

**TITLE 327 INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**LSA Document #23-810**

**I. Continued Need for the Rule**

This rulemaking is required under IC 4-22-2.6, which provides for the expiration and readoption of administrative rules. All rules expire on January 1 of the fifth year after the year in which each rule takes effect unless the rule expires or is repealed on an earlier date. The rules listed to be readopted have an expiration date of January 1, 2025, or later. IDEM has chosen to readopt all articles in the Indiana Administrative Code at one time rather than readopt each rule separately as its expiration date approaches.

The rules to be readopted comprise Title 327 of the Indiana Administrative Code. In general, these rules regulate water quality in Indiana. The rules include both statutorily and federally required permit programs that prevent and mitigate water pollution. IDEM has reviewed these rules and found they are needed to not only fulfill statutory and federal requirements, but also protect Indiana residents from the harmful effects of water pollution and protect water quality within the state.

**II. Analysis of fees, fines, and civil penalties under IC 4-22-2-19.6**

All fees in Title 327 were adopted prior to January 1, 2023. These fees are necessary to fund relevant permitting programs and echo what is already in statute. More details on these fees can be found in the Revised Regulatory Analysis section.

**III. Complaints and Comments**

There have been no complaints or comments received from the public concerning the readoption of these rules.

**IV. Difficulties Encountered**

There have been no difficulties encountered by either the agency in administering the rule or by regulated parties in complying with the rule. The articles being readopted in this notice include both federally mandated U.S. EPA regulations under the Clean Water Act and the Safe Drinking Water Act, state-specific rules necessary to fulfill federal requirements, and statutorily required rules.

**V. Changes in Technology, Economic Conditions, or Other Factors**

The rules being readopted have been reexamined and the agency has determined that changes in technology, economic conditions, or other factors have not affected their readoption.

## VI. Revised Regulatory Analysis

<b>Rule Citation</b>	<b>Rule Title</b>	<b>Description</b>	<b>Fines, fees, and other fiscal elements</b>
327 IAC 1	General Provisions	Includes provisions that are applicable throughout Title 327, such as references to state laws, federal statutes, and federal regulations.	None
327 IAC 2	Water Quality Standards	Establishes water quality standards (WQSs) for the waters of the state. WQSs are the foundation of the water quality-based programs mandated by the Clean Water Act (CWA). The CWA requires states to periodically review and update their WQSs, and these updates are reviewed and approved by U.S. EPA.	Includes fees for projects affecting outstanding state resource water. These fees are authorized by IC 13-18-3-1 and IC 13-18-3-14.
327 IAC 3	Wastewater Treatment Facilities; Issuance of Permits; Construction and Permit Requirements	Prescribes definitions, policies, procedures, fees, and technical criteria related to the permitting of water treatment facilities, including sanitary collection systems. This article also includes rules for operational permits, which may be required for facilities that are not subject to the CWA's National Pollutant Discharge Elimination System (NPDES) permit program.	Includes fees for wastewater construction permits. These fees are proscribed in IC 13-18-20.
327 IAC 4	Wastewater Treatment Facilities; Overload Condition	Imposes restrictions to prevent overloading of publicly owned treatment works (POTWs), including sewer connection bans, in accordance with IC 13-18-4.	None
327 IAC 5	Industrial Wastewater Pretreatment Programs and NPDES	Features policies, fees, procedures, and technical criteria for permitting the discharge of pollutants under the CWA's NPDES program. IDEM has delegation from the U.S. EPA to implement the NPDES program, which means Indiana's NPDES regulations must be as stringent as the federal rules found at 40 CFR 122. This article also includes the Pretreatment Program for wastewater discharged into POTWs and certification requirements for wastewater treatment operators as required by IC 13-18-11.	Includes fees for NPDES permits. These fees are proscribed in IC 13-18-20.
327 IAC 6.1	Land Application of Biosolid, Industrial Waste Product, and Pollutant-Bearing Water	Establishes procedures, requirements, and standards for implementing IC 13-18-12-4 and IC 13-18-3-1 related to land application of biosolid, industrial waste product, and pollutant-bearing water.	None
327 IAC 7.1	Wastewater Management	Regulates septage and wastewater management as required by IC 13-18-12, including fees for septage management permits.	Includes a \$30 annual fee.
327 IAC 8	Public Water Supply	Provides rules and standards, including fees, for public water supplies. These include drinking water standards imposed by the Safe Drinking Water Act (SDWA) and federal regulations promulgated under that act. IDEM has approval from U.S. EPA to	Includes fees for NPDES permits. These fees are proscribed in IC 13-18-20.

		implement the drinking water program under the SDWA, which means Indiana’s rules must be as stringent as federal law.	
327 IAC 11	State Environmental Policy	Implements the state environmental policy as required by IC 13-12-4-5 including defining the actions that constitute a “major state action significantly affecting the quality of the human environment.”	None
327 IAC 12.1	Public Records; Confidential Information; Confidentiality Agreements	Provides agency policies regarding public and confidential records and confidentiality agreements.	None
327 IAC 15	NPDES General Permits and Specific Category Individual Permit Requirements	Provides requirements for NPDES general permits and other related permitting requirements, including fees, as authorized by the CWA, IC 13-18-3-15, and IC 13-18-18.	Includes application fees for NPDES permits.
327 IAC 17	Wetland Activity Permits	Establishes requirements for the permitting of wetland activities in state regulated wetlands under IC 13-18-22.	None
327 IAC 18	Voluntary Performance Based Leadership Programs	Provides rules for the Environmental Stewardship Program and the Comprehensive Local Environmental Action Network (CLEAN) Community Challenge Program. These are voluntary programs established under IC 13-27-8.	None
327 IAC 19	Confined Feeding Operations	Imposes construction and operational requirements and fees for confined feeding operations in accordance with IC 13-18-10-4.	Includes \$175 permit application fee and a \$100 annual fee.
327 IAC 20	Satellite Manure Storage Structure Permitting Program	Establishes permitting standards for satellite manure storage structures as authorized by IC 13-18-10.5.	None