



Reprinted
January 26, 2000

HOUSE BILL No. 1343

DIGEST OF HB 1343 (Updated January 25, 2000 3:33 PM - DI 52)

Citations Affected: IC 13-18; noncode.

Synopsis: Permits relating to air and water pollution. Provides that the department of environmental management may not require changes in plans and specifications prepared by a professional, registered engineer before issuing a permit for construction, installation, or modification of water or wastewater facilities unless the change is approved by an employee of the department who is a professional, registered engineer. Voids a subsection of a rule of the air pollution control board, subject to exceptions of certain specified types of construction or modification, that limits in certain circumstances the eligibility of the construction or modification of emission units, operations, or processes for exemption from the requirement to obtain a registration, permit, modification approval, or permit revision. Provides that the air pollution control board may not adopt limitations of that nature in the future. Directs the air pollution control board to amend the rule to reflect these provisions.

Effective: Upon passage.

Wolkins, Kuzman

January 11, 2000, read first time and referred to Committee on Environmental Affairs.
January 19, 2000, reported — Do Pass.
January 25, 2000, read second time, amended, ordered engrossed.

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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.

HOUSE BILL No. 1343

A BILL FOR AN ACT concerning environmental law.

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

- 1 SECTION 1. IC 13-18-16-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A permit is
3 required for the construction, installation, or modification of:
4 (1) sources;
5 (2) facilities;
6 (3) equipment; or
7 (4) devices;
8 of a public water supply, including water distribution systems.
9 (b) Plans and specifications for the construction, installation, or
10 modification of sources, facilities, equipment, or devices of a public
11 water supply must be submitted to the commissioner with a permit
12 application. The plans and specifications must be complete and of
13 sufficient detail to show all proposed construction, changes, or
14 modifications that may affect the sanitary quality, chemical quality, or
15 adequacy of the public water supply involved. The applicant shall
16 supply any additional data or material considered appropriate by the
17 commissioner to a review of the plans and specifications.
18 (c) Unless otherwise provided in rules adopted under section 8(b)

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1 of this chapter, plans and specifications must be submitted to the
2 commissioner with the permit application for water distribution
3 systems.

4 (d) Construction, installation, or modification of a public water
5 supply may not begin until the commissioner has issued a permit under
6 subsection (a).

7 (e) In determining whether to issue a permit under this section, the
8 commissioner shall proceed under IC 13-15.

9 **(f) If a permit application to the department includes plans and**
10 **specifications prepared by a professional engineer registered under**
11 **IC 25-31 for:**

12 (1) construction, installation, or modification described in
13 subsection (a); or

14 (2) construction, installation, or modification of a sewage
15 works or wastewater treatment plant;

16 the department may not require changes to the plans and
17 specifications as a condition to issuance of the permit unless the
18 changes are approved by an employee of the department who is a
19 professional engineer registered under IC 25-31.

20 SECTION 2. [EFFECTIVE UPON PASSAGE] 326 IAC 2-1.1-3(b)
21 is void.

22 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) A reference in
23 this SECTION to a provision of the Indiana Administrative Code
24 or Code of Federal Regulations includes a reference to a successor
25 provision.

26 (b) "Construction" has the meaning set forth in 326 IAC 1-2-21.

27 (c) "Modification" has the meaning set forth in 326 IAC 1-2-42.

28 (d) "Operation" has the meaning set forth in 326
29 IAC 2-1.1-1(11).

30 (e) "Process" has the meaning set forth in 326 IAC 2-1.1-1(17).

31 (f) "Regulated pollutant" has the meaning set forth in 326
32 IAC 1-2-66.

33 (g) Where a rule of the air pollution control board lists emission
34 units, operations, or processes of which construction or
35 modification are exempt from the requirement to obtain a
36 registration, permit, modification approval, or permit revision, the
37 air pollution control board may not condition such exemption on
38 whether the potential to emit any regulated pollutant from the
39 construction or modification exceeds an emission threshold
40 establishing the requirement to obtain a registration, permit,
41 modification approval, or permit revision under 326 IAC 2.

42 (h) This SECTION does not apply to construction or

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modification:

- (1) subject to federal prevention of significant deterioration requirements as set out in 326 IAC 2-2 and 40 CFR 52.21; or
- (2) subject to nonattainment new source review requirements as set out in 326 IAC 2-3; or
- (3) at a source that has an operation permit issued under 326 IAC 2-7, where the construction or modification would be considered a Title I modification under 40 CFR Part 70; or
- (4) that would result in the source needing to transition to an operating permit issued under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) Before January 1, 2002, the air pollution control board shall amend 326 IAC 2-1.1-3 to reflect SECTION 1 of this act.

(b) This SECTION expires on the earlier of the following:

- (1) The effective date of the rule amendment adopted under subsection (a).
- (2) January 1, 2002.

SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1343, 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 9, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1343 be amended to read as follows:

Page 1, line 4, after "Code" insert "**or Code of Federal Regulations**".

Page 2, delete lines 4 through 7.

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"(h) This SECTION does not apply to construction or modification:

- (1) subject to federal prevention of significant deterioration requirements as set out in 326 IAC 2-2 and 40 CFR 52.21; or**
- (2) subject to nonattainment new source review requirements as set out in 326 IAC 2-3; or**
- (3) at a source that has an operation permit issued under 326 IAC 2-7, where the construction or modification would be considered a Title I modification under 40 CFR Part 70; or**
- (4) that would result in the source needing to transition to an operating permit issued under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8."**

Page 2, line 9, delete "2001" and insert "**2002**".

Page 2, line 14, delete "2001" and insert "**2002**".

(Reference is to HB 1343 as printed January 20, 2000.)

WOLKINS

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1343 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-18-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A permit is required for the construction, installation, or modification of:

- (1) sources;**
- (2) facilities;**
- (3) equipment; or**
- (4) devices;**

of a public water supply, including water distribution systems.

(b) Plans and specifications for the construction, installation, or

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modification of sources, facilities, equipment, or devices of a public water supply must be submitted to the commissioner with a permit application. The plans and specifications must be complete and of sufficient detail to show all proposed construction, changes, or modifications that may affect the sanitary quality, chemical quality, or adequacy of the public water supply involved. The applicant shall supply any additional data or material considered appropriate by the commissioner to a review of the plans and specifications.

(c) Unless otherwise provided in rules adopted under section 8(b) of this chapter, plans and specifications must be submitted to the commissioner with the permit application for water distribution systems.

(d) Construction, installation, or modification of a public water supply may not begin until the commissioner has issued a permit under subsection (a).

(e) In determining whether to issue a permit under this section, the commissioner shall proceed under IC 13-15.

(f) If a permit application to the department includes plans and specifications prepared by a professional engineer registered under IC 25-31 for:

(1) construction, installation, or modification described in subsection (a); or

(2) construction, installation, or modification of a sewage works or wastewater treatment plant;

the department may not require changes to the plans and specifications as a condition to issuance of the permit unless the changes are approved by an employee of the department who is a professional engineer registered under IC 25-31."

Renumber all SECTIONS consecutively.

(Reference is to HB 1343 as printed January 20, 2000.)

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