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# HOUSE BILL No. 1245

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-18-17-6.

**Synopsis:** Community public water supply systems. Requires the water pollution control board to adopt or amend rules to establish protection zones around community public water supply systems. Provides that the rules and related zoning rules must: (1) establish a notice and hearing procedure; (2) set forth the contents of a written notice; and (3) establish an enforcement mechanism.

**Effective:** July 1, 2011.

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January 12, 2011, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1245



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

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

1 SECTION 1. IC 13-18-17-6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) The board shall  
3 adopt rules **or amend existing rules** under IC 4-22-2 to establish  
4 protection zones around community ~~public water system wells~~ **supply**  
5 **systems. Rules adopted or amended under this subsection and any**  
6 **zoning under IC 36-7 to establish protection zones around**  
7 **community public water supply systems must do the following:**

8 (1) Establish a procedure to provide written notice and an  
9 opportunity for hearing to the following persons located  
10 within a five (5) year time of travel (as defined in 327  
11 IAC 8-4.1-1(25)) to the community public water supply  
12 system:

- 13 (A) An owner of land.
- 14 (B) A mineral owner.
- 15 (C) A mineral leaseholder of record.

16 (2) Require the notice giver to describe in plain language the  
17 impact that establishment of the protection zone and the



1 construction of the community public water supply system  
2 will have on property rights, land, and water located within  
3 a five (5) year time of travel (as defined in 327  
4 IAC 8-4.1-1(25)) to the community public water supply  
5 system, including the following:

6 (A) Any restrictions on activities performed by a person  
7 described in subdivision (1).

8 (B) Mandatory remediation and cleanup of discharged or  
9 spilled contaminants.

10 (C) Potential applicability of federal rules or regulations  
11 concerning protection zones and groundwater.

12 (3) Establish an enforcement mechanism for a person that is  
13 required to, but fails to, comply with the notice requirements  
14 set forth in subdivision (1).

15 (b) The state agencies referred to in section 5(b) of this chapter may  
16 not permit activities within the zones established under subsection (a)  
17 that would violate the rules or interfere with the purposes of the rules.

18 (c) The department shall establish and operate a program of  
19 education and assistance to local officials in developing and managing  
20 well field protection zones.

21 (d) The rules adopted under subsection (a) or any zoning under  
22 IC 36-7 to establish protection zones around community water system  
23 wells may not restrict any activity by:

- 24 (1) an owner of land;
- 25 (2) a mineral owner; or
- 26 (3) a mineral leaseholder of record;

27 unless the owner or leaseholder is sent written notice of, and has an  
28 opportunity to be heard on, the establishment of the zone and the  
29 construction of the community public water system that caused the  
30 establishment of the zone:

31 (e) (d) A person that:

- 32 (1) requests a permit for construction of a community public  
33 water supply system; or
- 34 (2) establishment of a well field protection zone;

35 is responsible for any the notice requirements the board establishes: set  
36 forth in rules adopted by the board under subsection (a).

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