Reprinted
February 1, 2000

SENATE BILL No. 432

DIGEST OF SB 432 (Updated January 31, 2000 3:05 PM - DI 52)

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

Synopsis: Water body designation and water quality. Establishes procedures and criteria for listing of impaired waters by the department of environmental management for compliance with federal law. Establishes procedures concerning the development of maximum pollutant loads with respect to the impaired waters. Establishes procedures and criteria for the designation of a water body as an outstanding state resource water by the water pollution control board, and for the designation of a water body as an outstanding national resource water by the general assembly upon recommendation of the department of environmental management and the environmental quality service council. Designates the extent to which certain water bodies must be maintained without degradation of water quality. Directs the department of environmental management to develop and maintain a quality assurance plan and information management system to assess the validity and reliability of the data used in the listing of impaired waters and the special designation of waters. Directs the department of environmental management to appoint a water quality task force, establishes the subjects to be studied, and designates the agencies and interest groups from which the membership must be drawn. Provides for the application to exceptional use waters of certain standards applicable to outstanding state resource waters, and for the possible future designation of exceptional use waters as outstanding state resource waters. Requires the water pollution control board to establish policies and rules to govern total maximum daily load requirements. Directs the chairperson of the environmental quality service council to appoint a working group with respect to the implementation of maximum daily load requirements, establishes the duties of the working group, designate the interest groups from which certain members must be drawn, and establishes criteria for the designation of other members.

Effective: Upon passage; July 1, 2000.

Gard, Hume

January 10, 2000, read first time and referred to Committee on Environmental Affairs.
January 25, 2000, amended, reported favorably — Do Pass.
January 31, 2000, read second time, amended, ordered engrossed.

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Reprinted
February 1, 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.

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SENATE BILL No. 432

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:

SECTION 1. IC 13-11-2-149.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 149.5. "Outstanding national resource water", for purposes of IC 13-18-3, has the meaning set forth in IC 13-18-3-2(b).**

SECTION 2. IC 13-11-2-149.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOW [EFFECTIVE JULY 1, 2000]: **Sec. 149.6. "Outstanding state resource water", for purposes of IC 13-18-3, has the meaning set forth in IC 13-18-3-2(c).**

SECTION 3. IC 13-11-2-265.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 265.5. "Watershed", for purposes of IC 13-18-3, has the meaning set forth in IC 14-8-2-310.**

SECTION 4. IC 13-18-2-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 3. (a) The department shall prepare a list of impaired**

waters for the purpose of complying with federal regulations implementing Section 303(d) of the federal Clean Water Act (33 U.S.C. 1313(d)). In determining whether a water body is impaired, the department shall consider all existing and readily available water quality data and related information. The department, before submitting the list to the United States Environmental Protection Agency, shall:

(1) publish the list in the Indiana Register;

(2) make the list available for public comment for at least ninety (90) days; and

(3) present the list to the board.

If the United States Environmental Protection Agency changes the list, the board shall publish the changes in the Indiana Register and conduct a public hearing withing ninety (90) days after receipt of the changes.

(b) The board shall adopt by rule the methodology to be used in identifying waters as impaired. The rule shall specify the methodology and criteria for including and removing waters from the list of impaired waters.

(c) The list of impaired waters developed by the department shall contain a priority ranking of waters that are identified as impaired and for which total maximum daily loads will be required, as well as a schedule for the development of required total maximum daily loads. The schedule must be sufficient to ensure that all required total maximum daily loads will be developed using a phased approach within fifteen (15) years of the date the list is approved by the United States Environmental Protection Agency, or by the time prescribed in federal regulations, whichever is sooner.

(d) The department shall make a reasonable and fair allocation among sources when developing total maximum daily loads. The department shall consider public input before making the allocation. At a minimum, the department shall consider:

(1) the technological feasibility of achieving the allocation;

(2) the cost and benefit associated with achieving the allocation; and

(3) any pollutant loading reductions reasonably expected to be achieved as a result of other legally required actions or voluntary measures.

(e) The total maximum daily load implementation plan shall at a minimum provide for follow up monitoring of the impaired water body and any necessary revision of the total maximum daily load

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allocations in order to assure compliance with water quality standards. To ensure that the water quality standards are attained and maintained, the department shall review the status of the impaired water body in accordance with the monitoring plan as set forth in the total maximum daily load implementation plan.

(f) Before July 1, 2005, the department shall submit a report to the governor, the environmental quality service council, the board, the speaker of the house of representatives, and the president pro tempore of the senate detailing progress made under this section. At a minimum, the report shall evaluate the effectiveness of the program and identify any recommended statutory changes to make the program more efficient, effective, and equitable.

SECTION 5. IC 13-18-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. **(a)** The board may adopt rules under IC 4-22-2 that are necessary to the implementation of:

(1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as in effect January 1, 1988; and

(2) the federal Safe Drinking Water Act (42 U.S.C. 300f through 300j), as in effect January 1, 1988;

except as provided in IC 14-37.

(b) "Outstanding national resource water" means a water designated as such by the general assembly. The designation shall describe the quality of the outstanding national resource water to serve as the benchmark of the water quality that shall be maintained and protected. Waters that may be considered for designation as outstanding national resource waters include water bodies that are recognized as:

(1) important because of protection through official action, such as:

(A) federal or state law;

(B) presidential or secretarial action;

(C) international treaty; or

(D) interstate compact;

(2) having exceptional recreational significance;

(3) having exceptional ecological significance;

(4) having other special environmental, recreational, or ecological attributes; or

(5) waters with respect to which designation as an outstanding national resource water is reasonably necessary for protection of other water bodies designated as outstanding national resource waters.

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(c) "Outstanding state resource water" means a water designated as such by the board. Waters that may be considered for designation as outstanding state resource waters include water bodies that have unique or special ecological, recreational, or aesthetic significance.

(d) "Watershed" has the meaning set forth in IC 14-8-2-310.

(e) The board may designate a water body as an outstanding state resource water by rule if the board determines that the water body has a unique or special ecological, recreational, or aesthetic significance.

(f) Before the board may adopt a rule designating a water body as an outstanding state resource water, the board must consider the following:

(1) Economic impact analyses, presented by any interested party, taking into account future population and economic development growth.

(2) The biological criteria scores for the water body, using factors that consider fish communities, macro invertebrate communities, and chemical quality criteria using representative biological data from the water body under consideration.

(3) The level of current urban and agricultural development in the watershed.

(4) Whether the designation of the water body as an outstanding state resource water will have a significant adverse effect on future population, development, and economic growth in the watershed, if the water body is in a watershed that has more than three percent (3%) of its land in urban land uses and serves a municipality with a population greater than five thousand (5,000).

(5) Whether the designation of the water body as an outstanding state resource water is necessary to protect the unique or special ecological, recreational, or aesthetic significance of the water body.

(g) The commissioner shall present a summary of the comments received from the comment period and information that supports a water body designation as an outstanding state resource water to the environmental quality service council not later than one hundred twenty (120) days after the rule regarding the designation is finally adopted by the board.

(h) Notwithstanding any other provision of this section, the designation of an outstanding state resource water in effect on

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January 1, 2000, remains in effect.

(i) For a water body designated as an outstanding state resource water, the board shall provide by rule procedures that will result in a net improvement in water quality for the outstanding state resource water while also providing for changes and additions to existing permittees' pollutant loadings and allowing for new permits. These procedures must include the following:

(1) A definition of significant lowering of water quality that includes a de minimis quantity of additional pollutant load when a new or increased permit limit is required below which antidegradation implementation procedures do not apply.

(2) Utilization of water quality data that is less than five (5) years old and specific to the outstanding state resource water.

(3) Provisions that:

(A) allow for the use of voluntary water quality projects undertaken in the watershed of the outstanding state resource water that result in demonstrable net environmental improvement in the watershed of the outstanding state resource water;

(B) establish criteria for timely approval of projects described in clause (A);

(C) establish a process for public input in the approval process.

(4) A watershed improvement fee structure to remove requirements for projects described in subdivision (3) upon payment by the permittee of a fee commensurate with the type and quantity of increased pollutant loadings not to exceed five hundred thousand dollars ($500,000) for any one permit.

(5) Criteria for using the watershed improvement fees to fund watershed projects in the watershed that result in improvement in water quality.

(j) For a water body designated as an outstanding state resource water after June 30, 2000, the board shall provide by rule antidegradation implementation procedures for the water body before it is designated.

(k) A water body may be designated as an outstanding national resource water only by the general assembly after recommendations for designation are made by the department and the environmental quality service council.

(l) Before recommending the designation of an outstanding national resource water, the department shall provide for an

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adequate public notice and comment period regarding the designation. The commissioner shall present a summary of the comments and information received during the comment period and the department's recommendation concerning designation to the environmental quality service council not later than ninety (90) days after the end of the comment period. The council shall consider the comments, information, and recommendation received from the department, and shall convey its recommendation concerning designation to the general assembly.

SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "board" refers to the water pollution control board established under IC 13-18-1.**

(b) All waters designated under 327 IAC 2-1.5-19(b) as outstanding state resource waters shall be maintained and protected in their present quality in accordance with 327 IAC 5-2-11.7. Any rule adopted by the board contrary to this standard is void.

(c) Except as provided in subsection (b), 327 IAC 2-1-2 and 327 IAC 2-1-6 are void to the extent that they:

(1) require that an outstanding state resource water must be maintained and protected in its present high quality without degradation; or

(2) provide that a use designation requires that a water must be maintained and protected without degradation.

(d) The board may not:

(1) require that an outstanding state resource water must be maintained and protected in its present high quality without degradation; or

(2) provide that a use designation requires that a water must be maintained and protected without degradation.

(e) Before January 1, 2001, the board shall amend 327 IAC 2-1-2 and 327 IAC 2-1-6 to reflect subsection (c).

(f) This SECTION expires on the earlier of:

(1) the effective date of the rule amendments adopted by the board under subsection (e); or

(2) January 1, 2001.

SECTION 7. [EFFECTIVE UPON PASSAGE] **(a) Before January 1, 2001, the water pollution control board shall amend 327 IAC 2-1-2, 327 IAC 2-1-6(i), and 327 IAC 2-1.5-4 to reflect SECTION 3 of this act.**

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

(1) The effective date of the rule amendment adopted under

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subsection (a).

(2) January 1, 2001.

SECTION 8. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "department" refers to the department of environmental management.**

(b) Before July 1, 2001, the department shall develop and maintain a quality assurance program plan and information management system to assess the validity and reliability of the data used in the implementation of IC 13-18-2-3, as added by this act, and IC 13-18-3-2, as amended by this act.

(c) The department:

(1) shall make data from the information management system under subsection (b) available to the public upon request; and

(2) may charge a reasonable fee to persons requesting the data.

(d) The department shall use the data from the information management system under subsection (b) to review the data as of January 1, 2002, supporting:

(1) the listing of impaired waters under IC 13-18-2-3, as added by this act; and

(2) the special designation of waters under IC 13-18-3-2, as amended by this act.

(e) Before September 1, 2000, the department shall appoint a water quality task force to assess the physical, chemical, and biological data collected and used by the department. The water quality task force is a subcommittee of, and shall report to, the department. The department shall study the issues associated with the implementation of IC 13-18-3-2, including:

(1) surface water assessment methodologies;

(2) program resource needs; and

(3) policy options and rule development recommendations.

(f) The water quality task force appointed under subsection (f) shall include four (4) members of the general assembly, the chairperson of the environmental quality service council, and representatives of the following:

(1) The academic community in the disciplines of biology, chemistry, and hydrology.

(2) The department.

(3) The department of natural resources.

(4) The United States Geological Survey.

(5) Private chemical water testing laboratories.

(6) Industry.

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(7) Agriculture.
(8) Environmental advocacy organizations.
(9) General citizens.
(10) Municipalities.
(11) The water pollution control board.
(12) Local public health officials.
(13) The state department of health.

(g) This SECTION expires October 1, 2002.

SECTION 9. [EFFECTIVE UPON PASSAGE] **(a) Until October 1, 2002, the following apply to a water body designated before October 1, 2002, as an exceptional use water:**

(1) The water body is subject to the net water quality improvement provisions of IC 13-18-3-2(i), as added by this act.

(2) The water body is not subject to a standard of having its water quality maintained and protected without degradation.

(b) Before October 1, 2002, the water pollution control board established under IC 13-18-1 shall:

(1) determine whether, effective October 1, 2002, to designate as an outstanding state water each water designated before October 1, 2002, as an exceptional use water under 327 IAC 2-1-11; and

(2) complete rulemaking to make any designation determined under subdivision (1).

(c) This SECTION expires January 1, 2003.

SECTION 10. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "board" refers to the water pollution control board established under IC 13-18-1.**

(b) Before October 1, 2003, the board shall establish policies and rules to govern the implementation of total maximum daily load requirements of Section 303(d) of the Clean Water Act, 33 U.S.C. 1313(d).

(c) Before July 1, 2000, the chairperson of the environmental quality service council shall appoint a working group of stakeholders with respect to the implementation of maximum daily load requirements as described in subsection (b). The working group shall consider and make recommendations to the department of environmental management and the board on identification of issues, the development of policy options, policy adoption, and rulemaking. The working group shall include representatives from:

(1) the general public;

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(2) municipalities;
(3) industry;
(4) business;
(5) agriculture;
(6) environmental advocacy groups; and
(7) others with a high level of expertise in the subject area to be considered by the working group.

(d) The working group appointed under subsection (c) shall also include the following members, all appointed by the chairperson of the environmental quality service council:

(1) a representative of the environmental quality service council;
(2) a technical secretary; and
(3) a member of the board.

(e) This SECTION expires October 1, 2003.

SECTION 11. **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. 432, 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 "of the" insert "**federal**".

Page 1, line 5, delete "at least".

Page 1, line 6, after "years" insert "**, or at the time interval prescribed in federal regulations, whichever is less**".

Page 1, line 7, delete "only reasonably current," and insert "**all existing and available water quality related information that is**".

Page 1, line 8, delete "data".

Page 2, line 6, delete "fifteen (15)" and insert "**ten (10)**".

Page 2, line 7, after "Agency" insert "**, or by the time prescribed in federal regulations, whichever is sooner**".

Page 2, line 20, delete "at least once every five (5) years".

Page 2, line 22, after "achieved." insert "**The department shall conduct the review once every five (5) years, or at the time interval prescribed in federal regulations, whichever is less.**".

Page 2, line 27, after "governor," insert "**the environmental quality service council,**".

Page 3, line 11, delete "and" and insert "**or**".

Page 3, line 18, delete "not".

Page 3, line 18, delete "an urban or developed" and insert "**a**".

Page 3, line 18, after "watershed" insert "**that has less than three percent (3%) of its land in urban land uses and does not serve a municipality with a population greater than five thousand (5,000)**".

Page 3, line 24, delete "or special" and insert "**ecological, recreational, or aesthetic significance**".

Page 3, line 25, delete "nature".

Page 4, line 20, after "permittees" insert "**as part of the antidegradation implementation procedures**".

Page 4, line 22, delete "waiver" and insert "**watershed improvement**".

Page 4, line 26, delete "waiver" and insert "**watershed improvement**".

Page 5, line 5, after "PASSAGE]" insert "**327 IAC 2-1-2 and**".

Page 5, line 5, delete "is" and insert "**are**".

Page 5, line 6, delete "it requires" and insert "**they require**".

Page 5, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE ON PASSAGE] **(a) As used in this**

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SECTION, "department" refers to the department of environmental management.

(b) Before July 1, 2001, the department shall develop and maintain a data quality assurance management system to assess the validity and reliability of the data used in the implementation of IC 13-18-2-3, as added by this act, and IC 13-18-3-2, as amended by this act.

(c) The department:

(1) shall make data from the data quality assurance management system under subsection (b) available to the public upon request; and

(2) may charge a reasonable fee to persons requesting the data.

(d) The department shall use the data from the data quality assurance management system under subsection (b) to review the data as of January 1, 2002, supporting:

(1) the listing of impaired waters under IC 13-18-2-3, as added by this act; and

(2) the special designation of waters under IC 13-18-3-2, as amended by this act.

(e) If the data supporting a listing of a water body under IC 13-18-2-3, as added by this act, does not conform to the requirements established by the water pollution control board by rule, the department shall not include the water body on the next list submitted to the United States Environmental Protection Agency unless, in the interim before the submission, data satisfying the requirements established by the water pollution control board by rule has been collected or received by the department.

(f) Before January 1, 2001, the department shall appoint a water quality task force to assess the physical, chemical, and biological data collected and used by the department. The water quality task force shall study:

(1) quality assurance protocols;

(2) the need for improved data quality; and

(3) options for:

(A) obtaining and maintaining an adequate data base for water quality standard settings; and

(B) addressing impairments.

(g) The water quality task force appointed under subsection (f) shall include four (4) members of the general assembly and representatives of the following:

(1) The academic community in the disciplines of biology,

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chemistry, and hydrology.
(2) The department.
(3) The department of natural resources.
(4) The United States Geological Survey.
(5) Private chemical water testing laboratories.
(6) Industry.
(7) Agriculture.
(8) Environmental advocacy organizations.
(9) General citizens.
(10) Municipalities.
(11) The water pollution control board.
(12) Local public health officials.
(13) The state department of health.
(h) This SECTION expires July 1, 2002.".
Renumber all sections consecutively.

and when so amended that said bill do pass.

(Reference is to SB 432 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Hume be added as second author of Senate Bill 432.

GARD

SENATE MOTION

Mr. President: I move that Senate Bill 432 be amended to read as follows:

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

"SECTION 1. IC 13-11-2-149.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 149.5. "Outstanding national resource water", for purposes of IC 13-18-3, has the meaning set forth in IC 13-18-3-2(b).**

SECTION 2. IC 13-11-2-149.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOW [EFFECTIVE JULY 1, 2000]: **Sec. 149.6. "Outstanding state resource water", for purposes of IC 13-18-3, has the meaning set forth in IC 13-18-3-2(c).**

SECTION 3. IC 13-11-2-265.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 265.5. "Watershed", for purposes of IC 13-18-3, has the meaning set forth in IC 14-8-2-310.**".

Page 1, line 4, after "with" insert "**federal regulations implementing**".

Page 1, line 5, delete "once every five (5)".

Page 1, delete line 6.

Page 1, line 7, delete "whichever is less".

Page 1, line 8, after "and" insert "**readily**".

Page 1, line 9, after "quality" insert "**data and**".

Page 1, line 9, delete "that is credible, representative,".

Page 1, line 10, delete "and scientifically defensible".

Page 1, line 10, delete "list shall be adopted by rule" and insert "**department, before submitting the list to the United States Environmental Protection Agency, shall:**

(1) publish the list in the Indiana Register;

(2) make the list available for public comment for at least ninety (90) days; and

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(3) present the list to the board.

If the United States Environmental Protection Agency changes the list, the board shall publish the changes in the Indiana Register and conduct a public hearing withing ninety (90) days after receipt of the changes.".

Page 1, delete lines 11 through 12.

Page 1, line 16, delete "The criteria for removing a water from".

Page 1, delete line 17.

Page 2, delete line 1.

Page 2, line 8, after "developed" insert "**using a phased approach**".

Page 2, line 8, delete "ten (10)" and insert "**fifteen (15)**".

Page 2, line 11, delete "equitable" and insert "**fair**".

Page 2, line 13, after "loads." insert "**The department shall consider public input before making the allocation.**".

Page 2, line 14, delete "environmental, economic, and".

Page 2, line 21, delete "Once a total maximum daily load or an implementation plan" and insert "**The total maximum daily load implementation plan shall at a minimum provide for follow up monitoring of the impaired water body and any necessary revision of the total maximum daily load allocations in order to assure compliance with water quality standards. To ensure that the water quality standards are attained and maintained, the department shall review the status of the impaired water body in accordance with the monitoring plan as set forth in the total maximum daily load implementation plan.**".

Page 2, delete lines 22 through 30.

Page 2, line 32, after "council," insert "**the board,**".

Page 3, line 5, delete "body" and insert "**designated as such by the general assembly. The designation shall describe the quality of the outstanding national resource water to serve as the benchmark of the water quality that shall be maintained and protected. Waters that may be considered for designation as outstanding national resource waters include water bodies that are recognized as:**

(1) important because of protection through official action, such as:

(A) federal or state law;

(B) presidential or secretarial action;

(C) international treaty; or

(D) interstate compact;

(2) having exceptional recreational significance;

(3) having exceptional ecological significance;

(4) having other special environmental, recreational, or

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ecological attributes; or

(5) waters with respect to which designation as an outstanding national resource water is reasonably necessary for protection of other water bodies designated as outstanding national resource waters.".

Page 3, delete lines 6 through 12.

Page 3, line 13, delete "body:" and insert "**designated as such by the board. Waters that may be considered for designation as outstanding state resource waters include water bodies that have unique or special ecological, recreational, or aesthetic significance.**".

Page 3, delete lines 14 through 17.

Page 3, line 20, delete "the following:" and insert "**that the water body has a unique or special ecological, recreational, or aesthetic significance.**".

Page 3, delete lines 21 through 32.

Page 3, line 36, after "analyses," insert "**presented by any interested party,**".

Page 4, between lines 2 and 3, begin a new line block indented and insert:

"**(4) Whether the designation of the water body as an outstanding state resource water will have a significant adverse effect on future population, development, and economic growth in the watershed, if the water body is in a watershed that has more than three percent (3%) of its land in urban land uses and serves a municipality with a population greater than five thousand (5,000).**

(5) Whether the designation of the water body as an outstanding state resource water is necessary to protect the unique or special ecological, recreational, or aesthetic significance of the water body.".

Page 4, line 14, delete "an overall" and insert "**a net**".

Page 4, line 14, delete "watershed" and insert "**water**".

Page 4, line 14, after "quality" insert "**for the outstanding state resource water**".

Page 4, line 19, after "load" insert "**when a new or increased permit limit is required**".

Page 4, delete lines 24 through 29, begin a new line block indented and insert:

"**(3) Provisions that:**

(A) allow for the use of voluntary water quality projects undertaken in the watershed of the outstanding state

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resource water that result in demonstrable net environmental improvement in the watershed of the outstanding state resource water;

(B) establish criteria for timely approval of projects described in clause (A);

(C) establish a process for public input in the approval process.".

Page 4, line 32, after "fee" insert "**commensurate with the type and quantity of increased pollutant loadings**".

Page 4, line 32, delete "two" and insert "**five**".

Page 4, line 33, delete "($200,000)" and insert "**($500,000)**".

Page 4, line 34, after "using" insert "**the**".

Page 4, line 35, delete "improvement" and insert "**watershed**".

Page 4, line 35, after "watershed" insert "**that result in improvement in water quality**".

Page 5, line 13, delete "327 IAC 2-1-2 and" and insert "**(a) As used in this SECTION, "board" refers to the water pollution control board established under IC 13-18-1.**

(b) All waters designated under 327 IAC 2-1.5-19(b) as outstanding state resource waters shall be maintained and protected in their present quality in accordance with 327 IAC 5-2-11.7. Any rule adopted by the board contrary to this standard is void.

(c) Except as provided in subsection (b), 327 IAC 2-1-2 and 327 IAC 2-1-6 are void to the extent that they:

(1) require that an outstanding state resource water must be maintained and protected in its present high quality without degradation; or

(2) provide that a use designation requires that a water must be maintained and protected without degradation.

(d) The board may not:

(1) require that an outstanding state resource water must be maintained and protected in its present high quality without degradation; or

(2) provide that a use designation requires that a water must be maintained and protected without degradation.

(e) Before January 1, 2001, the board shall amend 327 IAC 2-1-2 and 327 IAC 2-1-6 to reflect subsection (c).

(f) This SECTION expires on the earlier of:

(1) the effective date of the rule amendments adopted by the board under subsection (e); or

(2) January 1, 2001.".

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Page 5, delete lines 14 through 20.

Page 5, line 22, after "amend" insert "**327 IAC 2-1-2, 327 IAC 2-1-6(i), and**".

Page 5, line 28, delete "ON" and insert "UPON".

Page 5, line 32, delete "data".

Page 5, line 32, after "assurance" insert "**program plan and information**".

Page 5, line 37, delete "data quality assurance" and insert "**information**".

Page 5, line 42, delete "data quality" and insert "**information**".

Page 6, line 1, delete "assurance".

Page 6, delete lines 7 through 14.

Page 6, line 15, delete "(f)" and insert "**(e)**".

Page 6, line 15, delete "January 1, 2001" and insert "**September 1, 2000**".

Page 6, line 17, after "department." insert "**The water quality task force is a subcommittee of, and shall report to, the department.**".

Page 6, line 17, delete "water quality task" and insert "**department**".

Page 6, line 18, delete "force".

Page 6, line 18, after "study" insert "**the issues associated with the implementation of IC 13-18-3-2, including**".

Page 6, delete lines 19 through 24, begin new line block indented and insert:

"**(1) surface water assessment methodologies;**

(2) program resource needs; and

(3) policy options and rule development recommendations.".

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

Page 6, line 26, after "assembly" insert "**, the chairperson of the environmental quality service council,**".

Page 6, line 42, delete "(h)" and insert "**(g)**".

Page 6, line 42, delete "July" and insert "**October**".

Page 6, after line 42, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) Until October 1, 2002, the following apply to a water body designated before October 1, 2002, as an exceptional use water:**

(1) The water body is subject to the net water quality improvement provisions of IC 13-18-3-2(i), as added by this act.

(2) The water body is not subject to a standard of having its water quality maintained and protected without degradation.

(b) Before October 1, 2002, the water pollution control board established under IC 13-18-1 shall:

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(1) determine whether, effective October 1, 2002, to designate as an outstanding state water each water designated before October 1, 2002, as an exceptional use water under 327 IAC 2-1-11; and

(2) complete rulemaking to make any designation determined under subdivision (1).

(c) This SECTION expires January 1, 2003.

SECTION 7. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "board" refers to the water pollution control board established under IC 13-18-1.**

(b) Before October 1, 2003, the board shall establish policies and rules to govern the implementation of total maximum daily load requirements of Section 303(d) of the Clean Water Act, 33 U.S.C. 1313(d).

(c) Before July 1, 2000, the chairperson of the environmental quality service council shall appoint a working group of stakeholders with respect to the implementation of maximum daily load requirements as described in subsection (b). The working group shall consider and make recommendations to the department of environmental management and the board on identification of issues, the development of policy options, policy adoption, and rulemaking. The working group shall include representatives from:

(1) the general public;

(2) municipalities;

(3) industry;

(4) business;

(5) agriculture;

(6) environmental advocacy groups; and

(7) others with a high level of expertise in the subject area to be considered by the working group.

(d) The working group appointed under subsection (c) shall also include the following members, all appointed by the chairperson of the environmental quality service council:

(1) a representative of the environmental quality service council;

(2) a technical secretary; and

(3) a member of the board.

(e) This SECTION expires October 1, 2003.".

Renumber all SECTIONS consecutively.

(Reference is to SB 432 as printed January 26, 2000.)

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