

## CONTINUATION OF SECOND NOTICE OF COMMENT PERIOD

LSA Document #14-58

## AQUATIC LIFE AND HUMAN HEALTH AMBIENT WATER QUALITY CRITERIA FOR METALS

## PURPOSE OF NOTICE

A Second Notice of Comment Period was published on November 15, 2017, in the Indiana Register (DIN: [20171115-IR-327140058SNA](#)) concerning amendments to rules at [327 IAC 2-1-6](#) and [327 IAC 2-1.5-8](#) to revise Indiana's aquatic life and human health ambient water quality criteria (WQC) for select metals. Revisions to criteria reflect updates based on current science and many are National Recommended Water Quality Criteria (NRWQC) at Section 304(a) of the Clean Water Act (CWA). This rulemaking is being conducted to evaluate the need to update or revise these criteria in order to remain consistent with state and federal laws and to ensure that Indiana's WQC for metals continue to reflect the best available science and support sound water quality management policies to improve and protect the water resources of the state. Based on the latest scientific knowledge, updated aquatic life and human health ambient WQC for these metals may become more or less stringent than current criteria. In response to requests, the Indiana Department of Environmental Management (IDEM) is providing an additional 30 days for submission of comments on the rulemaking. Comments submitted to IDEM from the original Second Notice of Comment Period are considered part of the formal written comment period. With this notice, IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

## HISTORY

First Notice of Comment Period: March 5, 2014, Indiana Register (DIN: [20140305-IR-327140058FNA](#)).

Second Notice of Comment Period: November 15, 2017, Indiana Register (DIN: [20171115-IR-327140058SNA](#)).

Notice of Public Hearing: November 15, 2017, Indiana Register (DIN: [20171115-IR-327140058PHA](#)).

**CITATIONS AFFECTED:** [327 IAC 2-1-6](#); [327 IAC 2-1.5-8](#).

**AUTHORITY:** [IC 13-14-8-2](#); [IC 13-14-8-3](#); [IC 13-18-4-3](#).

## SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

## Basic Purpose and Background

The CWA requires the states to periodically review and update their water quality standards (WQS) as appropriate. This rulemaking proposes updates to Indiana's WQS. Many of the proposed revisions to these metal criteria reflect updates to NRWQC at Section 304(a) of the CWA. The criteria to be revised are located in [327 IAC 2-1-6](#) for waters not within the Great Lakes System and [327 IAC 2-1.5-8](#) for waters within the Great Lakes System.

Indiana has delegation from the federal government to conduct the state's water quality programs, including the National Pollutant Discharge Elimination System program, that establishes wastewater discharge permit limitations based on the established water quality criteria. WQC form the basis for the maximum allowable concentrations of chemical pollutants and are used as the regulatory targets for permitting, compliance, enforcement, monitoring, assessing state water quality, and the development of Total Maximum Daily Loads. This rulemaking will update both acute and chronic criteria for select metals to reflect current science. For details on the proposed update and impact, please refer to the IDEM website at: <http://in.gov/idem/cleanwater/2329.htm> under the "Active Projects" heading for a document of tables containing the proposed revisions.

IDEM is not adding, deleting, or changing the purpose of the rulemaking or draft rule as published at DIN: [20171115-IR-327140058SNA](#). The purpose of this notice is to extend the comment period end date by an additional 30 days.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 327 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

## REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #14-58 Metals Criteria Revisions

MaryAnn Stevens  
Rules Development Branch  
Office of Legal Counsel  
Indiana Department of Environmental Management  
Indiana Government Center North  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to [mstevens@idem.in.gov](mailto:mstevens@idem.in.gov). To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

#### **COMMENT PERIOD DEADLINE**

All comments must be postmarked, faxed, or time stamped not later than February 1, 2018. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635 or (800) 451-6027 (in Indiana) or Eileen Hack, Technical Environmental Specialist, Office of Water Quality, (317) 234-7914 or (800) 451-6027 (in Indiana).

*Posted: 12/20/2017 by Legislative Services Agency*

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