



February 17, 2000

**ENGROSSED
SENATE BILL No. 431**

DIGEST OF SB 431 (Updated February 15, 2000 12:23 PM - DI 69)

Citations Affected: IC 13-11; IC 13-18; noncode.

Synopsis: Water quality standards and combined sewers. Establishes the circumstances under which a long term control plan for a combined sewer system is considered to fulfill the water quality goals of the state with respect to wet weather discharges that result from overflows from the system. Requires the department of environmental management to temporarily suspend designated uses on a site specific basis with respect to any water affected by discharges from a combined sewer system by wet weather events if the NPDES permit holder has fulfilled certain requirements. Provides that the temporary suspension shall be for the shortest period consistent with the protection of human health. Allows the water pollution control board to adopt rules concerning temporary suspensions, and directs the board to adopt rules concerning community notice of combined sewer overflows. Allows the department to issue NPDES permits that contain conditions that include alternate water quality based effluent limits that: (1) are based on certain receiving water flows; or (2) provide increased mass limitations, concentration limitations, or mass and concentration limitations for publicly owned treatment works. Directs the department of environmental management to provide guidance to combined sewer overflow communities for compliance with certain requirements of law.

Effective: Upon passage.

**Gard, Young R, Lawson C, Johnson,
Wolf**

(HOUSE SPONSORS — STURTZ, WOLKINS, HERRELL, STILWELL)

January 10, 2000, read first time and referred to Committee on Environmental Affairs.
January 25, 2000, amended, reported favorably — Do Pass.
February 1, 2000, read second time, amended, ordered engrossed.
February 2, 2000, engrossed.
February 7, 2000, read third time, passed. Yeas 42, nays 8.

HOUSE ACTION

February 10, 2000, read first time and referred to Committee on Environmental Affairs.
February 16, 2000, amended, reported — Do Pass.

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February 17, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

ENGROSSED SENATE BILL No. 431

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 13-11-2-31.3 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 31.3. "Combined sewage",**
4 **for purposes of sections 31.4 and 31.6 of this chapter and IC 13-18,**
5 **refers to a combination of wastewater (including domestic,**
6 **commercial, or industrial wastewater) and stormwater transported**
7 **in a combined sewer or combined sewer system.**

8 SECTION 2. IC 13-11-2-31.4 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE UPON PASSAGE]: **Sec. 31.4. "Combined sewer", for**
11 **purposes of sections 31.3, 31.6, and 120.5 of this chapter and**
12 **IC 13-18, means a sewer that is designed, constructed, and used to**
13 **receive and transport combined sewage.**

14 SECTION 3. IC 13-11-2-31.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE UPON PASSAGE]: **Sec. 31.5. "Combined sewer**
17 **operational plan", for purposes of IC 13-18, means a plan that**

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1 contains the minimum technology controls applicable to, and
 2 requirements for operation and maintenance of, a combined sewer
 3 system:

- 4 (1) before;
- 5 (2) during; and
- 6 (3) upon the completion of;

7 the implementation of a long term control plan.

8 SECTION 4. IC 13-11-2-31.6 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE UPON PASSAGE]: **Sec. 31.6. "Combined sewer**
 11 **system"**, for purposes of sections 31.3, 31.5, 43.5, 85.7, and 120.5 of
 12 this chapter and IC 13-18, means a system of combined sewers
 13 that:

- 14 (1) is designed, constructed, and used to receive and transport
 15 combined sewage to a publicly owned wastewater treatment
 16 plant; and
- 17 (2) may contain one (1) or more overflow points that allow
 18 discharge of combined sewage before arrival at the publicly
 19 owned wastewater treatment plant when the hydraulic
 20 capacity of the system or part of the system is exceeded as a
 21 result of a wet weather event.

22 SECTION 5. IC 13-11-2-43.5 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE UPON PASSAGE]: **Sec. 43.5. "Control alternative"**,
 25 for purposes of IC 13-18, means any of the following measures, or
 26 any combination of the following measures, for the control of wet
 27 weather flows in a combined sewer system:

- 28 (1) Source controls.
- 29 (2) Collection system controls.
- 30 (3) Storage technologies.
- 31 (4) Treatment technologies.

32 SECTION 6. IC 13-11-2-85.7 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: **Sec. 85.7. "First flush"**, for
 35 purposes of IC 13-18, means the transport of solids in a combined
 36 sewer system that:

- 37 (1) have settled in pipes during periods between wet weather
 38 events; and
- 39 (2) have washed off of impermeable surfaces such as streets
 40 and parking lots during the beginning of a wet weather event.

41 SECTION 7. IC 13-11-2-113.5 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



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1 [EFFECTIVE UPON PASSAGE]: **Sec. 113.5. "Knee of the curve",**
 2 **for purposes of IC 13-18, means the point where the incremental**
 3 **change in the cost of the control alternative per change in**
 4 **performance of the control alternative changes most rapidly.**

5 SECTION 8. IC 13-11-2-120.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE UPON PASSAGE]: **Sec. 120.5. "Long term control**
 8 **plan", for purposes of section 31.5 of this chapter and IC 13-18,**
 9 **means a plan that:**

10 (1) **is consistent with the federal Combined Sewer Overflow**
 11 **Control Policy (59 Fed. Reg. 18688);**

12 (2) **describes changes and improvements to be made to a**
 13 **combined sewer system or to a publicly owned wastewater**
 14 **treatment plant for the purpose of meeting the requirements**
 15 **of the federal Clean Water Act and state law;**

16 (3) **is developed with public participation using a process that**
 17 **is designed to promote active involvement by the affected**
 18 **public, through opportunities to provide in the decision**
 19 **making to select long term control alternatives:**

20 (A) **information;**

21 (B) **opinions; and**

22 (C) **comments;**

23 (4) **is submitted to the department for approval; and**

24 (5) **does the following:**

25 (A) **Uses characterization, monitoring, and modeling of the**
 26 **combined sewer system to determine:**

27 (i) **the response of the combined sewer system to various**
 28 **precipitation events;**

29 (ii) **the characteristics of overflows from the combined**
 30 **sewer system; and**

31 (iii) **the water quality impacts that result from overflows**
 32 **from the combined sewer system.**

33 (B) **Considers the impact of combined sewer overflows on**
 34 **sensitive areas and gives highest priority to controlling**
 35 **overflows in those areas.**

36 (C) **Contains an evaluation of a reasonable range of control**
 37 **alternatives.**

38 (D) **Contains cost and performance analyses of the control**
 39 **alternatives evaluated.**

40 (E) **Maximizes treatment of wet weather flows at a publicly**
 41 **owned treatment works (POTW) treatment plant.**

42 (F) **Contains a practicable implementation schedule for the**

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1 selected control alternative.

2 (G) Contains a post-construction compliance monitoring
3 program adequate to ascertain:

- 4 (i) the effectiveness of the selected control alternative;
5 and
6 (ii) the extent to which water quality standards have
7 been attained.

8 SECTION 9. IC 13-11-2-242.5 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE UPON PASSAGE]: **Sec. 242.5. "Use attainability
11 analysis", for purposes of IC 13-18, refers to a structured scientific
12 assessment of the physical, chemical, biological, and economic
13 factors affecting the attainment of a designated use as provided in
14 40 CFR 131.3(g).**

15 SECTION 10. IC 13-11-2-265.3 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE UPON PASSAGE]: **Sec. 265.3. "Wet weather event",
18 for purposes of IC 13-18, means storm water runoff, snow melt
19 runoff, or ice melt runoff flowing into a combined sewer system.**

20 SECTION 11. IC 13-18-3-2.3 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE UPON PASSAGE]: **Sec. 2.3. (a) A long term control
23 plan, upon implementation, fulfills the water quality goals of the
24 state with respect to wet weather discharges that are a result of
25 overflows from the combined sewer system addressed by the plan
26 if the long term control plan provides for the capture for treatment
27 of:**

- 28 (1) the first flush; and
29 (2) the percentage of the combined sewage occurring during
30 wet weather events for the entire combined sewer system, as
31 determined by volume on an annual average basis, that
32 corresponds to the knee of the curve for the most cost
33 effective control alternative of the alternatives evaluated in
34 the long term control plan.

35 (b) When a use attainability analysis is required for a
36 suspension of designated uses under this chapter, the department
37 must, to the maximum extent permitted under state or federal law:

- 38 (1) review a use attainability analysis submitted under this
39 chapter concurrently with a long term control plan submitted
40 under this chapter; and
41 (2) use the approved long term control plan to satisfy the
42 requirements of the use attainability analysis.



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1 SECTION 12. IC 13-18-3-2.4 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 2.4. (a) The department shall**
 4 **approve temporary suspension of designated uses on a site specific**
 5 **basis, taking into account discharges from combined sewer**
 6 **overflows due to wet weather events, if:**

7 (1) the department has approved a long term control plan for
 8 the permit holder;

9 (2) the permit holder:

10 (A) has implemented the long term control plan; or

11 (B) is implementing the approved long term control plan;

12 (3) the permit holder is in compliance with all other
 13 requirements for the operation and maintenance of its
 14 wastewater treatment facilities and combined sewer system,
 15 including its combined sewer operational plan approved by
 16 the department; and

17 (4) the provisions of 40 CFR 131.10 are satisfied.

18 The provisions of 40 CFR 131.10 may be satisfied by including the
 19 appropriate data and information in the long term control plan.

20 (b) To the extent permitted under federal law, the department
 21 shall provide a compliance schedule in the National Pollutant
 22 Discharge Elimination System (NPDES) permit during the period
 23 when the long term control plan is being developed.

24 (c) The granting of a temporary suspension of a designated use
 25 applies only to the permittee requesting the suspension and shall be
 26 for the shortest period consistent with the protection of human
 27 health, as outlined in the approved use attainability analysis and
 28 set forth in the permittee's approved long term control plan.

29 (d) The board may adopt rules in accordance with IC 13-14-8
 30 and IC 13-14-9 amending the water quality standards to include
 31 the terms of the temporary suspension allowed by this section.

32 (e) When the department approves a temporary suspension of
 33 a designated use, the department shall incorporate the approval in
 34 the permit holder's NPDES permit.

35 SECTION 13. IC 13-18-19-2 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) The department may**
 38 **issue National Pollutant Discharge Elimination System (NPDES)**
 39 **permits containing conditions that include alternate water quality**
 40 **based effluent limits that:**

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



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- 1 (A) wet weather events of various degrees of duration and
- 2 intensity; or
- 3 (B) low flow stream conditions derived on a monthly,
- 4 quarterly, or annual basis;
- 5 (2) provide increased mass limitations, concentration
- 6 limitations, or mass and concentration limitations, for
- 7 publicly owned treatment works (POTW) that:
- 8 (A) are capable of treating wastewater flows that exceed
- 9 the design flow used to calculate normal water quality
- 10 based effluent limitations; and
- 11 (B) as a result of the increased limitations, can reduce the
- 12 volume of discharge of wastewater from plant bypasses or
- 13 combined sewer overflows; or
- 14 (3) include any factor or combination of factors described in
- 15 subdivisions (1) and (2).

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

22 SECTION 14. [EFFECTIVE UPON PASSAGE] (a) As used in this
 23 SECTION, "NPDES" refers to a National Pollutant Discharge
 24 Elimination System.

25 (b) As used in this SECTION, "combined sewer" has the
 26 meaning set forth in IC 13-11-2-31.4.

27 (c) The water pollution control board established under
 28 IC 13-18-1 shall adopt a rule before September 1, 2001,
 29 establishing requirements for community notification by NPDES
 30 permit holders of the potential health impact of combined sewer
 31 overflows whenever information from any reliable source indicates
 32 that:

- 33 (1) a discharge or discharges from one (1) or more combined
- 34 sewer overflow points is occurring; or
- 35 (2) there is a reasonable likelihood that a discharge or
- 36 discharges from one (1) or more combined sewer overflow
- 37 points will occur within the next twenty-four (24) hours.

38 (d) This SECTION expires January 1, 2002.
 39 SECTION 15. [EFFECTIVE UPON PASSAGE] (a) As used in this
 40 SECTION, "combined sewer" has the meaning set forth in
 41 IC 13-11-2-31.4.

42 (b) As used in this SECTION, "long term control plan" has the

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1 meaning set forth in IC 13-11-2-120.5.
2 (c) As used in this SECTION, "use attainability analysis" has
3 the meaning set forth in IC 13-11-2-242.5.
4 (d) Before October 1, 2000, the department of environmental
5 management shall provide guidance to all combined sewer
6 overflow communities explaining the requirement of the use
7 attainability analysis and the long term control plan to aid
8 communities in determining how to comply with the requirements.
9 This guidance must clearly identify, to the extent possible, all of the
10 appropriate data and information required by the department of
11 environmental management for a permit holder's long term
12 control plan that will also satisfy the requirements of a use
13 attainability analysis.
14 (e) This SECTION expires January 1, 2001.
15 SECTION 16. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Young R be added as second author of Senate Bill 431.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 431, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, after "purposes of " insert "**sections 31.4 and 31.6 of this chapter and**".

Page 1, line 4, after "wastewater" insert "**(including domestic, commercial, or industrial wastewater)**".

Page 1, line 10, after "31.3" insert ", **31.6,**".

Page 1, line 11, delete "wastewater collection sewer owned by the state or a" and insert "**sewer that is designed, constructed, and used to receive and transport combined sewage.**".

Page 1, delete lines 12 through 17.

Page 2, delete lines 1 through 2.

Page 2, line 18, delete "wastewater collection system owned" and insert "**system of combined sewers that:**

(1) is designed, constructed, and used to receive and transport combined sewage to a publicly owned wastewater treatment plant; and

(2) may contain one (1) or more overflow points that allow discharge of combined sewage before arrival at the publicly owned wastewater treatment plant when the hydraulic capacity of the system or part of the system is exceeded as a result of a wet weather event."

Page 2, delete lines 19 through 22.

Page 2, line 29, after "system" insert "**or to a publicly owned wastewater treatment plant**".

Page 2, line 34, delete "Contains" and insert "**Uses**".

Page 2, line 35, delete "the response of" and insert ":",

Page 2, delete line 36.

Page 2, line 37, after "(i)" insert "**the response of the combined sewer system to**".

Page 2, line 38, after "overflows" insert "**from the combined sewer system**".

Page 2, line 39, delete "an".

Page 2, line 40, delete "overflow" and insert "**overflows from the combined sewer system**".

Page 3, line 4, delete "evaluations for" and insert "**analyses of**".

Page 3, line 8, delete "an" and insert "**a practicable**".

Page 3, line 14, delete "use attainability" and insert "**structured**".



scientific assessment of the physical, chemical, biological, and economic factors affecting the attainment of a designated use".

Page 3, line 15, delete "analysis".

Page 3, line 17, after "CODE" delete "A S" and insert "AS".

Page 3, line 19, after "event" insert ", or combination of precipitation events,".

Page 3, line 19, delete "results" and insert "results".

Page 3, line 20, after "accumulation" insert "**within a twenty-four (24) hour period**".

Page 3, line 21, delete "rainfall, ice melt, or snow melt." and insert ":",

Page 3, between lines 21 and 22, begin a new line block indented and insert:

- "(1) rainfall;
- (2) ice melt; or
- (3) snow melt."

Page 3, line 24, delete "submitted" and insert ", upon implementation, fulfills the water quality goals of the state with respect to wet weather discharges that are a result of overflows from the combined sewer system addressed by the plan if the long term control plan provides for the capture for treatment of the percentage of the combined sewage occurring during wet weather events for the entire combined sewer system, as determined by volume on an annual average basis, that corresponds to the point at which the increment of pollution reduction to be achieved by additional controls begins to diminish in comparison to the increment of increased costs of the additional controls for the most cost effective control alternative evaluated in the long term control plan."

Page 3, delete lines 25 through 40, begin a new paragraph and insert:

"(b) If a use attainability analysis is required for a suspension under this chapter, the department must use, to the maximum extent feasible, the information contained in the permit holder's approved long term control plan before requiring any additional information from the permit holder in order to satisfy the requirements of the use attainability analysis."

Page 4, line 1, delete "A" and insert "**(a) Designated uses and associated**".

Page 4, line 1, delete "standard" and insert "**standards**".

Page 4, line 2, delete "article" and insert "**title for waters of the state**".



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Page 4, line 2, delete "from a designated use".

Page 4, line 3, delete "when a wet weather event causes or contributes" and insert ", **with respect to any water affected by**".

Page 4, line 4, delete "to".

Page 4, line 4, after "from" insert "**a**".

Page 4, line 4, delete "overflows" and insert "**system caused by wet weather events,**".

Page 4, line 4, after "if" insert "**with respect to its combined sewer system**".

Page 4, line 8, delete ";".

Page 4, line 9, delete "(B) has".

Run in lines 8 through 9.

Page 4, line 10, after "(i)" insert "**has**".

Page 4, line 14, after "document;" insert "**or**".

Page 4, between lines 14 and 15, begin a new line double block indented and insert:

"(B) is developing a long term control plan that satisfies the requirements of section 2.3 of this chapter in accordance with the compliance schedule."

Page 4, between lines 20 and 21, begin a new paragraph and insert:

"(b) A suspension of designated uses and water quality criteria under this section applies only:

(1) to an NPDES permit holder for discharges from its combined sewer system; and

(2) during the time and to the physical extent that water quality criteria associated with the designated uses for the waters affected by the discharges from combined sewer system overflows would otherwise be exceeded."

Page 4, delete lines 21 through 42.

Page 5, delete lines 1 through 10.

Page 5, line 29, after "(B)" insert "**as a result of the increased limitations, can**".

Page 5, line 31, after "factor" insert "**or combination of factors**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 431 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 431 be amended to read as follows:

Page 3, line 21, delete "a precipitation event , or" and insert "**storm water runoff, snow melt runoff, or ice melt runoff flowing into a combined sewer system**".

Page 3, line 22, delete "combination of precipitation events,".

Page 4, line 9, delete "Designated uses and associated" and insert "**The department shall approve temporary suspension of designated uses on a site specific basis, taking into account discharges from combined sewer overflows due to wet weather events, if:**

(1) the department has approved a long term control plan for the permit holder;

(2) the permit holder:

(A) has implemented the long term control plan; or

(B) is implementing the approved long term control plan;

(3) the permit holder is in compliance with all other requirements for the operation and maintenance of its wastewater treatment facilities and combined sewer system, including its combined sewer operational plan approved by the department; and

(4) the provisions of 40 CFR 131.10 are satisfied.

The provisions of 40 CFR 131.10 may be satisfied by including the appropriate data and information in the long term control plan.

(b) To the extent permitted under federal law, the department shall provide a compliance schedule in the National Pollutant Discharge Elimination System (NPDES) permit during the period when the long term control plan is being developed.

(c) The granting of a temporary suspension of a designated use applies only to the permittee requesting the suspension and shall be for the shortest period consistent with the protection of human health, as outlined in the approved use attainability analysis and set forth in the permittee's approved long term control plan.

(d) The board may adopt rules in accordance with IC 13-14-8 and IC 13-14-9 amending the water quality standards to include the terms of the temporary suspension allowed by this section.

(e) When the department approves a temporary suspension of a designated use, the department shall incorporate the approval in the permit holder's NPDES permit."

Page 4, delete lines 10 through 41.

Page 5, between lines 28 and 29, begin a new paragraph and insert:

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"SECTION 11. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "NPDES" refers to a National Pollutant Discharge Elimination System.

(b) As used in this SECTION, "combined sewer" has the meaning set forth in IC 13-11-2-31.4.

(c) The water pollution control board established under IC 13-18-1 shall adopt a rule before September 1, 2001, establishing requirements for community notification by NPDES permit holders of the potential health impact of combined sewer overflows whenever information from any source indicates that:

- (1) a discharge or discharges from one (1) or more combined sewer overflow points is occurring; or
- (2) there is a reasonable likelihood that a discharge or discharges from one (1) or more combined sewer overflow points will occur within the next twenty-four (24) hours.

(d) Until the rule described in subsection (c) is adopted, an NPDES permit holder qualifying for a suspension of designated uses and water quality standards under this section must notify one (1) or more news media providing daily news coverage in the community served by the NPDES permit holder and any immediately downstream communities:

- (1) whenever information obtained from the National Weather Service, the permit holder's monitoring system, or any other source indicates that there is a reasonable likelihood that a discharge or discharges from one (1) or more combined sewer overflow points will occur within the next twenty-four (24) hours; and
- (2) whenever information obtained from sources described in subdivision (1) indicates, for each twenty-four (24) hour period subsequent to the twenty-four (24) hour period identified in subdivision (1), that there is a reasonable likelihood that a discharge or discharges from one (1) or more combined sewer overflow points will interfere with attainment of a designated use otherwise applicable to the waters that receive the overflow.

(e) A notice required under subsection (d) must identify the water bodies likely to be affected by combined sewer discharges and describe, reasonably and succinctly, the potential impacts of the discharges on human health.

(f) This SECTION expires January 1, 2002.

SECTION 12. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "combined sewer" has the meaning set forth in



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IC 13-11-2-31.4.

(b) As used in this SECTION, "long term control plan" has the meaning set forth in IC 13-11-2-120.5.

(c) Before July 1, 2000, the department of environmental management shall provide guidance to all combined sewer overflow communities explaining the requirement of the use attainability analysis and the long term control plan to aid communities in determining how to comply with the requirements.

(d) This SECTION expires January 1, 2001."

Renumber all SECTIONS consecutively.

(Reference is to SB 431 as printed January 26, 2000.)

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SENATE MOTION

Mr. President: I move that Senator Lawson be added as coauthor of Senate Bill 431.

GARD

SENATE MOTION

Mr. President: I move that Senator Johnson be added as coauthor of Engrossed Senate Bill 431.

GARD

SENATE MOTION

Mr. President: I move that Senator Wolf be added as coauthor of Engrossed Senate Bill 431.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 431, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, after "31.5," insert "**43.5, 85.7,**".

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 5. IC 13-11-2-43.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 43.5. "Control alternative", for purposes of IC 13-18, means any of the following measures, or any combination of the following measures, for the control of wet weather flows in a combined sewer system:**

- (1) **Source controls.**
- (2) **Collection system controls.**
- (3) **Storage technologies.**
- (4) **Treatment technologies.**

SECTION 6. IC 13-11-2-85.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 85.7. "First flush", for purposes of IC 13-18, means the transport of solids in a combined sewer system that:**

- (1) **have settled in pipes during periods between wet weather events; and**
- (2) **have washed off of impermeable surfaces such as streets and parking lots during the beginning of a wet weather event.**

SECTION 7. IC 13-11-2-113.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 113.5. "Knee of the curve", for purposes of IC 13-18 , means the point where the incremental change in the cost of the control alternative per change in performance of the control alternative changes most rapidly."**

Page 2, between lines 25 and 26, begin a new line block indented and insert:

"(1) is consistent with the federal Combined Sewer Overflow Control Policy (59 Fed. Reg. 18688);"

Page 2, line 26, delete "(1)" and insert "(2)".

Page 2, line 30, delete "(2)" and insert "(3)".

Page 2, line 30, after "participation" insert **"using a process that is designed to promote active involvement by the affected public, through opportunities to provide in the decision making to select long term control alternatives:**

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- (A) information;
- (B) opinions; and
- (C) comments;".

Page 2, line 31, delete "(3)" and insert "(4)".

Page 2, line 32, delete "(4)" and insert "(5)".

Page 3, line 1, delete "the" and insert "**those**".

Page 3, line 6, after "Maximizes treatment" insert "**of wet weather flows**".

Page 3, line 8, after "schedule" insert "**for the selected control alternative**".

Page 3, line 10, delete "." and insert "**adequate to ascertain:**

(i) the effectiveness of the selected control alternative;
and

(ii) the extent to which water quality standards have been attained."

Page 3, line 17, delete "40 CFR 131" and insert "**40 CFR 131.3(g)**".

Page 3, line 22, after "system" insert ".".

Page 3, delete lines 23 through 27.

Page 3, line 34, after "of" delete "the" and insert ":".

Page 3, delete lines 35 through 42, begin a new line block indented and insert:

"(1) the first flush; and

(2) the percentage of the combined sewage occurring during wet weather events for the entire combined sewer system, as determined by volume on an annual average basis, that corresponds to the knee of the curve for the most cost effective control alternative of the alternatives evaluated in the long term control plan."

Page 4, line 1, delete "If" and insert "**When**".

Page 4, line 1, after "suspension" insert "**of designated uses**".

Page 4, line 2, after "must" delete "use".

Page 4, line 3, after "extent" delete "feasible, the information contained in the permit holder's" and insert "**permitted under state or federal law:**

(1) review a use attainability analysis submitted under this chapter concurrently with a long term control plan submitted under this chapter; and

(2) use the approved long term control plan to satisfy the requirements of the use attainability analysis."

Page 4, delete lines 4 through 6.

Page 5, line 37, after "any" insert "**reliable**".

Page 6, delete lines 1 through 24.

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Page 6, line 25, delete "(f)" and insert "(d)".

Page 6, between lines 30 and 31, begin a new paragraph and insert:

"(c) As used in this SECTION, "use attainability analysis" has the meaning set forth in IC 13-11-2-242.5."

Page 6, line 31, delete "(c)" and insert "(d)".

Page 6, line 31, delete "July" and insert "**October**".

Page 6, line 35, after "requirements." insert "**This guidance must clearly identify, to the extent possible, all of the appropriate data and information required by the department of environmental management for a permit holder's long term control plan that will also satisfy the requirements of a use attainability analysis."**

Page 6, line 36, delete "(d)" and insert "(e)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 431 as reprinted February 2, 2000.)

STURTZ, Chair

Committee Vote: yeas 11, nays 0.

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