

Document: IC 13-14-9 Notice

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TITLE 327 WATER POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD

#01-95(WPCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING 327 IAC 15 NPDES GENERAL PERMIT RULE PROGRAM RELATED TO STORM WATER

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to general permit rules under 327 IAC 15 that affect Storm Water Run-Off Associated with Construction Activity, and Storm Water Discharges Associated with Industrial Activity. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

CITATIONS AFFECTED: 327 IAC 15.

AUTHORITY: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-5; IC 13-18-4.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is being initiated due to the new federal Phase II program regulations for storm water discharges. The National Pollutant Discharge Elimination System (NPDES) storm water Phase II final rule was published on December 8, 1999, at 64 FR 68722. It requires NPDES permit coverage, mostly under general permits, for storm water discharges from: regulated small municipal separate storm sewer systems (MS4s) primarily located in urbanized areas; and operators of construction activity disturbing one (1) acre or more of land. The federal rule also adds a revision to the Phase I industrial "no exposure" exclusion whereby facilities with no exposure of industrial activities or materials to storm water do not need to seek coverage under an NPDES storm water permit. However, these facilities will be required to submit a "no exposure certification form" to the state that verifies whether the facility meets the "no exposure" definition. Therefore, the amendments to Article 15, Rules 5 and 6, seek to modify and revise the existing rules to add the federal Phase II requirements, add changes to the Phase I program, and add clarity and effectiveness to the existing program. The environmental benefit to be achieved from this rulemaking is that it regulates storm water run-off which is known to be a leading cause of pollution in water bodies.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#01-95(WPCB) [General Permits - Storm Water Rules]

Barbara Scott

Rules Section Chief
Office of Water Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

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, Indianapolis, Indiana. Comments may be delivered 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. Please be advised that electronic transmission of comments is unacceptable.

COMMENT PERIOD DEADLINE

Comments must be postmarked or hand delivered by May 2, 2001.

Technical information regarding this action may be obtained from Lori Gates, Office of Water Quality, Wet Weather Section, (317) 233-6725 or (800) 451-6027 (in Indiana). Additional information regarding this action may be obtained from Kiran Verma, Rules Section, Office of Water Quality, (317) 234-0986 or (800) 451-6027 (in Indiana).

Matthew C. Rueff
Assistant Commissioner
Office of Water Quality
Indiana Department of Environmental Management