

TITLE 327 WATER POLLUTION CONTROL BOARD

NOTICE OF READOPTION
IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD
LSA Document #08-207

READOPTON OF RULES IN TITLE 327 UNDER IC 13-14-9.5

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 327 of the Indiana Administrative Code under IC 13-14-9.5.

RULES TO BE READOPTED: [327 IAC 2-11-1](#); [327 IAC 2-11-2](#); [327 IAC 2-11-3](#); [327 IAC 2-11-4](#); [327 IAC 2-11-5](#); [327 IAC 2-11-6](#); [327 IAC 2-11-7](#); [327 IAC 2-11-8](#); [327 IAC 2-11-9](#); [327 IAC 7.1-1-1](#); [327 IAC 7.1-1-2](#); [327 IAC 7.1-1-3](#); [327 IAC 7.1-1-4](#); [327 IAC 7.1-1-5](#); [327 IAC 7.1-2-1](#); [327 IAC 7.1-2-2](#); [327 IAC 7.1-2-3](#); [327 IAC 7.1-2-4](#); [327 IAC 7.1-2-5](#); [327 IAC 7.1-2-6](#); [327 IAC 7.1-2-7](#); [327 IAC 7.1-2-8](#); [327 IAC 7.1-2-9](#); [327 IAC 7.1-2-10](#); [327 IAC 7.1-2-11](#); [327 IAC 7.1-2-12](#); [327 IAC 7.1-2-13](#); [327 IAC 7.1-2-14](#); [327 IAC 7.1-2-15](#); [327 IAC 7.1-2-16](#); [327 IAC 7.1-2-17](#); [327 IAC 7.1-2-18](#); [327 IAC 7.1-2-19](#); [327 IAC 7.1-2-20](#); [327 IAC 7.1-2-21](#); [327 IAC 7.1-2-22](#); [327 IAC 7.1-2-23](#); [327 IAC 7.1-2-24](#); [327 IAC 7.1-2-25](#); [327 IAC 7.1-2-26](#); [327 IAC 7.1-2-27](#); [327 IAC 7.1-2-28](#); [327 IAC 7.1-2-29](#); [327 IAC 7.1-2-30](#); [327 IAC 7.1-2-31](#); [327 IAC 7.1-2-32](#); [327 IAC 7.1-2-33](#); [327 IAC 7.1-2-34](#); [327 IAC 7.1-2-35](#); [327 IAC 7.1-2-36](#); [327 IAC 7.1-2-37](#); [327 IAC 7.1-2-38](#); [327 IAC 7.1-2-39](#); [327 IAC 7.1-2-40](#); [327 IAC 7.1-2-41](#); [327 IAC 7.1-2-42](#); [327 IAC 7.1-3-1](#); [327 IAC 7.1-3-2](#); [327 IAC 7.1-3-3](#); [327 IAC 7.1-4-1](#); [327 IAC 7.1-4-2](#); [327 IAC 7.1-4-3](#); [327 IAC 7.1-4-4](#); [327 IAC 7.1-4-5](#); [327 IAC 7.1-4-6](#); [327 IAC 7.1-4-7](#); [327 IAC 7.1-4-8](#); [327 IAC 7.1-4-9](#); [327 IAC 7.1-4-10](#); [327 IAC 7.1-4-11](#); [327 IAC 7.1-5-1](#); [327 IAC 7.1-5-2](#); [327 IAC 7.1-5-3](#); [327 IAC 7.1-5-4](#); [327 IAC 7.1-5-5](#); [327 IAC 7.1-6-1](#); [327 IAC 7.1-6-2](#); [327 IAC 7.1-6-3](#); [327 IAC 7.1-6-4](#); [327 IAC 7.1-6-5](#); [327 IAC 7.1-6-6](#); [327 IAC 7.1-7-1](#); [327 IAC 7.1-7-2](#); [327 IAC 7.1-8-1](#); [327 IAC 7.1-8-2](#); [327 IAC 7.1-8-3](#); [327 IAC 7.1-8-4](#); [327 IAC 7.1-8-5](#); [327 IAC 7.1-8-6](#); [327 IAC 7.1-8-7](#); [327 IAC 7.1-8-8](#); [327 IAC 7.1-8-9](#); [327 IAC 7.1-8-10](#); [327 IAC 16-1-1](#); [327 IAC 16-1-2](#); [327 IAC 16-1-3](#); [327 IAC 16-1-4](#); [327 IAC 16-2-1](#); [327 IAC 16-2-2](#); [327 IAC 16-2-3](#); [327 IAC 16-2-4](#); [327 IAC 16-2-5](#); [327 IAC 16-2-6](#); [327 IAC 16-2-7](#); [327 IAC 16-2-8](#); [327 IAC 16-2-9](#); [327 IAC 16-2-10](#); [327 IAC 16-2-11](#); [327 IAC 16-2-12](#); [327 IAC 16-2-13](#); [327 IAC 16-2-14](#); [327 IAC 16-2-15](#); [327 IAC 16-2-16](#); [327 IAC 16-2-17](#); [327 IAC 16-2-18](#); [327 IAC 16-2-19](#); [327 IAC 16-2-20](#); [327 IAC 16-2-21](#); [327 IAC 16-2-22](#); [327 IAC 16-2-23](#); [327 IAC 16-2-24](#); [327 IAC 16-2-25](#); [327 IAC 16-2-26](#); [327 IAC 16-2-27](#); [327 IAC 16-2-28](#); [327 IAC 16-2-29](#); [327 IAC 16-2-30](#); [327 IAC 16-2-31](#); [327 IAC 16-2-32](#); [327 IAC 16-2-33](#); [327 IAC 16-2-34](#); [327 IAC 16-2-35](#); [327 IAC 16-2-36](#); [327 IAC 16-2-37](#); [327 IAC 16-2-38](#); [327 IAC 16-2-39](#); [327 IAC 16-2-40](#); [327 IAC 16-2-41](#); [327 IAC 16-2-42](#); [327 IAC 16-2-43](#); [327 IAC 16-2-44](#); [327 IAC 16-2-45](#); [327 IAC 16-3-1](#); [327 IAC 16-4-1](#); [327 IAC 16-4-2](#); [327 IAC 16-4-3](#); [327 IAC 16-4-4](#); [327 IAC 16-5-1](#); [327 IAC 16-6-1](#); [327 IAC 16-7-1](#); [327 IAC 16-7-2](#); [327 IAC 16-7-3](#); [327 IAC 16-7-4](#); [327 IAC 16-7-5](#); [327 IAC 16-7-6](#); [327 IAC 16-7-7](#); [327 IAC 16-7-8](#); [327 IAC 16-7-9](#); [327 IAC 16-7-10](#); [327 IAC 16-7-11](#); [327 IAC 16-7-12](#); [327 IAC 16-7-13](#); [327 IAC 16-8-1](#); [327 IAC 16-8-2](#); [327 IAC 16-8-3](#); [327 IAC 16-8-4](#); [327 IAC 16-8-5](#); [327 IAC 16-8-6](#); [327 IAC 16-8-7](#); [327 IAC 16-8-8](#); [327 IAC 16-8-9](#); [327 IAC 16-8-10](#); [327 IAC 16-8-11](#); [327 IAC 16-8-12](#); [327 IAC 16-9-1](#); [327 IAC 16-9-2](#); [327 IAC 16-9-3](#); [327 IAC 16-9-4](#); [327 IAC 16-9-5](#); [327 IAC 16-10-1](#); [327 IAC 16-10-2](#); [327 IAC 16-10-3](#); [327 IAC 16-10-4](#); [327 IAC 16-10-5](#); [327 IAC 16-11-1](#); [327 IAC 16-11-2](#); [327 IAC 16-11-3](#); [327 IAC 16-12-1](#); [327 IAC 16-12-2](#); [327 IAC 16-12-3](#).

The foregoing rules are identified by name as follows:

ARTICLE 2. WATER QUALITY STANDARDS

Rule 11. Ground Water Quality Standards

- [327 IAC 2-11-1](#) Goal
- [327 IAC 2-11-2](#) Applicability
- [327 IAC 2-11-3](#) Definitions
- [327 IAC 2-11-4](#) Ground water classification plan
- [327 IAC 2-11-5](#) Criteria for all ground water
- [327 IAC 2-11-6](#) Criteria for drinking water class ground water
- [327 IAC 2-11-7](#) Criteria for limited class ground water
- [327 IAC 2-11-8](#) Criteria for impaired drinking water class ground water
- [327 IAC 2-11-9](#) Ground water management zones

ARTICLE 7.1. WASTEWATER MANAGEMENT

Rule 1. General Provisions

327 IAC 7.1-1-1	Purpose
327 IAC 7.1-1-2	Right of entry
327 IAC 7.1-1-3	Applicability; incorporation by reference
327 IAC 7.1-1-4	Enforcement
327 IAC 7.1-1-5	Penalties
Rule 2. Definitions	
327 IAC 7.1-2-1	Applicability
327 IAC 7.1-2-2	"Agricultural land" defined
327 IAC 7.1-2-3	"Animal feed" defined
327 IAC 7.1-2-4	"Applicant" defined
327 IAC 7.1-2-5	"Base flood or one hundred (100) year flood" defined
327 IAC 7.1-2-6	"Chemical toilet" defined
327 IAC 7.1-2-7	"Contaminate" defined
327 IAC 7.1-2-8	"Critical habitat" defined
327 IAC 7.1-2-9	"Destruction or adverse modification" defined
327 IAC 7.1-2-10	"Disease vector" defined
327 IAC 7.1-2-11	"Domestic septage" defined
327 IAC 7.1-2-12	"Drainage inlet" defined
327 IAC 7.1-2-13	"Endangered or threatened species" defined
327 IAC 7.1-2-14	"Flood plain" defined
327 IAC 7.1-2-15	"Food crops" defined
327 IAC 7.1-2-16	"Grease" defined
327 IAC 7.1-2-17	"Historic site" defined
327 IAC 7.1-2-18	"Incorporated into the soil" defined
327 IAC 7.1-2-19	"Injection" defined
327 IAC 7.1-2-20	"Intermittent waterway" defined
327 IAC 7.1-2-21	"Land with a low potential for public exposure" defined
327 IAC 7.1-2-22	"Liquid waste" defined
327 IAC 7.1-2-23	"Mixed load" defined
327 IAC 7.1-2-24	"Operator" defined
327 IAC 7.1-2-25	"Owner" defined
327 IAC 7.1-2-26	"Pasture" defined
327 IAC 7.1-2-27	"Person" defined
327 IAC 7.1-2-28	"Pesticide" defined
327 IAC 7.1-2-29	"Petroleum based" defined
327 IAC 7.1-2-30	"pH" defined
327 IAC 7.1-2-31	"Potable" defined
327 IAC 7.1-2-32	"Public water supply surface intake structure" defined
327 IAC 7.1-2-33	"Public water supply well" defined
327 IAC 7.1-2-34	"Sensitive area" defined
327 IAC 7.1-2-35	"Set aside" or "idle" defined
327 IAC 7.1-2-36	"Sewage disposal system" defined
327 IAC 7.1-2-37	"Surface application" defined
327 IAC 7.1-2-38	"Taking" defined
327 IAC 7.1-2-39	"Type III marine sanitation device" defined
327 IAC 7.1-2-40	"Unauthorized" defined
327 IAC 7.1-2-41	"Wastewater" defined
327 IAC 7.1-2-42	"Wastewater management" defined
Rule 3. Permits, Licenses, and Approvals	
327 IAC 7.1-3-1	General requirements
327 IAC 7.1-3-2	Revocation and modification
327 IAC 7.1-3-3	Records; access to information
Rule 4. Wastewater Management Permits	
327 IAC 7.1-4-1	Wastewater management permit applications
327 IAC 7.1-4-2	Action on application
327 IAC 7.1-4-3	Updating information

- [327 IAC 7.1-4-4](#) Permit conditions
- [327 IAC 7.1-4-5](#) Transition
- [327 IAC 7.1-4-6](#) Site restrictions
- [327 IAC 7.1-4-7](#) Design requirements for treatment facilities or storage facilities
- [327 IAC 7.1-4-8](#) Construction requirements for treatment or storage facilities
- [327 IAC 7.1-4-9](#) Operational requirements for treatment or storage facilities
- [327 IAC 7.1-4-10](#) Innovative technology; alternate design and construction
- [327 IAC 7.1-4-11](#) Closure of treatment facilities or storage facilities

Rule 5. Vehicle Licenses

- [327 IAC 7.1-5-1](#) Vehicle license requirements
- [327 IAC 7.1-5-2](#) Action on application
- [327 IAC 7.1-5-3](#) Updating information
- [327 IAC 7.1-5-4](#) License conditions and restrictions
- [327 IAC 7.1-5-5](#) Transition

Rule 6. Licensed Vehicle Operation

- [327 IAC 7.1-6-1](#) Vehicle requirements; general
- [327 IAC 7.1-6-2](#) Vehicle requirements; tanks
- [327 IAC 7.1-6-3](#) Vehicle requirements; pumping system
- [327 IAC 7.1-6-4](#) Vehicle requirements; hoses
- [327 IAC 7.1-6-5](#) Vehicle requirements; land application vehicles
- [327 IAC 7.1-6-6](#) Vehicle requirements; vehicle

Rule 7. Wastewater Disposal

- [327 IAC 7.1-7-1](#) General requirements
- [327 IAC 7.1-7-2](#) Wastewater origins; notifications

Rule 8. Land Application; General Requirements

- [327 IAC 7.1-8-1](#) Land application approval requirements
- [327 IAC 7.1-8-2](#) Wastewater land application sites; prohibitions
- [327 IAC 7.1-8-3](#) Action on application
- [327 IAC 7.1-8-4](#) Updating information
- [327 IAC 7.1-8-5](#) Approval conditions
- [327 IAC 7.1-8-6](#) Transition
- [327 IAC 7.1-8-7](#) Wastewater land application rates and records
- [327 IAC 7.1-8-8](#) Wastewater land application; setbacks
- [327 IAC 7.1-8-9](#) Land application of wastewater; prohibitions; and management practices
- [327 IAC 7.1-8-10](#) Limitations and restrictions regarding land use and crop management

ARTICLE 16. CONFINED FEEDING OPERATIONS

Rule 1. General Provisions

- [327 IAC 16-1-1](#) Applicability
- [327 IAC 16-1-2](#) Compliance schedule
- [327 IAC 16-1-3](#) Appeal of decisions
- [327 IAC 16-1-4](#) Federal and state requirements

Rule 2. Definitions

- [327 IAC 16-2-1](#) "Agronomic rate" defined
- [327 IAC 16-2-2](#) "Bedrock" defined
- [327 IAC 16-2-3](#) "Commissioner" defined
- [327 IAC 16-2-4](#) "Confined feeding" defined
- [327 IAC 16-2-5](#) "Confined feeding operation" defined
- [327 IAC 16-2-6](#) "Construction" defined
- [327 IAC 16-2-7](#) "Contaminated run-off" defined
- [327 IAC 16-2-8](#) "Department" defined
- [327 IAC 16-2-9](#) "Discharge" defined
- [327 IAC 16-2-10](#) "Drainage inlet" defined
- [327 IAC 16-2-11](#) "Feedlot" defined
- [327 IAC 16-2-12](#) "Filter strip" defined
- [327 IAC 16-2-13](#) "Flood plain" defined
- [327 IAC 16-2-14](#) "Floodway" defined

327 IAC 16-2-15	"Gradient barrier" defined
327 IAC 16-2-16	"Ground water" defined
327 IAC 16-2-17	"Highly erodible land" defined
327 IAC 16-2-18	"Historic site" defined
327 IAC 16-2-19	"Incorporation" defined
327 IAC 16-2-20	"Injection" defined
327 IAC 16-2-21	"Karst terrain" defined
327 IAC 16-2-22	"Manure" defined
327 IAC 16-2-23	"Manure application" defined
327 IAC 16-2-24	"Manure storage structure" defined
327 IAC 16-2-25	"Manure transfer system" defined
327 IAC 16-2-26	"Manure transfer vehicle" defined
327 IAC 16-2-27	"New manure storage structure" defined
327 IAC 16-2-28	"Operating record" defined
327 IAC 16-2-29	"Owner/operator" defined
327 IAC 16-2-30	"Potentially available nitrogen" defined
327 IAC 16-2-31	"Public water supply surface intake structure" defined
327 IAC 16-2-32	"Public water supply well" defined
327 IAC 16-2-33	"Registered professional engineer" defined
327 IAC 16-2-34	"Sensitive area" defined
327 IAC 16-2-35	"Spill" defined
327 IAC 16-2-36	"Spray irrigation" defined
327 IAC 16-2-37	"Staging" defined
327 IAC 16-2-38	"Surface application" defined
327 IAC 16-2-39	"Surface water" defined
327 IAC 16-2-40	"Uncovered" defined
327 IAC 16-2-41	"Vegetative management system" defined
327 IAC 16-2-42	"Waste liquid" defined
327 IAC 16-2-43	"Waste liquid storage system" defined
327 IAC 16-2-44	"Waste management system" defined
327 IAC 16-2-45	"Waters" defined
Rule 3. Performance Standards for All Confined Feeding Operations	
327 IAC 16-3-1	Performance standards
Rule 4. General Approval Conditions	
327 IAC 16-4-1	Requirement to obtain an approval
327 IAC 16-4-2	Conditions applicable to all approvals
327 IAC 16-4-3	Additional conditions for large confined feeding operations
327 IAC 16-4-4	Enforcement
Rule 5. Alternate Design or Compliance Approach; Innovative Technology	
327 IAC 16-5-1	Alternate design or compliance approach; innovative technology
Rule 6. Existing Confined Feeding Operations	
327 IAC 16-6-1	Existing confined feeding operations
Rule 7. Application and Approval Process for Confined Feeding Operations	
327 IAC 16-7-1	Applicability
327 IAC 16-7-2	Application requirements
327 IAC 16-7-3	Duration of approvals
327 IAC 16-7-4	Approval renewals
327 IAC 16-7-5	Amendments and notifications
327 IAC 16-7-6	Revocation
327 IAC 16-7-7	Transferability
327 IAC 16-7-8	Plot maps
327 IAC 16-7-9	Farmstead plan
327 IAC 16-7-10	Waste management system drawing
327 IAC 16-7-11	Manure management plan
327 IAC 16-7-12	Notice to adjacent landowners
327 IAC 16-7-13	Public comment periods and hearings

Rule 8. Manure Handling and Storage; Site, Design, and Construction Requirements

- [327 IAC 16-8-1](#) Site restrictions for new waste management systems for liquid or solid manure
- [327 IAC 16-8-2](#) Waste management system setbacks
- [327 IAC 16-8-3](#) Design requirements applicable to all new waste management systems
- [327 IAC 16-8-4](#) Storage capacity for manure storage structures
- [327 IAC 16-8-5](#) Design requirements applicable to all new liquid manure storage structures
- [327 IAC 16-8-6](#) Design requirements applicable to all new concrete storage structures for liquid manure
- [327 IAC 16-8-7](#) Design requirements applicable to all new earthen manure storage structures for liquid manure
- [327 IAC 16-8-8](#) Design requirements applicable to solid manure storage structures
- [327 IAC 16-8-9](#) Design requirements applicable to other manure storage structures
- [327 IAC 16-8-10](#) Vegetative management systems
- [327 IAC 16-8-11](#) Constructed wetlands
- [327 IAC 16-8-12](#) Construction requirements for waste management systems

Rule 9. Manure Handling and Storage; Operational Requirements

- [327 IAC 16-9-1](#) Maintenance requirements
- [327 IAC 16-9-2](#) Transport and handling
- [327 IAC 16-9-3](#) Dead animal compost operations
- [327 IAC 16-9-4](#) Emergency spill response plan
- [327 IAC 16-9-5](#) Operating record

Rule 10. Land Application of Manure

- [327 IAC 16-10-1](#) Required acreage for manure application
- [327 IAC 16-10-2](#) Manure application rates
- [327 IAC 16-10-3](#) Manure application activities
- [327 IAC 16-10-4](#) Manure application setbacks
- [327 IAC 16-10-5](#) Marketing and distribution of manure

Rule 11. Closure of Manure Storage Structures

- [327 IAC 16-11-1](#) Applicability
- [327 IAC 16-11-2](#) Temporary shut-down of manure storage structures
- [327 IAC 16-11-3](#) General closure requirements

Rule 12. Exiting the Confined Feeding Approval Program

- [327 IAC 16-12-1](#) Applicability
- [327 IAC 16-12-2](#) Exiting the confined feeding approval program due to a reduction in size of operation
- [327 IAC 16-12-3](#) Exiting the confined feeding approval program due to a complete closure of the operation

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

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under [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, 2009. 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 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.

REQUEST FOR PUBLIC COMMENTS

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. IDEM also solicits comment on rules exempt from readoption and rules to expire. Mailed comments should be addressed to:

LSA Document #08-207 [2008 Readoption]
MaryAnn Stevens
Rules Section
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-40
Indianapolis, Indiana 46204-2251.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana. Comments also may be submitted by facsimile to (317) 232-8406. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality, Rules Section at (317) 233-8903, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please note it is not necessary to follow a faxed comment letter with another sent through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by May 2, 2008.

Additional information regarding this rulemaking action may be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 or (800) 451-6027 (in Indiana).

Bruno Pigott
Assistant Commissioner
Office of Water Quality

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