

TITLE 327 WATER POLLUTION CONTROL DIVISION

LSA Document #20-26

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from June 2, 2021, through July 2, 2021, on IDEM's draft rule language. IDEM received comments from the following parties:

American Electric Power Service Corporation (AEP)
Indiana Manufacturers Association, Inc. (IMA)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: In keeping with current procedure, the NPDES annual discharge flow fees described in 327 IAC 5-3-17 should continue to be due upon invoicing by the department. Language referencing this practice is included in 327 IAC 5-3-17(j)(1) but is not used consistently throughout 327 IAC 5-3-17. (AEP, IMA)

Response: IDEM intends to continue the existing practice of invoicing for the annual operating fees for both NPDES dischargers and public water system facilities. The requirements specifying when a facility must submit payment for its annual operating fees are contained in sections 13 and 14 of IC 13-18-20 for NPDES facilities and in sections 3, 4, and 5 of IC 13-18-20.5 for public water systems. These statutory requirements will remain after the fee increase rule is adopted though the fees presently contained in statute will be removed in a subsequent legislative session according to Public Law 250-2019. Current statute at IC 13-18-20-10 for stormwater fees does not specify when the fees are to be submitted so it was included in the draft rule language.

Comment: 327 IAC 5-3-17(j)(2) refers to submitting a Notice of Intent for industrial facilities with no exposure of stormwater to industrial activity. This part may be more appropriately worded to refer to a "No Exposure Certification" rather than a "Notice of Intent", as those terms and related forms are used by U.S. EPA in the NPDES program. (AEP, IMA)

Response: Based on this comment, IDEM reconsidered the rule language at 327 IAC 5-3-17(j)(2) and has reworded it to read:

(2) For an industrial stormwater facility applying for the no exposure exclusion, fifty dollars (\$50) to be submitted with each application.