Overview
Certain rules described in IC 13-14-9.5-1.1 do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under IC 13-14-9. This notice was published in the Indiana Register on April 18, 2018 at DIN: 20180418-IR-327180172BNA. No comments were received during the comment period. IDEM must also hold a public hearing before the Environmental Rules Board (board). The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

The affected rules can be viewed online by clicking on the list of citations in the IC 13-14-9.5-1.1 Notice of Review of Nonexpiring Rules (DIN: 20180418-IR-327180172BNA).

Citations Affected
327 IAC 2-1-8.2 Determination of acute aquatic criteria (AAC)
327 IAC 2-1-8.3 Determination of chronic aquatic criterion (CAC)
327 IAC 2-1.3 Antidegradation Standards and Implementation Procedures
327 IAC 2-1.5-6 Bioaccumulative chemicals of concern
327 IAC 2-1.5-8 Minimum surface water quality criteria
327 IAC 2-1.5-16 Site-specific modifications to Tier I criteria and Tier II values
327 IAC 5-2-11.2 Public notice of comment period and public meetings for site-specific modification of water quality criteria and values; implementation of antidegradation; alternate mixing zone demonstrations; variances
327 IAC 5-2-11.4 Great Lakes system dischargers total maximum daily loads; wasteload allocations for point sources; load allocations for nonpoint sources; preliminary wasteload allocations
327 IAC 5-2-11.5 Great Lakes system dischargers determination of reasonable potential to exceed water quality standards
327 IAC 5-2-11.6 Great Lakes system dischargers establishment of water quality-based effluent limitations (WQBELs)
327 IAC 5-18-1 Purpose
327 IAC 5-21-1 Purpose
327 IAC 15-16 Concentrated Animal Feeding Operations (CAFOs)
Affected Persons
This rulemaking affects no additional persons that were not already affected by the rules in the last seven years. These affected persons will benefit from the stability of a consistent regulatory environment and the ability to comment on the rules on a statutorily defined schedule.

Reasons for the Rule
This rulemaking to review rules that do not expire under IC 13-14-9.5 is a statutory requirement under IC 13-14-9.5-1.1.

Economic Impact of the Rule
This rulemaking creates no fiscal impact on any person.

Scheduled Hearings
Public Hearing: August 8, 2018, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana.

IDEM Contact
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 mstevens@idem.in.gov.