

SENATE BILL No. 172

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-18-4-1.

Synopsis: Water quality standards. Provides that if the water pollution control board adopts rules to determine what qualities and properties of water indicate a polluted condition of the water in any of the streams or waters of Indiana, the board must consider: (1) the fish life and beneficial animal and vegetable life habitat and other local conditions of Indiana waters; (2) the effect of wet weather events on the ability to attain compliance with rules; (3) alternative use designations for a water body recommended by municipal legislative bodies; and (4) site-specific criteria. Requires the department of environmental
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Effective: Upon passage; July 1, 1998.

K. Adams

January 6, read first time and referred to Committee on Health and Environmental Affairs.



Digest Continued

management to submit a status report to the legislative council concerning review of water quality standards required under federal law not later than June 1, 1998. Requires the water pollution control board to: (1) initiate a rulemaking procedure to modify or adopt water quality standards in response to the review requirements; and (2) publish proposed rules in the Indiana Register not later than September 1, 1998. Requires the water pollution control board to seek input from municipalities and other communities with combined sewers on how to effectively address water quality issues arising as a result of wet weather events before publishing the proposed rules in the Indiana Register.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 172

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-18-4-1, AS ADDED BY P.L.1-1996, SECTION
2 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 1998]: Sec. 1. (a) The board may adopt rules under IC 4-22-2 to
4 determine what qualities and properties of water indicate a polluted
5 condition of the water in any of the streams or waters of Indiana:
6 (1) that is deleterious to:
7 (A) the public health; or
8 (B) the prosecution of any industry or lawful occupation for
9 which or in which any waters may be lawfully used or
10 employed;
11 (2) by which any agricultural, floricultural, or horticultural pursuit
12 may be or is injuriously affected;
13 (3) by which the lawful conduct of any livestock industry or the
14 use of any waters for domestic animals may be prevented,
15 injuriously affected, or impaired;

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1 (4) by which any lawful use of any waters by the state or by any
 2 person may be lessened or impaired or materially interfered with;
 3 or

4 (5) by which:

5 (A) any fish life or any beneficial animal or vegetable life in
 6 the waters may be destroyed; or

7 (B) the growth or propagation of fish life or beneficial animal
 8 or vegetable life in the water is prevented or injuriously
 9 affected.

10 **(b) If the board adopts rules under subsection (a), the board**
 11 **shall consider the following:**

12 **(1) The fish life and beneficial animal and vegetable life**
 13 **habitat and other local conditions of Indiana waters.**

14 **(2) The effect of wet weather events on the appropriateness of**
 15 **the duration or value of a standard.**

16 **(3) Alternative use designations for a water body**
 17 **recommended under subsection (c).**

18 **(4) Site-specific criteria established under IC 13-14-8-11.5,**
 19 **including site-specific criteria based upon water effects ratio**
 20 **studies.**

21 **(c) After holding a public hearing, a municipal legislative body**
 22 **may recommend by resolution desired uses of water bodies within**
 23 **its jurisdiction, including alternative use designations to reflect**
 24 **differing conditions during:**

25 **(1) different periods of time; or**

26 **(2) different weather conditions;**

27 **and may submit such a recommendation to the board for**
 28 **consideration under subsection (b).**

29 **SECTION 2. [EFFECTIVE UPON PASSAGE] (a) Not later than**
 30 **June 1, 1998, the department of environmental management shall**
 31 **submit a status report to the legislative council concerning the**
 32 **triennial review requirements of 33 U.S.C. 1313(c). The**
 33 **department of environmental management shall, as part of the**
 34 **triennial review and the status report, consider the factors listed in**
 35 **IC 13-18-4-1(b), as added by this act.**

36 **(b) The water pollution control board shall:**

37 **(1) initiate a rulemaking procedure to modify or adopt water**
 38 **quality standards in response to the triennial review**
 39 **requirements of 33 U.S.C. 1313(c); and**

40 **(2) publish proposed rules in the Indiana Register;**

41 **not later than September 1, 1998. Before publishing the proposed**
 42 **rules in the Indiana Register, the water pollution control board**



1 shall seek input from municipalities and other communities with
2 combined sewers on how to effectively address water quality issues
3 arising as a result of wet weather events for those communities.
4 The water pollution control board shall address wet weather events
5 for systems with combined sewers in the proposed rules.

6 (c) Not later than December 31, 1998, the department of
7 environmental management shall provide a report to the legislative
8 council on:

9 (1) the status of the rulemaking procedure initiated under
10 subsection (b); and

11 (2) issues directly associated with municipalities and other
12 communities with combined sewers.

13 (d) This SECTION expires January 1, 1999.

14 SECTION 3. An emergency is declared for this act.

