

Notice of Review of Water Quality Standards and Public Hearing

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on Indiana's Water Quality Standards (WQS) and potential future rulemakings to amend Indiana's WQS. The federal Clean Water Act (CWA) requires all states to develop, review, revise, and adopt WQS. WQS must include the designated uses of the waterbody, water quality criteria necessary to protect those uses, and antidegradation provisions to protect the water quality. Section 303(c) of the CWA and federal regulations at 40 CFR Part 131.20 require states to hold a public hearing to review their water quality standards at least once every three years. IDEM conducted its last WQS Review in 2021. IDEM's 2021 WQS Review report to U.S. EPA included the public comment received and IDEM's response. This report may be viewed on IDEM's Water Quality Standards web page: [wqs_2021_review_report.pdf](#).

The most recent rulemaking to revise Indiana's WQS was a rulemaking to update Indiana's aquatic life and human health ambient water quality criteria (WQC) for metals, LSA Document #14-58, which was approved by EPA in February 2022. A rulemaking to update Indiana methodologies for calculating aquatic life WQC to reflect current United States Environmental Protection Agency (U.S. EPA) guidance and to implement consistent statewide procedures is currently in process (LSA Document #21-539).

An overall priority for IDEM is to make the standards consistent for all waters, which includes both the waters within the Great Lakes System and those outside of the Great Lakes System, commonly referred to as "downstate". Currently, IDEM has the following proposals and plans under consideration:

- (1) Adopt numeric national recommended water quality criteria (NRWQC) for aluminum (2018). IDEM removed aluminum from the metals' rulemaking mentioned above (LSA Document #14-58), since the proposed aluminum criteria at the time was not consistent with EPA's 2018 NRWQC for aluminum. In addition, there are some implementation challenges related to adopting the 2018 criterion for aluminum. During the 2021 WQS review, IDEM decided that additional time and research was needed. Some of the challenges include: 1) How to properly assess Indiana waterbodies for bioavailable aluminum and 2) Obtaining enough ambient water quality data on one of the main input parameters for the 2018 aluminum criteria calculator - dissolved organic carbon (DOC). IDEM believes a separate rulemaking that focuses solely on adopting the aluminum criteria is appropriate.
- (2) Adopt NRWQC for acrolein (2009), carbaryl (2012), diazinon (2005), nonylphenol (2005), and tributyltin (2004) for waters within and outside of the Great Lakes System. These pollutants are a mix of pesticides, biocides, and anti-fouling agents.
- (3) Update Indiana's procedures for calculating human health ambient WQC to reflect current U.S. EPA guidance and to implement consistent statewide procedures. These methodologies are used to derive ambient WQC for chemicals that do not have a NRWQC at Section 304(a) of the CWA but have the potential to impact human health. Updating these procedures will include adopting updated exposure, bioaccumulation, and toxicity factors that reflect the latest scientific information and U.S. EPA policies.
- (4) Update or adopt new and updated human health ambient WQC for 94 chemical pollutants that are NRWQC at Section 304(a) of the CWA. U.S. EPA derived the 94 human health ambient WQC using updated exposure, bioaccumulation, and toxicity factors that reflect the latest scientific information and U.S. EPA policies. This could include the adoption of U.S. EPA's 2015 updated exposure assumptions used to calculate human health criteria. IDEM is evaluating EPA's 2015 updates to their human health methodology, including the exposure assumptions.
- (5) Remove the limited use waters classification and waters classified for limited use in [327 IAC 2-1](#) and [327 IAC 2-1.5](#).
- (6) Update current Indiana WQS variance rules to include a 2015 U.S. EPA rule (40 CFR 131.14) that establishes a regulatory framework for the adoption of WQS variances to implement adaptive management approaches to improve water quality.

U.S. EPA published NRWQC at Section 304(a) of the CWA for perfluorooctanoic acid (PFOA) and for perfluorooctane sulfonate (PFOS) for the protection of aquatic life (September 2024). U.S. EPA has not published other NRWQC for the protection of aquatic life or human health since IDEM's 2021 WQS Review. IDEM is anticipating EPA to publish draft human health NRWQC for several PFAS compounds in the near future. IDEM will evaluate EPA's PFAS related criteria recommendations as they are finalized.

On August 18, 2023, the U.S. District Court for the District of Arizona issued an order vacating EPA's 2016 national recommended chronic freshwater cadmium aquatic life criterion. IDEM had recently adopted EPA's 2016 cadmium aquatic life criteria in the recent metals' rulemaking, which was approved by EPA February 2022, for

both the Great Lakes and Downstate regions of the state. EPA is continuing to evaluate the U.S. District Court Order. As a result of that Order, EPA's 2001 chronic cadmium criterion is in effect. IDEM does not currently plan to revise its criteria for cadmium. IDEM believes the 2016 cadmium criteria are based on the best available science and on additional aquatic toxicity studies that were not available at the time of EPA's 2001 cadmium criteria update. IDEM will evaluate any future EPA revisions to their cadmium criteria for the protection of aquatic life.

IDEM believes these proposed rulemaking priorities focus on key updates needed to improve Indiana's WQS but is interested in hearing public opinion on all aspects of the WQS. With this notice, IDEM requests feedback from all interested parties on any aspect of Indiana's WQS contained in Title 327 of the Indiana Administrative Code (IAC), Article 2. Public comments should include:

- (1) the matter at issue;
- (2) whether the issue is currently covered by the WQS, and, if so, where any suggested change should be made to the WQS;
- (3) the basis for the suggested change; and
- (4) technical information, reports, or references that support the comment.

The estimated fiscal impact of changes to the WQS is impossible to determine at this notice stage without knowing what changes may ultimately occur.

The Environmental Rules Board (ERB) will hold a public hearing concerning the 2024 Review of WQS at its meeting held on December 11, 2024, starting at 1:30 p.m. in the Indiana Government Center-South, Conference Room A, 10 N. Senate Ave, Indianapolis, IN 46204.

The public may join the ERB meeting in person or join by using the Teams link, meeting ID, and passcode, or telephone numbers that can be found prior to the meeting at: <https://events.in.gov/idem>.

Following a brief presentation by IDEM, a public hearing will be held on Indiana's WQS. The purpose of this hearing is to solicit public comments on Indiana's WQS. All interested persons are invited and will be given reasonable opportunity to express their views concerning Indiana's WQS. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing. No votes or actions will be taken by the ERB. At this time, additional public meetings to solicit public comments are not scheduled.

Individuals requiring reasonable accommodations for participation in this public hearing should contact the IDEM, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

or call (317) 233-1785 (V). Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service (711) or (800) 743-3333. Please provide a minimum of 72 hours notification.

Written comments in response to this notice must be postmarked or time stamped not later than January 5, 2025, and submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
Notice of Review of WQS
Gabby Ghreichi
Surface Water Quality Standards Coordinator
Office of Water Quality
Indiana Department of Environmental Management
- (2) By email to gghreich@idem.in.gov. To confirm timely delivery of your comments, please request a document receipt when you send the email.

Regardless of the delivery method used; in order to properly identify each comment, it must clearly specify the title of "Notice of Review of WQS".

Additional information regarding this action may be obtained from Gabby Ghreichi, Technical Environmental Specialist, Office of Water Quality, (317) 234-1191 or at gghreich@idem.in.gov or Martha Clark Mettler, Assistant Commissioner IDEM, Office of Water Quality (317)-232-8402 or at mclark@idem.in.gov.

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