

Document: IC 13-14-9 Notice

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TITLE 327 WATER POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD

#01-135(WPCB)

DEVELOPMENT OF NEW RULES AND AMENDMENTS TO RULES CONCERNING VARIANCE TO A WATER QUALITY CRITERION UNDER WATER QUALITY STANDARDS APPLICABLE TO STATE WATERS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules and amendments to rules concerning variances to a water quality criterion under water quality standards applicable to state waters. 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 2.

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

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

The subject matter of this rulemaking has been under consideration since the initiation of rulemaking document #97-1(WPCB) in February 1997. However, that 1997 rulemaking is being withdrawn and its subject matters divided into a number of individual new rulemakings, including this rulemaking. These rulemakings are required to satisfy the federal requirement to conduct triennial review of the state's water quality standards. The scope of the triennial review process has proven to be large enough to warrant a number of individual rulemakings rather than one (1) all inclusive rulemaking.

This rulemaking will review and consider additions and modifications to Title 327 concerning variances by adding or amending provisions whereby a permit applicant or a permittee may apply to the commissioner for a variance from a water quality criterion used to derive a water quality-based effluent limitation (WQBEL) contained in a NPDES permit for a specific pollutant or pollutant parameter. The purpose of this rulemaking also is to meet the requirement of Section 303(c) of the CWA (33 U.S.C. 1313(c)), which specifies that a review of state water quality standards must be done at least every three (3) years.

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:

#01-135(WPCB) [Variance from Water Quality Criterion]

MaryAnn Stevens

Rules Section Acting 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.

COMMENT PERIOD DEADLINE

Comments must be postmarked or hand delivered by May 30, 2001.

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