



The National Agricultural Law Center

nationalaglawcenter.org | nataglaw@uark.edu | [@nataglaw](https://twitter.com/nataglaw)

State NPDES Authority Statutes:

Indiana



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

State NPDES Authority Statutes: Indiana

[IC 13-14-8-9](#)

[IC 13-14-8-11.5](#)

[IC 13-18-19-1](#)

[IC 13-18-19-2](#)

Current through the 2022 legislative session.

§ 13-14-8-9. Variances From a Water Quality Standard.

(a) A variance from a water quality standard that is at least in part the basis of a National Pollutant Discharge Elimination System (NPDES) permit issued under this title must meet the conditions specified in:

- (1) 40 CFR 132, Appendix F, Procedure 2, in the case of waters within the Great Lakes system;
- (2) 40 CFR 131.14; and
- (3) rules adopted by the board.

(b) A variance from a water quality standard issued for waters within the Great Lakes system must meet the requirements of:

- (1) 40 CFR 131.14; and
- (2) 40 CFR 132; as applicable. If two (2) or more inconsistent requirements could apply under 40 CFR 131.14 and 40 CFR 132 to a variance for waters within the Great Lakes system, the more stringent requirement applies to the variance.

(c) With respect to a variance relating to an NPDES permit for a combined sewer overflow discharge, this subsection is satisfied if the NPDES permit holder has prepared a long term control plan and is implementing the nine (9) minimum controls pursuant to:

- (1) 33 U.S.C. 1342(q); and
- (2) 59 FR 18688.

(d) A variance may be granted under this section for a period as follows:

- (1) For waters within the Great Lakes system, not more than five (5) years.



(2) For waters outside the Great Lakes system, any period that does not exceed a term authorized under 40 CFR 131.14.

However, a variance issued under this section for a period of more than five (5) years must be reevaluated in accordance with the requirements of 40 CFR 131.14.

(e) Except as provided in subsection (d), if an NPDES permit remains in effect beyond its stated term under IC 13-15-3-6, a variance issued under this section remains in effect for as long as the NPDES permit requirements affected by the variance are in effect.

(f) An application for a variance relating to an NPDES permit may be submitted under this section at any time before or after the issuance, renewal, or modification of the NPDES permit.

§ 13-14-8-11.5. Site-Specific Limitation for NPDES Permit; Application Process and Criteria.

(a) The department shall prepare and publish in the Indiana Register guidance on the application process and criteria for obtaining a site-specific limitation for a National Pollutant Discharge Elimination System (NPDES) permit. Criteria to be considered must include wet weather events, water effects ratio, and other site-specific considerations as determined by the department. Water effects ratio shall be the ratio of the aquatic toxicity of a parameter in the water of the receiving stream compared to the aquatic toxicity of the parameter in the laboratory water used to determine the standard.

(b) Beginning January 1, 1997, the department shall review any application and make a preliminary determination for a site-specific limitation not later than one hundred eighty (180) days after receipt of the application. The department may request additional information necessary to make the preliminary determination consistent with the guidance published under subsection (a). The one hundred eighty (180) day period does not include any days between the date the department requests additional information and the date the additional information is received by the department.

(c) The final determination on a site-specific limitation will be part of the NPDES permit decision under 327 IAC 5.

(d) If the agency does not issue a preliminary determination within the one hundred eighty (180) days provided for in subsection (b), the applicant may require that the department hire a qualified outside consultant to prepare the preliminary determination as expeditiously as possible.

(e) The department and the applicant may agree to extend the one hundred eighty (180) day period provided for in subsection (b).

§ 13-18-19-1. Application.

When the department receives an application for an original National Pollutant Discharge Elimination System (NPDES) permit required for discharge into a stream, the department shall do the following:



(1) Send a list in writing, on a monthly basis, of original applications received during the month to the county surveyor of the affected county, not later than thirty (30) days after receipt of the application.

(2) Advise the applicant in writing that if the stream is a regulated drain under IC 36-9-27, the county drainage board must also review the application for approval under IC 36-9-27.

§ 13-18-19-2. Issuance of NPDES Permits.

(a) The department may issue National Pollutant Discharge Elimination System (NPDES) permits containing conditions that include alternate water quality based effluent limits that:

(1) are based on receiving water flows associated with, or characteristic of:

(A) wet weather events of various degrees of duration and intensity; or

(B) low flow stream conditions derived on a monthly, quarterly, or annual basis;

(2) provide increased mass limitations, concentration limitations, or mass and concentration limitations, for publicly owned treatment works (POTW) that:

(A) are capable of treating wastewater flows that exceed the design flow used to calculate normal water quality based effluent limitations; and

(B) as a result of the increased limitations, can reduce the volume of discharge of wastewater from plant bypasses or combined sewer overflows; or

(3) include any factor or combination of factors described in subdivisions (1) and (2).

(b) The department may require an applicant for an NPDES permit containing at least one (1) of the conditions described in subsection (a) to document, in a reasonable manner, stream conditions and local controls that are germane to a condition described in subsection (a) before the department issues the NPDES permit.

