed under more stringent than a restriction or requirement imposed under federal law or that applies in a subject area in which federal law does not impose restrictions or requirements~~, describe the availability for public inspection of all materials relied upon by the department in the development of the proposed rule, including, if applicable:

- (A) health criteria;
- (B) analytical methods;
- (C) treatment technology;
- (D) economic impact data;
- (E) environmental assessment data;
- (F) analyses of methods to effectively implement the proposed rule; and
- (G) other background data.

(b) The notice required under subsection (a) shall be published electronically in the Indiana Register under procedures established by the publisher.

In 2016, with HEA 1082 (P.L. 218-2016), a new subsection (b)(2) to Ind. Code § 13-14-9-4 was added, which requires presentation of any proposed rule that is more stringent than a restriction or requirement under federal law to be submitted to the legislative services agency, who shall present the notice to the General Assembly's legislative council.

(2) If any element of the proposed rule to which the notice related imposes a restriction or requirement that is more stringent than a restriction or requirement imposed under federal law, shall be submitted in an electronic format under IC 5-14-6 to the executive director of the legislative services agency who shall present the notice to the legislative council established by IC 2-5-1.1-1

That language was later removed by HEA 1623 (P.L. 249-2023), though IDEM is still required to affirmatively follow additional steps with respect to any requirements more stringent than federal law in its published notices under Ind. Code § 13-14-9-4 and include such information in any regulatory analysis submitted pursuant to Ind. Code § 4-22-2-22.7. HEA 1082 (2016) also prevented any proposed rule that is more stringent than a restriction or requirement imposed under federal law from becoming effective until the adjournment sine die of the regular session of the general assembly that begins after the department provides notice of the proposed rule.

(c) If the notice provided by the department concerning a proposed rule identifies, under subsection (a)(5), an element of the proposed rule that

imposes a restriction more stringent than a restriction or requirement imposed under federal law, the proposed rule shall not become effective under this chapter until the adjournment sine die of the regular session of general assembly that begins after the department provides the notice.

This law was initially passed in 2016, but did not take effect until 2017, when the next Indiana General Assembly overrode former Governor Pence's veto. That language has carried forward in a substantially similar manner and is codified at Ind. Code § 13-14-9-4(b). Since 2017, IDEM has not attempted to present a restriction or requirement that was more stringent than federal law to the legislative services agency or the legislative council, nor has it provided the requisite notice under Indiana law that it intends to. These provisions remain in place, providing the General Assembly the opportunity to review, and, if necessary, make statutory changes to deal with any such rules before they become effective.

As the aforementioned demonstrates, Indiana has in place what is commonly referred to as *qualified stringency prohibitions*. These qualified stringency prohibitions are defined as "prohibitions that constrain the ability of state agencies to protect [the environment] in a manner more stringent than corresponding federal regulations" except "that a state agency may, upon satisfying certain requirements, promulgate a state regulation that is more stringent than its federal counterpart."¹

Certain IDEM programs that differ from federal environmental programs, including permitting associated with Confined Feeding Operations and permitting for isolated wetlands, have been specifically authorized by the General Assembly.

3. Executive Mandates

Executive mandates have also ensured Indiana's environmental regulations closely track federal requirements. In 2010, the State Budget Agency set forth Financial Management Circular #2010-4, which applied to promulgation of all IDEM administrative rulemaking or amendments or modifications to existing rules, which required a detailed fiscal impact analysis and a cost benefit analysis, and in 2013 and again in 2015, Executive Orders established a "Regulatory Moratorium" to suspend administrative agency rulemaking and specific requirements for requesting an exception to the moratorium. In 2023 and 2024, additional changes were made by the General Assembly to the rulemaking process for all state agencies, which require a detailed fiscal and impact analysis, as described in Ind. Code §§ 4-22-2-22.7 and 4-22-2-22.8, and within the Indiana Office of Management & Budget's [Regulatory Analysis Template](#).

FINAL REPORT PURSUANT TO EO 25-38

A comprehensive table detailing the review of titles 326, 327, 328, and 329 of the Indiana Administrative Code is attached as **Appendix A**. As the table indicates, all of IDEM's rules are supported by either federal or state law. None were identified as more stringent or more burdensome than federal law. For those rules where an analogous federal requirement does not exist, but instead are supported by state law, IDEM has committed to a comprehensive review of the rules in line with its responsibilities under Executive Order 25-17, which, among other things, requires IDEM to implement a 25% reduction in regulatory requirements by January 1, 2029.

¹ See State Constraints, State-Imposed Limitations on the Authority of Agencies to Regulate Waters Beyond the Scope of the Federal Clean Water Act, Environmental Law Institute, May, 2013, pg. 13. Available at: <https://www.eli.org/sites/default/files/eli-pubs/d23-04.pdf>

1. Indiana Administrative Code, Title 326

- a. Article 25: This article details and provides regulations to the Environmental Stewardship Program and Comprehensive Local Environmental Action Network Community Challenge Program. While there are no analogous federal requirements, IDEM maintains general rulemaking authority for these programs pursuant to Ind. Code §§ 13-17-3-4 and 13-27-8-3. These rules have been flagged for potential update in 2028 as part of IDEM's regulatory reduction efforts pursuant to Executive Order 25-17 to better align with statutory mandates and to ensure the regulations are not unduly burdensome.

2. Indiana Administrative Code, Title 327

- a. Article 3: This article prescribes definitions, policies, procedures, and technical criteria for the following programs: the issuance of permits for the construction of water pollution treatment/control facilities; agency approval of completed construction prior to use; the issuance of permits for the operation of water pollution treatment/control facilities; and miscellaneous administrative provisions. While there are no analogous federal requirements, the rules are specifically required by Ind. Code § 13-15-1-2.
- b. Article 4: This article is promulgated in order to prevent the excessive hydraulic or organic, or both, overloading of publicly operated treatment works or semipublic facilities resulting in the subsequent discharge or bypassing of insufficiently treated wastewater due to new sewer connections to, or poor operation and maintenance of, the facilities. While IDEM has statutory authority to promulgate these rules, they have been flagged for potential update in 2026 as part of IDEM's regulatory reduction efforts pursuant to Executive Order 25-17 to better align with statutory mandates and to ensure the regulations are not unduly burdensome.
- c. Article 6.1: This article establishes procedures, requirements, and standards to implement Ind. Code ch. 13-18-3 regarding land application and related activities. This article was promulgated for the purpose of protecting and enhancing the quality of Indiana's environment and protecting the public health, safety, and well-being of its citizens. This article regulates the disposal of any biosolid, contaminant that is an industrial waste product, or pollutant-bearing water by application upon or incorporation into the soil. This article establishes standards for the following: (1) General requirements. (2) Site requirements. (3) Pollutant limits. (4) Pathogen reduction requirements. (5) Vector attraction reduction requirements. (6) Monitoring and analysis requirements. (7) Record keeping requirements. (8) Reporting requirements. (9) Storage. For biosolids, the rules are consistent with 40 CFR 503. While there are no analogous federal requirements for other parts of the rule, the rules are specifically required by Ind. Code § 13-18-12-4.
- d. Article 7.1: This article establishes standards, procedures, and requirements for persons engaged in septage management. While there are no analogous federal requirements, the rules are specifically required by Ind. Code § 13-18-12-4.
- e. Article 17: This article governs the issuance of general and individual permits for wetland activities in state regulated wetlands. The purpose of this article is to promote a net gain in high quality isolated wetlands and assure that compensatory mitigation will offset the loss of isolated wetlands allowed by the permitting program. Federal requirements concerning wetlands do not apply to state isolated wetlands. The department only maintains general authority to adopt rules concerning wetlands pursuant to Ind. Code § 13-18-3-1. These rules have been flagged for potential update in 2026 as part of IDEM's

regulatory reduction efforts pursuant to Executive Order 25-17 to better align with statutory mandates and to ensure the regulations are not unduly burdensome.

- f. Article 19: The purpose of this article is to impose construction and operational requirements for Confined Feeding Operations in order to implement Ind. Code ch. 13-18-10 and protect human health and the environment from threats to water quality. Confined Feeding Operations would be subject to NPDES requirements in the absence of IDEM's zero discharge confined feeding operation permit program. IDEM has general authority to promulgate these rules pursuant to Ind. Code § 13-18-10-4. The rules have widespread support among the agriculture community. [See pp. 71-73 of EO 25-38 comments.](#)
- g. Article 20: This article governs construction and operational requirements of satellite manure storage structures. Confined Feeding Operations would be subject to NPDES requirements in the absence of IDEM's zero discharge confined feeding operation program. IDEM has general authority to adopt rules regarding the construction, operation, and maintenance of a satellite manure storage structures pursuant to Ind. Code § 13-18-10.5-2. These rules have been flagged for potential update in 2026 as part of IDEM's regulatory reduction efforts pursuant to Executive Order 25-17 to better align with statutory mandates and to ensure the regulations are not unduly burdensome.

3. Indiana Administrative Code, Title 329

- a. Article 7.1: This article sets forth criteria and procedures for establishing a priority ranking system by the commissioner for hazardous substances response sites in order that those hazardous substances response sites believed to pose the most significant threat to human health or environment are scheduled first for response and for allocation of department resources. While there are no analogous federal requirements, IDEM has a statutory mandate to adopt these rules pursuant to Ind. Code § 13-25-4-7. These rules have been flagged for potential update in 2027 as part of IDEM's regulatory reduction efforts pursuant to Executive Order 25-17 to better align with statutory mandates and to ensure the regulations are not unduly burdensome.
- b. Article 8: The purpose of this program is to provide matching grants for local units of government and solid waste districts to establish a household hazardous waste collection and disposal program. This includes developing education programs to reduce generation of household hazardous waste or reduce quantity of household hazardous waste for disposal; to inform the public of nonhazardous and nontoxic substitutes for household hazardous products; and to promote proper handling, storage, and disposal of household hazardous waste. The department may award a grant under this article to an eligible unit or district that has developed a household hazardous waste collection and disposal program that does the following: (1) Provides educational literature describing the hazards associated with household hazardous waste; (2) Utilizes a licensed hazardous waste transportation service to collect, handle, pack, transport, and dispose of collected household hazardous waste if collection is part of the project; and (3) Allows and encourages participation from all households within a designated household hazardous waste collection area that is specified in the grant application. While there are no analogous federal requirements, IDEM has general rulemaking authority to promulgate these rules pursuant to Ind. Code § 13-20-20-13. These rules have been flagged for potential update in 2027 as part of IDEM's regulatory reduction efforts pursuant to Executive Order 25-17 to better align with statutory mandates and to ensure the regulations are not unduly burdensome.

- c. Article 11.5: This article regulates biomass anaerobic digestion facilities and biomass gasification facilities and replaces all solid waste processing standards and permitting requirements under 329 IAC 10 and 329 IAC 11 for a facility's use of biomass or appropriate feedstock for energy production or production of a reusable byproduct. While there are no analogous federal requirements, IDEM has general rulemaking authority to promulgate these rules pursuant to Ind. Code §§ 13-14-8-7 and 13-20-10.5-4. These rules have been flagged for potential update in 2027 as part of IDEM's regulatory reduction efforts pursuant to Executive Order 25-17 to better align with statutory mandates and to ensure the regulations are not unduly burdensome.
- d. Article 11.6: This article regulates mobile home salvaging facilities. While there are no analogous federal requirements, IDEM has general rulemaking authority to promulgate these rules pursuant to Ind. Code § 13-14-8-7. These rules have been flagged for potential update in 2027 as part of IDEM's regulatory reduction efforts pursuant to Executive Order 25-17 to better align with statutory mandates and to ensure the regulations are not unduly burdensome.
- e. Article 12: This article provides for the regulation of solid waste facility operators. There are no analogous federal requirements. IDEM has a statutory mandate to adopt rules concerning operator certification, operator accredited examination providers, and operator accredited training course providers pursuant to Ind. Code § 13-15-10-4. These rules have been flagged for potential update in 2027 as part of IDEM's regulatory reduction efforts pursuant to Executive Order 25-17 to better align with statutory mandates and to ensure the regulations are not unduly burdensome.
- f. Article 15: This article provides for the regulation of waste tire processing operations, waste tire storage sites, waste tire transporters, mobile waste tire processing operations, and persons that use waste tires for a legitimate use in accordance with statutory definitions. While there are no analogous federal requirements, IDEM has a statutory mandate to promulgate these rules pursuant to Ind. Code §§ 13-20-13-11 and 13-20-14-6. These rules have been flagged for potential update in 2027 as part of IDEM's regulatory reduction efforts pursuant to Executive Order 25-17 to better align with statutory mandates and to ensure the regulations are not unduly burdensome.
- g. Article 16: This article regulates electronic waste. While there are no analogous federal requirements, IDEM has rule promulgation authority pursuant to Ind. Code §§ 13-14-8-7, 13-15-2-1, and 13-19-3-1. These rules have been flagged for potential update in 2027 as part of IDEM's regulatory reduction efforts pursuant to Executive Order 25-17 to better align with statutory mandates and to ensure the regulations are not unduly burdensome.
- h. Article 18: This article details and provides regulations to the Environmental Stewardship Program and Comprehensive Local Environmental Action Network Community Challenge Program. While there are no analogous federal requirements, IDEM maintains general rulemaking authority for these programs pursuant to Ind. Code § 13-27-8-3. These rules have been flagged for potential update in 2027 as part of IDEM's regulatory reduction efforts pursuant to Executive Order 25-17 to better align with statutory mandates and to ensure the regulations are not unduly burdensome.

CONCLUSION

IDE� is committed to ensuring that its regulatory actions are consistent with statutory authority, supported by the best available science, and not unduly burdensome. IDEM has identified several opportunities to clarify or rescind existing policies and regulations, and intends to revisit and revise, or possibly rescind, any policies or regulations that do not protect the environment, support economic growth, thereby reducing unduly burdensome requirements.

APPENDIX A

Language from EO 25-38:

Any environmental rules or regulations currently in place in the State of Indiana that exceed an applicable federal requirement or limitation without explicit direction to do so in Indiana Code must be reviewed. The review shall be completed by October 31, 2025, with a written report provided to the Governor and the Legislative Council by December 31, 2025, providing an explanation for why the current rule or regulation is more stringent than federal standards, and whether maintaining this higher standard is necessary to protect human health or the environment, or otherwise benefits the community being regulated. The report should include specific justification supporting the need for maintaining more stringent regulation or recommend changes to bring the agency's regulatory framework in line with federal requirements, if appropriate.

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
IAC Title 326					
Article 1	General Provisions	IC 4-22-2-21 IC 13-14-8 IC 13-15-2-1 IC 13-17-3-4 13-17-3-11 13-17-3-12 IC 13-30-4-1	42 USC 7410 42 USC 7661 et seq 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 2	Permit Review Rules	IC 13-14-8 IC 13-15-2 IC 13-17-3-4 IC-13-17-3	42 USC 7410 42 USC 7661 et seq 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 3	Monitoring Requirements	IC 13-14-8 13-17-3-4 13-17-3-11	42 USC 7410 42 USC 7661 et seq 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
Article 4	Burning Regulations	IC 13-14-8 IC 13-15-2-1 IC 13-17-1-1 IC 13-17-3-4 IC 13-17-3-11	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 5	Opacity Regulations	IC 13-14-8 13-17-3	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 6	Particulate Rules	IC 13-14-8 13-17-3	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 6.5	Particulate Matter Limitations Except Lake County	IC 13-14-8 13-17-3	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 6.8	Particulate Matter Limitations for Lake County	IC 13-14-8 13-17-3	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
Article 7	Sulfur Dioxide Rules	IC 13-14-8 13-17-3	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 8	Volatile Organic Compound Rules	IC 13-14-8 13-17-3	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 9	Carbon Monoxide Emission Limits	IC 13-14-8 IC 13-17-3-4 IC 13-17-3-11 IC 13-17-3-12	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 10	Nitrogen Oxides Rules	IC 13-14-8 IC 13-17-3-4 IC 13-17-3-11 IC 13-17-3-12	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 11	Emissions limitations for Specific Types of Operations	IC 13-14-8 13-17-3	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
Article 12	New Source Performance Standards	IC 13-14-8 IC 13-17-3-4 IC 13-17-3-11 IC 13-17-3-12	42 USC 7401 et seq 40 CFR 60	Yes, this article is part of Indiana's delegated Title V permitting program	No, this is an incorporation of federal regulations
Article 13	Motor Vehicle Emission and Fuel Standards	IC 13-14-8 IC 13-17-3 IC 13-17-5	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 14	Emission Standards for Hazardous Air Pollutants	IC 4-22-2-21 IC 13-14-8 IC 13-17-3	42 USC 7410 40 CFR 50.770 40 CFR 61	Yes, rules in this article are incorporated into Indiana's state implementation plan and are federally enforceable	No; rules in this article either incorporate sections of the CFR or are incorporated into Indiana's state implementation plan, and are therefore federally enforceable
Article 15	Lead Rules	IC 13-14-8 IC 13-17-3-4 IC 13-17-3-11 IC 13-17-3-12	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 16	State Environmental Policy	IC 13-12-4-5 IC 13-14-8	42 USC 7410 40 CFR 50.770	Partial Yes, rule 3 of this article is incorporated into Indiana's state implementation plan and is federally enforceable	No

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
Article 17.1	Public Records; Confidential Information; Confidentiality Agreements	IC 13-14-8 IC 13-14-9 IC 13-19-3	FOIA	Certain IDEM-EPA MOUs have confidentiality requirements requiring confidential treatment of information that EPA would treat as confidential.	No; FOIA requires confidentiality of different information than APRA, found at IC 5-14-3.
Article 18	Asbestos Management	IC 13-14-8 IC 13-17-3-4 IC 13-17-3-11 IC 13-17-6	40 CFR 61, subpart M 15 USC 2641 et seq	Yes, this is a federally approved program	No
Article 19	Mobile Source Rules	IC 13-14-8 IC 13-17-3-4 IC 13-17-3-11 IC 13-17-3-14 IC 13-17-5-1	42 USC 7410 40 CFR 50.770	Yes, rule 3 of this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 20	Hazardous Air Pollutants	IC 13-14-8 IC 13-15-2-1 IC 13-17-3-4 IC 13-17-3-11	42 USC 7410 40 CFR 50.770	Yes, rules in this article are incorporated into Indiana's state implementation plan and are federally enforceable	No; rules in this article either incorporate sections of the CFR or are incorporated into Indiana's state implementation plan, and are therefore federally enforceable

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
Article 21	Acid Deposition Control	IC 4-22-2-21 IC 13-14-8 IC 13-17-3-4 IC 13-17-3-11	42 USC 7651 et seq 42 USC 7401 et seq	Yes	No, this is an incorporation of federal regulations
Article 22	Stratospheric Ozone Protection	IC 4-22-2-21 IC 13-14-8 IC 13-17-3	42 USC 7671 et seq 42 USC 7401 et seq	Yes	No, this is an incorporation of federal regulations
Article 23	Lead-Based Paint Program	Article Transferred to Title 410 of IAC			
Article 24	NOx and SO2 trading programs	IC 4-22-2-21 IC 13-14-8 IC 13-17-3-4 IC 13-17-3-11	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No
Article 25	Voluntary Performance Based Leadership Programs	IC 13-14-8 IC 13-17-3-4 IC 13-17-3-12 IC 13-27-8-3	N/A	No	No, this program is voluntary
Article 26	Regional Haze	IC 4-22-2-21 IC 13-14-8 IC 13-17-3-4 IC 13-17-3-11	42 USC 7410 40 CFR 50.770	Yes, this article is incorporated into Indiana's state implementation plan and is federally enforceable	No

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
IAC Title 327					
Article 1	General Provisions	IC 13-18-3-2; IC 13-13-5-1; IC 13-30-4-1	40 CFR 123.27 (requirement for delegated states to have enforcement authority, including assessment of civil penalties)	Related to overall delegation authority. Rule deals with references to federal law, severability, and civil penalties.	No
Article 2	Water Quality Standards	IC 13-18-4; IC 13-18-3; IC 13-18-9-4	Clean Water Act (CWA) § 303; 40 CFR 131; 40 CFR 132	Yes; states must adopt water quality standards pursuant to CWA § 303, which are approvable by EPA	No. Water Quality Standards have been approved by EPA. Great Lakes Water Quality Standards are dictated by 40 CFR 132. Rule also contains some provisions tangentially related to water quality standards, including the Spill Rule (327 IAC 2-6.1), secondary containment requirements for above-ground storage tanks (327 IAC 2-10), and provisions addressing the use of detergents and cyanides (327 IAC 2-2, -5) based on IC 13-18-9.
Article 3	Wastewater Treatment Facilities; Issuance of Permits; Construction and Permit Requirements	IC 13-18-3-1; IC 13-18-4-1; 13-15-1-2; 13-15-2	State-only	No	No analogous federal requirement
Article 4	Wastewater Treatment Facilities; Overload Condition	IC 13-14-8-7; IC 13-18-3-1; IC	No analogous federal requirement, but related to federal	No	No analogous federal requirement

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
		13-18-4-3; IC 13-15-1-2	CWA prohibition on sanitary sewer overflows/bypasses		
Article 5	Industrial Wastewater Pretreatment Programs and NPDES	IC 13-13-5-1; IC 13-18-3-2; IC 13-18-11	33 USC 1251; 40 CFR 122; 40 CFR 123	Yes	No, rules mirror 40 CFR 122. Rule contains a few state-specific provisions including streamlined mercury variance (327 IAC 5-3.5), and wastewater operator certification (327 IAC 5-23; based on IC 13-18-11-1.5)
Article 6.1	Land Application of Biosolid, Industrial Waste Product, and Pollutant-Bearing Water	IC 13-18-12	No except for 40 CFR 503 which regulates disposal of sewage sludge	No	No; for biosolids, rule is consistent with federal biosolids rule at 40 CFR 503.
Article 7.1	Wastewater Management	IC 13-18-12	No except for 40 CFR 503 which regulates disposal of sewage sludge	No	No; for biosolids, rule is consistent with federal biosolids rule at 40 CFR 503.
Article 8	Public Water Supply	IC 13-13-5-1; IC 13-8-3-2; 13-18-16-1; IC 13-18-11	SDWA; 42 USC 300f; 40 CFR 141	Yes	No, rules mirror 40 CFR 141. State-only provisions (largely dealing with public water supply construction permits and operator certification) are based on IC 13-18-16-1 and IC 13-18-11-1.5.
Article 11	State Environmental Policy	IC 13-12-4-5	NEPA; §§ 42 USC 4321	No	No; in fact, it is less stringent in that it “may not be construed to require an environmental impact statement for the issuance of a

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
					license or permit by any state agency.
Article 12.1	Public Records; Confidential Information; Confidentiality Agreements	IC 13-14-11; IC 5-14-3	FOIA	Certain IDEM-EPA MOUs have confidentiality requirements requiring confidential treatment of information that EPA would treat as confidential.	No; FOIA requires confidentiality of different information than APRA, found at IC 5-14-3.
Article 15	NPDES General Permits and Specific Category Individual Permit Requirements	IC 13-18-3-2; IC 13-13-5-1; IC 13-18-3-15	40 CFR 122.28; 40 CFR 123.25	Yes	No
Article 17	Wetland Activity Permits	IC 13-18-22	State-only	No	No analogous federal requirement
Article 18	Voluntary Performance Based Leadership Programs	IC 13-27-8-3	None		
Article 19	Confined Feeding Operations	IC 13-18-10	State-only	No	No analogous federal requirement
Article 20	Satellite Manure Storage Structure Permitting Program	IC 13-18-10.5	State-only	No	No analogous federal requirement

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
IAC Title 328					
Article 1	EXCESS LIABILITY TRUST FUND CORRECTIVE ACTION AND ELTF LIABILITY INDEMNITY CLAIM PAYMENTS	IC 13-23-11-7	42 USC 6991c(b)(1) and (c)(1)	Yes. UST program approval. 42 USC 6991c(a)(6)	No
IAC Title 329					
Article 1	GENERAL PROVISIONS	IC 13-14-8; IC 13-19-3	N/A; these deal with applicability, severability, and federal references		
	Rule 2 Restrictive Covenants	IC 13-14-2-9; IC 13-25-4-1; IC 13-25-4-2	No federal counterpart as property laws are state by state. authorized by Indiana Code		
	Rule 3 Civil Penalties	IC 4-22-2; IC 13-14-9; IC 13-30-4-1	Analogous federal counterparts found in various environmental statutes; authorized by Indiana Code		
Article 3.1	HAZARDOUS WASTE MANAGEMENT PERMIT PROGRAM AND RELATED HAZARDOUS WASTE MANAGEMENT	IC 13-14-8; IC 13-19-3; IC 13-22-2	Solid Waste Disposal Act and the Resource Conservation and Recovery Act: 42 USC §§ 6921-6943	Yes; 42 USC §§ 6931-6934	No; the rule incorporates federal rules at 40 CFR 260 – 270 and identifies minor exceptions, additions and substitutions for the state hazardous waste program

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
Article 4.1	REGULATION OF WASTES CONTAINING PCBS	IC 13-20-15-1	15 USC § 2605 (Toxic Substances Control Act/TSCA Section 6)	May be required as part of MOU for IDEM to conduct TSCA/PCB inspections	No; incorporates 40 CFR 761, Subpart D (761.50-761.79); G; K; and M through T with minimal exceptions and additions
Article 5	STATE ENVIRONMENTAL POLICY	IC 13-12-4-5; IC 13-14-8	NEPA; §§ 42 USC 4321	No	No; in fact, it is less stringent in that it “may not be construed to require an environmental impact statement for the issuance of a license or permit by any state agency.
Article 6.1	PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS	IC 13-14-8; IC 13-14-9; IC 13-19-3	FOIA	Certain IDEM-EPA MOUs have confidentiality requirements requiring confidential treatment of information that EPA would treat as confidential.	No; FOIA requires confidentiality of different information than APRA, found at IC 5-14-3.
Article 7.1	PRIORITY RANKING SYSTEM FOR HAZARDOUS SUBSTANCES RESPONSE SITES	IC 13-14-8; IC 13-19-3; IC 13-23-13-7; IC 13-24-1; IC 13-25-4-7	State-only but may be required as part of brownfields grants from EPA	Incorporates National Contingency Plan, 40 CR 300, Appendix B	No; it incorporates the National Contingency Plan and may be required
Article 8	HOUSEHOLD HAZARDOUS WASTE GRANTS PROGRAM	IC 13-20-20-13	State-only	No	No; provides grants to encourage HHW collections programs; both federal and state rules exclude household hazardous waste

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
					from the definition of hazardous waste.
Article 9	UNDERGROUND STORAGE TANKS	IC 4-22-2-21; IC 13-14-8; IC 13-23-1	Generally incorporates 40 CFR Part 280	Yes, as part of federal-approved UST program per 42 USC §6991c	No, with the exception of 329 IAC 9-10, re: certification of installers of USTs exceeds federal authority but IDEM was specifically directed by IC 13-23-3-1 and PL 176-2023 to establish this program.
Article 10	SOLID WASTE LAND DISPOSAL FACILITIES	IC 13-14-8-7; IC 13-15; IC 13-19-3	Yes; and required by IC 13-19-3-1(a)(1)	Yes; 42 USC 6945(c)(1)(B) regarding adoption of permit program for solid waste management facilities to comply with the criteria in 40 CFR Part 258. Indiana's program was deemed adequate first on October 8, 1996 at 61 FR 52791 and again on July 16, 2004 at 69 FR 42583.	Some 329 IAC Article 10 rules and sections aren't included in 40 CFR Part 258. But 56 FR at 50979, the promulgation of 40 CFR Part 258, states that the direct implementation of solid waste programs under Subtitle D "remain[s] largely State and local functions, and [RCRA] authorizes States to devise programs to deal with State-specific conditions and needs."
Article 11	SOLID WASTE PROCESSING FACILITIES	IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1 provides general	Yes: <ul style="list-style-type: none"> 40 CFR Part 240 establishes standards for Thermal 	Indiana's solid waste program was deemed adequate first on October 8, 1996 at 61 FR 52791	Some 329 IAC Article 11 rules and sections aren't included in 40 CFR Part 240 or 243.

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
		authority for adopting rules to regulate solid waste in Indiana.	<p>Processing of Solid Waste;</p> <ul style="list-style-type: none"> 40 CFR Part 243 establishes guidelines for the Storage and Collection of Residential, Commercial, and Institutional Solid Waste 	and again on July 16, 2004 at 69 FR 42583. These rules have been in place since 1996.	
Article 11.5	BIOMASS ANAEROBIC DIGESTION FACILITIES AND BIOMASS GASIFICATION FACILITIES	IC 13-14-8-7; IC 13-15 states that prior approval by IDEM is required for operation of a biomass anaerobic digestion facility or a biomass gasification facility and that IDEM may adopt rules; IC 13-19-3 provides general authority for	None	None	No analogous federal requirement

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
		adopting rules to regulate solid waste in Indiana.			
Article 11.6	MOBILE HOME SALVAGING FACILITIES	IC 13-14-8-7; IC 13-15; IC 13-19-3	None	No	No analogous federal requirement
Article 11.7	ALTERNATIVE FUEL SOURCE	IC 13-14-8-7; IC 13-15; IC 13-19-3 provides general authority for adopting rules to regulate solid waste in Indiana.	Yes, 40 CFR Part 241 establishes standards for Solid Wastes Used as Fuels or Ingredients in Combustion Units;	No	Some 329 IAC Article 11.7 rules and sections aren't included in 40 CFR Part 241.
Article 12	SOLID WASTE MANAGEMENT ACTIVITY REGISTRATION	IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1	None	No	No analogous federal requirement
Article 13	USED OIL MANAGEMENT	IC 13-14-8; IC 13-19-3	40 CFR Part 279	Yes, as part of RCRA approval, 42 USC §§ 6931-6934	Intended to be consistent with 40 CFR Part 279.
Article 15	WASTE TIRE MANAGEMENT	IC 13-19-3-1 ; IC 13-20-13-11 states that the board shall adopt rules necessary to implement the waste tire	None	As part of Solid Waste Management Plan	No analogous federal requirement

Article	Subject	Indiana Code Authority	Federal Requirement	Is it required as part of a federal approval?	Does the rule exceed federal requirement?
		storage site and processing facility registration program; IC 13-20-14-6 has a similar requirement.			
Article 16	ELECTRONICS WASTE MANAGEMENT	IC 13-14-8-7; IC 13-15; IC 13-19-3 provides general authority for adopting rules to regulate solid waste in Indiana.	None	None	No analogous federal requirement, except for the glass in old-style CRT monitors and televisions, which are RCRA regulated with a recycling exemption.
Article 18	VOLUNTARY PERFORMANCE BASED LEADERSHIP PROGRAMS	IC 13-14-8; IC 13-19-3-1; IC 13-27-8-3	None	None	None