

Document: IC 13-14-9 Notice

Source: April 1, 2001, Indiana Register, Volume 24, Number 7

Disclaimer: These documents were created from the files used to produce the official (printed) Indiana Register, however, these documents are unofficial.

TITLE 327 WATER POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD

#01-96(WPCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING STORM WATER DISCHARGES UNDER 327 IAC 5 NPDES AND PRETREATMENT PROGRAMS; AND NEW RULES UNDER 327 IAC 15 NPDES GENERAL PERMIT RULE PROGRAM RELATED TO MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to 327 IAC 5 concerning storm water discharges and on the development of new rule under the 327 IAC 15 general permit rule program to add the federal requirements for Municipal Separate Storm Sewer Systems (MS4s). 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 5; 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 municipal separate storm sewer systems (MS4s) primarily located in urbanized areas. Operators of MS4s located within a listed area will be designated into the Phase II program by the state. Therefore, the new rule language in Article 15 adds the federal Phase II requirements and rule language in Article 5 will be revised to reflect this change. 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:

#01-96(WPCB) [General Permits - MS4 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 Management 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