

TITLE 327 WATER POLLUTION CONTROL DIVISION

Rule Information Sheet

Satellite Manure Storage Structure Reference Updates
LSA Document #21-28

Overview

This rulemaking updates certain references throughout the Satellite Manure Storage Structure (SMSS) rule at 327 IAC 20 for the United States Department of Agriculture (USDA) Natural Resources Conservation Services (NRCS) Conservation Practice Standards for consistency with the requirements found in the Confined Feeding Operations (CFO) rule at 327 IAC 19. Aligning the SMSS rule with the CFO rule by updating references for the construction and design standards and requirements will ensure that future regulated sources are held to the same standards for the same activities across state rules. This rulemaking was recalled during review by the Attorney General's office because of a mistake made in the submission of the fiscal impact analysis documents to OMB. The original email did not include the Legislative Council. IDEM has recalled the rule and has resubmitted the fiscal impact analysis documents to OMB and the Legislative Council to rectify this error.

Suggested Changes since Preliminary Adoption

The only change to the rule language since preliminary adoption is the correction of the date for one of the USDA NRCS Conservation Practice Standards being updated and incorporated by reference located at 327 IAC 20-5-5(d).

Affected Persons

No businesses or individuals will be affected by this rulemaking. There are no facilities permitted under the Satellite Manure Storage Structure rule at this time. This rulemaking will provide consistent standards for future regulated sources.

Reasons for the Rule

The amendments to this rule will eliminate confusion for interested parties and provide consistency in the design and construction of manure storage structures across state rules.

Economic Impact of the Rule

Updating the references to the NRCS Conservation Practice Standards throughout 327 IAC 20 will have a minor cost increase to future applicants due to NRCS Conservation Practice Standard Code 313. The updated NRCS Conservation Practice Standard Code 313 includes new soil strength standards and soil suitability standards for backfill. IDEM expects the added cost to be negligible. The other updated NRCS standards do not impose any additional requirements.

Scheduled Board Action and Hearings

First Public Hearing: May 12, 2021, at 1:30 p.m., through Zoom

Second Public Hearing: August 11, 2021, at 1:30 p.m., at the Indiana Government Center North,

100 North Senate Avenue, Conference Room IGCN 1319, Indianapolis, Indiana.
Third Public Hearing: February 9, 2022, at 1:30 p.m., at the Indiana Government Center North, 100 North Senate Avenue, Conference Room A, Indianapolis, Indiana. The public may attend the ERB meeting in person or join by using the Zoom link, meeting ID and passcode, or telephone numbers that can be found prior to the meeting at: <https://events.in.gov/idem>

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Krystal Hackney, Rules Development Branch, Office of Legal Counsel, at KHackney1@idem.in.gov, (317) 232-3158, (800) 451-6027 (in Indiana).