

TITLE 327 WATER POLLUTION CONTROL BOARD**IC 13-14-9.5 Notice of Final Readoption**

LSA Document #07-553(F)

Readopts rules in anticipation of [IC 13-14-9.5-2](#), providing that an administrative rule adopted under [IC 13-14-9](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

READOPTION OF RULES IN TITLE 327 UNDER [IC 13-14-9.5](#)**PURPOSE OF NOTICE**

Pursuant to [IC 13-14-9.5-4\(c\)](#), the Indiana Department of Environmental Management (IDEM) is publishing a notice of readoption of rules in Title 327 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rules are readopted.

READOPTED RULES: [327 IAC 1-1](#); [327 IAC 2-2](#); [327 IAC 2-3](#); [327 IAC 2-5](#); [327 IAC 2-6.1](#); [327 IAC 2-10](#); [327 IAC 3-1](#); [327 IAC 3-3](#); [327 IAC 3-4](#); [327 IAC 3-5](#); [327 IAC 4-1](#); [327 IAC 5-1](#); [327 IAC 5-1.5](#); [327 IAC 5-3](#); [327 IAC 5-5](#); [327 IAC 5-6](#); [327 IAC 5-7](#); [327 IAC 5-9](#); [327 IAC 5-10](#); [327 IAC 6.1-1](#); [327 IAC 6.1-2](#); [327 IAC 6.1-3](#); [327 IAC 6.1-4](#); [327 IAC 6.1-5](#); [327 IAC 6.1-6](#); [327 IAC 6.1-7](#); [327 IAC 8-3](#); [327 IAC 8-3.2](#); [327 IAC 8-3.3](#); [327 IAC 8-3.4](#); [327 IAC 8-3.5](#); [327 IAC 8-3.6](#); [327 IAC 8-4.1](#); [327 IAC 8-5](#); [327 IAC 8-10](#); [327 IAC 15-1](#); [327 IAC 15-3](#); [327 IAC 15-5](#); [327 IAC 15-6](#); [327 IAC 15-7](#); [327 IAC 15-8](#); [327 IAC 15-9](#); [327 IAC 15-10](#); [327 IAC 15-11](#); [327 IAC 15-12](#).

The foregoing rules are identified by name as follows:

327 IAC 1-1	Provisions Applicable Throughout Title 327
327 IAC 2-2	Cyanides and Cyanogen Compounds; Drainage into Sewer Systems or Watercourses Prohibited; Exception
327 IAC 2-3	Coal Mines; Restrictions on Acid Drainage and Refuse Deposits into State Waters
327 IAC 2-5	Phosphates; Permits for Use by Manufacturers and Processors; Detergents
327 IAC 2-6.1	Spills; Reporting, Containment, and Response
327 IAC 2-10	Secondary Containment of Aboveground Storage Tanks Containing Hazardous Materials
327 IAC 3-1	General Provisions
327 IAC 3-3	Approval of Completed Construction
327 IAC 3-4	Operational Permits; Facilities not Covered by Other Permit Programs
327 IAC 3-5	Miscellaneous Administrative Provisions
327 IAC 4-1	General
327 IAC 5-1	NPDES and Pretreatment Programs; General Provisions
327 IAC 5-1.5	Definitions
327 IAC 5-3	Procedures for the Issuance of NPDES Permits
327 IAC 5-5	NPDES Criteria and Standards for Technology-Based Treatment Requirements
327 IAC 5-6	Criteria and Standards for Determining Fundamentally Different Factors
327 IAC 5-7	Alternative Thermal Effluent Limitations; Determination
327 IAC 5-9	Best Management Practices; Establishment
327 IAC 5-10	Additional Treatment Requirements
327 IAC 6.1-1	General Provisions
327 IAC 6.1-2	Definitions
327 IAC 6.1-3	Land Application; General Requirements
327 IAC 6.1-4	Land Application of Biosolid and Industrial Waste Product
327 IAC 6.1-5	Marketing and Distribution Permit
327 IAC 6.1-6	Notifications
327 IAC 6.1-7	Land Application of Pollutant-Bearing Water
327 IAC 8-3	Public Water Supply Construction Permits
327 IAC 8-3.2	Technical Standards for Water Mains
327 IAC 8-3.3	Public Water System Quantity Requirement Standards
327 IAC 8-3.4	Public Water System Wells
327 IAC 8-3.5	General Construction Permit for Water Mains

327 IAC 8-3.6	Demonstration of New Public Water Supply System Capacity
327 IAC 8-4.1	Wellhead Protection
327 IAC 8-5	Construction of Public Water Supply Systems Under Order of the DEM
327 IAC 8-10	Cross Connections; Control; Operation
327 IAC 15-1	General Provisions
327 IAC 15-3	NOI Letter Requirements
327 IAC 15-5	Storm Water Run-Off Associated with Construction Activity
327 IAC 15-6	Storm Water Discharges Exposed to Industrial Activity
327 IAC 15-7	Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities
327 IAC 15-8	Facilities Discharging Noncontact Cooling Water
327 IAC 15-9	Wastewater Discharge Associated with Petroleum Products Terminals
327 IAC 15-10	Wastewater Discharge Associated with Ground Water Petroleum Remediation Systems
327 IAC 15-11	Wastewater Discharge Associated with Hydrostatic Testing of Commercial Pipelines
327 IAC 15-12	Facilities Engaged in Sand, Gravel, Dimension Stone, or Crushed Stone Operations

RULES TO EXPIRE: [327 IAC 11-1](#); [327 IAC 11-2](#).

AUTHORITY: [IC 13-14-9.5](#).

HISTORY

First Notice of Comment Period: September 19, 2007, DIN: [20070919-IR-327070553BNA](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required pursuant to [IC 13-14-9.5](#), which provides for the expiration and readoption of administrative rules. A rule that was adopted under a provision of [IC 13](#) and was in force on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under [IC 13-14-9](#), expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2008. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under [IC 13-14-9.5-4](#), the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one (1) rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the publisher under [IC 4-22-2-35](#) and publish notice in the Indiana Register that the agency has readopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

[IC 13-14-9.5-4](#) requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to Legislative Services Agency for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
 - (A) readopt that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under [IC 13-14-9](#) with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the publisher under [IC 4-22-2-35](#) and publish notice in the Indiana Register that the agency has readopted the rule.

NOTICE OF READOPTION

The following rules received no comments during the first notice of comment period requesting that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking and are not exempt from the readoption process under [IC 13-14-9.5](#):

327 IAC 1-1	327 IAC 5-6	327 IAC 8-3.5
327 IAC 2-2	327 IAC 5-7	327 IAC 8-3.6
327 IAC 2-3	327 IAC 5-9	327 IAC 8-4.1
327 IAC 2-5	327 IAC 5-10	327 IAC 8-5
327 IAC 2-6.1	327 IAC 6.1-1	327 IAC 8-10
327 IAC 2-10	327 IAC 6.1-2	327 IAC 15-1

327 IAC 3-1	327 IAC 6.1-3	327 IAC 15-3
327 IAC 3-3	327 IAC 6.1-4	327 IAC 15-5
327 IAC 3-4	327 IAC 6.1-5	327 IAC 15-6
327 IAC 3-5	327 IAC 6.1-6	327 IAC 15-7
327 IAC 4-1	327 IAC 6.1-7	327 IAC 15-8
327 IAC 5-1	327 IAC 8-3	327 IAC 15-9
327 IAC 5-1.5	327 IAC 8-3.2	327 IAC 15-10
327 IAC 5-3	327 IAC 8-3.3	327 IAC 15-11
327 IAC 5-5	327 IAC 8-3.4	327 IAC 15-12

Therefore, the above-listed rules are readopted pursuant to [IC 13-14-9.5-4](#). The rules will be submitted to the publisher for filing and will be effective thirty (30) days after that filing date. The rules will remain in effect until their next expiration date, January 1, 2014. However, all rules are subject to amendment or repeal under IDEM's regular rulemaking process found at [IC 13-14-9](#).

LSA Document #07-553(F)

First Notice of Comment Period: [20070919-IR-327070553BNA](#)

Filed with Publisher: November 21, 2007, 1:16 p.m.

Posted: 12/19/2007 by Legislative Services Agency

An [html](#) version of this document.