

WATER QUALITY LAWS IN INDIANA

The Indiana Department of Environmental Management's Role With
the Water Quality Laws and Environmental Protection for the State of
Indiana

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IDEM Structure

- Commissioner's Office
- Office of the Chief of Staff
- Office of Legal Counsel and Criminal Investigations
- Office of Air Quality
- Office of Land Quality
- Office of Water Quality
- Office of Program Support
 - Compliance and Technical Assistance Program (CTAP); confidential environmental regulatory compliance assistance program

Office of Water Quality

- Drinking Water Branch
 - Ground Water; Capacity Development/Operator Certification; Permits; Inspections; Total Coliform & Compliance Support; Chemical & Surface Water Compliance
- Surface Water and Operations Branch
 - Storm Water; Wetlands; Operations
- Watershed Assessment and Planning Branch
 - Probabilistic Monitoring; Targeted Monitoring; Technical & Logistical Services; Watershed Planning & Restoration
- Enforcement & Compliance Branch
 - Inspections; Enforcement; Compliance Data
- Permitting Branch
 - Industrial; Municipal; Facility Construction & Engineering Support; Permits Administration

Regulatory Authority

- Stream Pollution Control Law (1943)
- NPDES Permits Came with the Implementation of the Clean Water Act (Federal Water Pollution Control Act Amendments of 1972)
- Indiana granted primacy from US EPA to issue NPDES permits in 1975
 - From 1975 – 1986: Stream Pollution Control Board (Indiana State Board of Health)
 - 1986: IDEM Created and NPDES program transferred to OWQ
- US EPA still has oversight authority for the NPDES permits program & has the right to comment on certain categories of permits, including all major permits

Federal Regulations – 40 CFR

Title 40 of the Code of Federal Regulations (CFR) - 1972

- Primarily regulations developed by EPA to implement & administer NPDES program:
 - Part 122 (40 CFR 122): EPA-Administered Permit Program: NPDES
 - Part 123 (40 CFR 123): State Program Requirements
 - Part 124 (40 CFR 124): Procedures for Decisionmaking
 - Part 125 (40 CFR 125): Criteria and Standards for the NPDES

Federal Regulations – 40 CFR

Title 40 of the Code of Federal Regulations (CFR) - 1972

- Other regulations applicable to NPDES program:
 - Part 127 (40 CFR 127): NPDES Electronic Reporting
 - Part 133 (40 CFR 133): Secondary Treatment Regulation
 - Part 136 (40 CFR 136): Guidelines Establishing Test Procedures for the Analysis of Pollutants
 - Part 403 (40 CFR 403): General Pretreatment Regulations for Existing & New Sources of Pollution
 - Part 503 (40 CFR 503): Standards for the Use or Disposal of Sewage Sludge

State Regulations - Permitting

Title 327 – Water Pollution Control Division

- Purpose of NPDES permit is to control the point source discharge of pollutants into the waters of the State such that the quality of water of the State is maintained in accordance with water quality standards.
- 327 IAC 2: Water Quality Standards
 - 327 IAC 2-1: Water Quality Standards Applicable to All State Waters Except Waters of the State Within the Great Lakes System
 - 327 IAC 2-1.5: Water Quality Standards Applicable to All State Waters Within the Great Lakes System

State Regulations - Permitting

Title 327 – Water Pollution Control Division

- 327 IAC 5: Industrial Wastewater Pretreatment Programs & NPDES
 - 327 IAC 5-2: Basic NPDES Requirements
 - 327 IAC 5-3: Procedures for Issuance of NPDES Permits
 - 327 IAC 5-19: POTW Pretreatment Programs

Basis of Effluent Limitations

- **Effluent limitations can be water quality based or technology based, whichever are more stringent**
- Technology based effluent limitations (TBELs) reflect the minimum level of pollutant treatment/control that must be achieved for various categories of dischargers. Technology based effluent limitations are set forth in Title 40 of the Code of Federal Regulations (CFRs) and 327 IAC 5-5-2
- Water quality based effluent limitations (WQBELs) are established to ensure that discharges do not cause a violation of state water quality standards. Water quality standards are established to protect human health and aquatic life.

CWA Requirements

- The Clean Water Act (CWA) requires every State to develop water quality standards to protect receiving water, including designated uses, water quality criteria, and an antidegradation policy.
- NPDES regulations require that limits **MUST** be included in permits where pollutants will cause, have reasonable potential to cause, or contribute to an exceedance of the State's water quality standards.
- Where a technology-based limit is required **AND** the limit is not protective of water quality standards, a **WQBEL MUST** be developed and included in the permit regardless of whether data indicate reasonable potential (i.e. a technology-based limit cannot authorize a discharge that would result in a violation of water quality standards).
 - Effluent Limitation Guidelines (ELGs; industrial)
 - Secondary Treatment Standards (327 IAC 5-5-3)

Basis of Limits

- Water Quality Based Effluent Limitations (WQBELs)
 - Calculated using water quality data & parameter-specific criteria
 - Stream Impairments; Total Maximum Daily Loads (TMDLs)
- Technology Based Effluent Limitations (TBELs)
 - Effluent Limitation Guidelines (ELGs)
 - Direct & Pretreatment
 - Rule-Based Limitations
 - Controlled Dischargers (327 IAC 5-10-3)
 - Lake/Sinkhole Dischargers (327 IAC 5-10-4)
 - Small Sanitary Discharge (327 IAC 5-10-5)
 - Nonrule Policy Documents (CSO, Phosphorus)
 - Best Available Control Technology (BADCT)
- Local Limits
- Best Professional Judgement (BPJ)

Reference Links

- <https://www.ecfr.gov/current/title-40> - Code of Federal Regulations Environmental Rules
- http://iac.iga.in.gov/iac/iac_title?iact=327 – Indiana Administrative Code Water Rules
- <https://www.in.gov/idem/cleanwater/> - IDEM's Office of Water Quality

CONTACT INFORMATION

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