

Document: AROC Notice, **Register Page Number:** 26 IR 1736

Source: February 1, 2003, Indiana Register, Volume 26, Number 5

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TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #02-104

December 23, 2002

Hon. Senator Luke Kenley, Chairperson
Administrative Rules Oversight Committee
200 West Washington Street
Indianapolis, IN 46204

RE: Notification of Rule Extension—IC 4-22-2-25 LSA Document #02-104

Dear Senator Kenley:

The Department of Natural Resources is providing timely notification, pursuant to IC 4-22-2-25, that it will not be able to complete promulgation of the above rule within one (1) year. The Notice of Intent to adopt this rule was published in the Indiana Register on May 1, 2002, page 2544. The purpose of this rule is to implement groundwater quality standards promulgated by the Water Pollution Control Board into surface mining regulations administered by the Department of Natural Resources.

The Department has determined that the rule cannot be adopted within the one-year deadline due to the numerous comments of a complex nature that were received during the public hearing and comment period. These comments make it necessary to reevaluate specific portions of the preliminarily adopted version of the rule. This process continues to include interaction with stakeholders interested in the rule including the environmental community and the coal industry in an effort to reach resolution on the issues. Due to the complexity of the rule itself and the efforts to reach consensus with stakeholders, it is not anticipated that the rulemaking process will be completed by the statutory deadline of May 1, 2003. It is expected that the rule will be approved or deemed approved by the Governor or withdrawn no later than August 1, 2003.

Therefore, it is the request of the Department that the deadline to complete the promulgation process for the above rule be extended to and including August 1, 2003.

Respectfully yours,

Paul J. Ehret
Deputy Director

cc:
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Natural Resources Commission
Bruce Stevens