



Reprinted
March 26, 1999

ENGROSSED SENATE BILL No. 634

DIGEST OF SB 634 (Updated March 25, 1999 11:15 am - DI 69)

Citations Affected: IC 13-18; noncode.

Synopsis: Storm water runoff and construction activity. Provides that if a violation of the administrative rules concerning storm water runoff associated with construction activity occurs, the department of environmental management must determine which person is responsible for committing the violation. Requires the department in making this determination to consider: (1) public records of ownership; (2) building permits issued by local units of government; or (3) other relevant information. Provides that the department's determination to proceed against a person responsible for committing a violation must be based on the specific facts and circumstances related to a particular violation. Requires the water pollution control board to amend the
(Continued next page)

Effective: Upon passage.

Clark, Wheeler

(HOUSE SPONSORS — MOSES, ALDERMAN)

January 25, 1999, read first time and referred to Committee on Environmental Affairs.
February 23, 1999, reported favorably — Do Pass.
March 4, 1999, read second time, amended, ordered engrossed.
March 5, 1999, engrossed.
March 8, 1999, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 10, 1999, read first and referred to Committee on Environmental Affairs.
March 22, 1999, reported — Do Pass.
March 25, 1999, read second time, amended, ordered engrossed.

ES 634—LS 7900/DI 69+



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administrative rules concerning storm water runoff associated with construction activity to reflect these changes before February 1, 2000.

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ES 634—LS 7900/DI 69+



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March 26, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED SENATE BILL No. 634

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

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

1 SECTION 1. IC 13-18-3-13 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
3 **UPON PASSAGE]: Sec. 13. If a violation of 327 IAC 15-5 occurs,**
4 **the department shall determine which person is responsible for**
5 **committing the violation. In making this determination, the**
6 **department shall, if appropriate, consider:**

- 7 (1) **public records of ownership;**
8 (2) **building permits issued by local units of government; or**
9 (3) **other relevant information.**

10 **The department's determination to proceed against a person**
11 **responsible for committing a violation must be based on the**
12 **specific facts and circumstances related to a particular violation.**

13 SECTION 2. [EFFECTIVE UPON PASSAGE] (a) **Before**
14 **February 1, 2000, the water pollution control board shall amend**
15 **327 IAC 15-5 to reflect IC 13-18-3-13, as added by this act.**

ES 634—LS 7900/DI 69+



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1 **(b) This SECTION expires February 1, 2000.**
2 **SECTION 3. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 634, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 634 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 2.

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SENATE MOTION

Mr. President: I move that Senator Wheeler be added as second author of Senate Bill 634.

CLARK

SENATE MOTION

Mr. President: I move that Senate Bill 634 be amended to read as follows:

Page 1, line 3, delete "An operator (as defined in 327 IAC" and insert "**This section applies to an operator (as defined in 327 IAC 15-5-4(7)) with respect to storm water runoff control (as defined in 327 IAC 15-5).**".

Page 1, delete lines 4 through 8.

Page 1, line 9, after "operator" insert "**(as defined in 327 IAC 15-5-4(7))**".

Page 1, line 10, delete "under".

Page 1, line 11, delete "subsection (a)".

(Reference is to SB 634 as printed February 24, 1999.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 634, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 634 be amended to read as follows:

Page 1, line 3, delete "(a) This section applies to an operator" and insert "**If a violation of 327 IAC 15-5 occurs, the department shall determine which person is responsible for committing the violation. In making this determination, the department shall, if appropriate, consider:**

- (1) public records of ownership;**
- (2) building permits issued by local units of government; or**
- (3) other relevant information.**

The department's determination to proceed against a person responsible for committing a violation must be based on the specific facts and circumstances related to a particular violation."

Page 1, delete lines 4 through 12.

(Reference is to ESB 634 as printed March 23, 1999.)

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