

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Senate Bill 432 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 13-11-2-149.5 IS ADDED TO THE INDIANA  
4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2000]: **Sec. 149.5. "Outstanding national**  
6 **resource water"**, for purposes of IC 13-18-3, has the meaning set  
7 forth in IC 13-18-3-2(b).  
8           SECTION 2. IC 13-11-2-149.6 IS ADDED TO THE INDIANA  
9 CODE AS A NEW SECTION TO READ AS FOLLOW [EFFECTIVE  
10 JULY 1, 2000]: **Sec. 149.6. "Outstanding state resource water"**, for  
11 purposes of IC 13-18-3, has the meaning set forth in  
12 IC 13-18-3-2(c).  
13           SECTION 3. IC 13-11-2-265.5 IS ADDED TO THE INDIANA  
14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2000]: **Sec. 265.5. "Watershed"**, for purposes  
16 of IC 13-18-3, has the meaning set forth in IC 14-8-2-310."  
17           Page 1, line 4, after "with" insert "**federal regulations**  
18 **implementing"**.  
19           Page 1, line 5, delete "once every five (5)".  
20           Page 1, delete line 6.  
21           Page 1, line 7, delete "whichever is less".  
22           Page 1, line 8, after "and" insert "**readily"**.  
23           Page 1, line 9, after "quality" insert "**data and"**.  
24           Page 1, line 9, delete "that is credible, representative,".  
25           Page 1, line 10, delete "and scientifically defensible".  
26           Page 1, line 10, delete "list shall be adopted by rule" and insert  
27 "**department, before submitting the list to the United States**  
28 **Environmental Protection Agency, shall:**  
29           **(1) publish the list in the Indiana Register;**  
30           **(2) make the list available for public comment for at least**  
31           **ninety (90) days; and**

- 1           **(3) present the list to the board.**  
 2 **If the United States Environmental Protection Agency changes the**  
 3 **list, the board shall publish the changes in the Indiana Register and**  
 4 **conduct a public hearing withing ninety (90) days after receipt of**  
 5 **the changes."**  
 6       Page 1, delete lines 11 through 12.  
 7       Page 1, line 16, delete "The criteria for removing a water from".  
 8       Page 1, delete line 17.  
 9       Page 2, delete line 1.  
 10       Page 2, line 8, after "developed" insert "**using a phased approach**".  
 11       Page 2, line 8, delete "ten (10)" and insert "**fifteen (15)**".  
 12       Page 2, line 11, delete "equitable" and insert "**fair**".  
 13       Page 2, line 13, after "loads." insert "**The department shall**  
 14 **consider public input before making the allocation.**".  
 15       Page 2, line 14, delete "environmental, economic, and".  
 16       Page 2, line 21, delete "Once a total maximum daily load or an  
 17 implementation plan" and insert "**The total maximum daily load**  
 18 **implementation plan shall at a minimum provide for follow up**  
 19 **monitoring of the impaired water body and any necessary revision**  
 20 **of the total maximum daily load allocations in order to assure**  
 21 **compliance with water quality standards. To ensure that the water**  
 22 **quality standards are attained and maintained, the department**  
 23 **shall review the status of the impaired water body in accordance**  
 24 **with the monitoring plan as set forth in the total maximum daily**  
 25 **load implementation plan."**  
 26       Page 2, delete lines 22 through 30.  
 27       Page 2, line 32, after "council," insert "**the board,**".  
 28       Page 3, line 5, delete "body" and insert "**designated as such by the**  
 29 **general assembly. The designation shall describe the quality of the**  
 30 **outstanding national resource water to serve as the benchmark of**  
 31 **the water quality that shall be maintained and protected. Waters**  
 32 **that may be considered for designation as outstanding national**  
 33 **resource waters include water bodies that are recognized as:**  
 34           **(1) important because of protection through official action,**  
 35           **such as:**  
 36               **(A) federal or state law;**  
 37               **(B) presidential or secretarial action;**  
 38               **(C) international treaty; or**  
 39               **(D) interstate compact;**  
 40           **(2) having exceptional recreational significance;**  
 41           **(3) having exceptional ecological significance;**  
 42           **(4) having other special environmental, recreational, or**  
 43           **ecological attributes; or**  
 44           **(5) waters with respect to which designation as an outstanding**  
 45 **national resource water is reasonably necessary for protection**  
 46 **of other water bodies designated as outstanding national**  
 47 **resource waters."**

- 1 Page 3, delete lines 6 through 12.
- 2 Page 3, line 13, delete "body:" and insert "**designated as such by**
- 3 **the board. Waters that may be considered for designation as**
- 4 **outstanding state resource waters include water bodies that have**
- 5 **unique or special ecological, recreational, or aesthetic**
- 6 **significance."**
- 7 Page 3, delete lines 14 through 17.
- 8 Page 3, line 20, delete "the following:" and insert "**that the water**
- 9 **body has a unique or special ecological, recreational, or aesthetic**
- 10 **significance."**
- 11 Page 3, delete lines 21 through 32.
- 12 Page 3, line 36, after "analyses," insert "**presented by any**
- 13 **interested party,"**.
- 14 Page 4, between lines 2 and 3, begin a new line block indented and
- 15 insert:
- 16 **"(4) Whether the designation of the water body as an**
- 17 **outstanding state resource water will have a significant**
- 18 **adverse effect on future population, development, and**
- 19 **economic growth in the watershed, if the water body is in a**
- 20 **watershed that has more than three percent (3%) of its land**
- 21 **in urban land uses and serves a municipality with a**
- 22 **population greater than five thousand (5,000).**
- 23 **(5) Whether the designation of the water body as an**
- 24 **outstanding state resource water is necessary to protect the**
- 25 **unique or special ecological, recreational, or aesthetic**
- 26 **significance of the water body."**
- 27 Page 4, line 14, delete "an overall" and insert "**a net**".
- 28 Page 4, line 14, delete "watershed" and insert "**water**".
- 29 Page 4, line 14, after "quality" insert "**for the outstanding state**
- 30 **resource water**".
- 31 Page 4, line 19, after "load" insert "**when a new or increased**
- 32 **permit limit is required**".
- 33 Page 4, delete lines 24 through 29, begin a new line block indented
- 34 and insert:
- 35 **"(3) Provisions that:**
- 36 **(A) allow for the use of voluntary water quality projects**
- 37 **undertaken in the watershed of the outstanding state**
- 38 **resource water that result in demonstrable net**
- 39 **environmental improvement in the watershed of the**
- 40 **outstanding state resource water;**
- 41 **(B) establish criteria for timely approval of projects**
- 42 **described in clause (A);**
- 43 **(C) establish a process for public input in the approval**
- 44 **process."**
- 45 Page 4, line 32, after "fee" insert "**commensurate with the type**
- 46 **and quantity of increased pollutant loadings**".
- 47 Page 4, line 32, delete "two" and insert "**five**".

- 1 Page 4, line 33, delete "\$200,000" and insert "**(\$500,000)**".
- 2 Page 4, line 34, after "using" insert "**the**".
- 3 Page 4, line 35, delete "improvement" and insert "**watershed**".
- 4 Page 4, line 35, after "watershed" insert "**that result in**
- 5 **improvement in water quality**".
- 6 Page 5, line 13, delete "327 IAC 2-1-2 and" and insert "**(a) As used**
- 7 **in this SECTION, "board" refers to the water pollution control**
- 8 **board established under IC 13-18-1.**
- 9 **(b) All waters designated under 327 IAC 2-1.5-19(b) as**
- 10 **outstanding state resource waters shall be maintained and**
- 11 **protected in their present quality in accordance with 327**
- 12 **IAC 5-2-11.7. Any rule adopted by the board contrary to this**
- 13 **standard is void.**
- 14 **(c) Except as provided in subsection (b), 327 IAC 2-1-2 and 327**
- 15 **IAC 2-1-6 are void to the extent that they:**
- 16 **(1) require that an outstanding state resource water must be**
- 17 **maintained and protected in its present high quality without**
- 18 **degradation; or**
- 19 **(2) provide that a use designation requires that a water must**
- 20 **be maintained and protected without degradation.**
- 21 **(d) The board may not:**
- 22 **(1) require that an outstanding state resource water must be**
- 23 **maintained and protected in its present high quality without**
- 24 **degradation; or**
- 25 **(2) provide that a use designation requires that a water must**
- 26 **be maintained and protected without degradation.**
- 27 **(e) Before January 1, 2001, the board shall amend 327**
- 28 **IAC 2-1-2 and 327 IAC 2-1-6 to reflect subsection (c).**
- 29 **(f) This SECTION expires on the earlier of:**
- 30 **(1) the effective date of the rule amendments adopted by the**
- 31 **board under subsection (e); or**
- 32 **(2) January 1, 2001."**
- 33 Page 5, delete lines 14 through 20.
- 34 Page 5, line 22, after "amend" insert "**327 IAC 2-1-2, 327**
- 35 **IAC 2-1-6(i), and**".
- 36 Page 5, line 28, delete "ON" and insert "UPON".
- 37 Page 5, line 32, delete "data".
- 38 Page 5, line 32, after "assurance" insert "**program plan and**
- 39 **information**".
- 40 Page 5, line 37, delete "data quality assurance" and insert
- 41 "**information**".
- 42 Page 5, line 42, delete "data quality" and insert "**information**".
- 43 Page 6, line 1, delete "assurance".
- 44 Page 6, delete lines 7 through 14.
- 45 Page 6, line 15, delete "(f)" and insert "**(e)**".
- 46 Page 6, line 15, delete "January 1, 2001" and insert "**September 1,**
- 47 **2000**".

- 1 Page 6, line 17, after "department." insert "**The water quality task**  
2 **force is a subcommittee of, and shall report to, the department.**".  
3 Page 6, line 17, delete "water quality task" and insert "**department**".  
4 Page 6, line 18, delete "force".  
5 Page 6, line 18, after "study" insert "**the issues associated with the**  
6 **implementation of IC 13-18-3-2, including**".  
7 Page 6, delete lines 19 through 24, begin new line block indented  
8 and insert:  
9 **"(1) surface water assessment methodologies;**  
10 **(2) program resource needs; and**  
11 **(3) policy options and rule development recommendations."**  
12 Page 6, line 25, delete "(g)" and insert "(f)".  
13 Page 6, line 26, after "assembly" insert ", **the chairperson of the**  
14 **environmental quality service council,**".  
15 Page 6, line 42, delete "(h)" and insert "(g)".  
16 Page 6, line 42, delete "July" and insert "**October**".  
17 Page 6, after line 42, begin a new paragraph and insert:  
18 "**SECTION 6. [EFFECTIVE UPON PASSAGE] (a) Until October**  
19 **1, 2002, the following apply to a water body designated before**  
20 **October 1, 2002, as an exceptional use water:**  
21 **(1) The water body is subject to the net water quality**  
22 **improvement provisions of IC 13-18-3-2(i), as added by this**  
23 **act.**  
24 **(2) The water body is not subject to a standard of having its**  
25 **water quality maintained and protected without degradation.**  
26 **(b) Before October 1, 2002, the water pollution control board**  
27 **established under IC 13-18-1 shall:**  
28 **(1) determine whether, effective October 1, 2002, to designate**  
29 **as an outstanding state water each water designated before**  
30 **October 1, 2002, as an exceptional use water under 327**  
31 **IAC 2-1-11; and**  
32 **(2) complete rulemaking to make any designation determined**  
33 **under subdivision (1).**  
34 **(c) This SECTION expires January 1, 2003.**  
35 **SECTION 7. [EFFECTIVE UPON PASSAGE] (a) As used in this**  
36 **SECTION, "board" refers to the water pollution control board**  
37 **established under IC 13-18-1.**  
38 **(b) Before October 1, 2003, the board shall establish policies and**  
39 **rules to govern the implementation of total maximum daily load**  
40 **requirements of Section 303(d) of the Clean Water Act, 33 U.S.C.**  
41 **1313(d).**  
42 **(c) Before July 1, 2000, the chairperson of the environmental**  
43 **quality service council shall appoint a working group of**  
44 **stakeholders with respect to the implementation of maximum daily**  
45 **load requirements as described in subsection (b). The working**  
46 **group shall consider and make recommendations to the**  
47 **department of environmental management and the board on**

- 1 **identification of issues, the development of policy options, policy**  
2 **adoption, and rulemaking. The working group shall include**  
3 **representatives from:**  
4 **(1) the general public;**  
5 **(2) municipalities;**  
6 **(3) industry;**  
7 **(4) business;**  
8 **(5) agriculture;**  
9 **(6) environmental advocacy groups; and**  
10 **(7) others with a high level of expertise in the subject area to**  
11 **be considered by the working group.**  
12 **(d) The working group appointed under subsection (c) shall also**  
13 **include the following members, all appointed by the chairperson of**  
14 **the environmental quality service council:**  
15 **(1) a representative of the environmental quality service**  
16 **council;**  
17 **(2) a technical secretary; and**  
18 **(3) a member of the board.**  
19 **(e) This SECTION expires October 1, 2003."**  
20 **Renumber all SECTIONS consecutively.**  
**(Reference is to SB 432 as printed January 26, 2000.)**

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Senator GARD