

Members

Rep. Gary Cook, Chairperson
Rep. Susan Crosby
Rep. Ron Herrell
Rep. William Friend
Rep. Jack Lutz
Rep. Michael Smith
Sen. Harold Wheeler, Vice-Chairperson
Sen. Johnny Nugent
Sen. John Waterman
Sen. James Lewis
Sen. Katie Wolf
Sen. Richard Young



WATER RESOURCES STUDY COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9588 Fax: (317) 232-2554

LSA Staff:

Irma Reinumagi, Attorney for the Committee
Bernadette Bartlett, Fiscal Analyst for the Committee

Authority: IC 2-5-25

MEETING MINUTES¹

Meeting Date: August 28, 2000
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 125
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. Gary Cook, Chairperson; Rep. William Friend; Rep. Jack Lutz; Rep. Michael Smith; Sen. Harold Wheeler, Vice-Chairperson; Sen. John Waterman; Sen. James Lewis; Sen. Richard Young.

Members Absent: Rep. Susan Crosby; Rep. Ron Herrell; Sen. Johnny Nugent; Sen. Katie Wolf.

The chairperson called the meeting to order at 10:10 A.M. and introduced the members. He then began an overview of the Committee's charges.

HB 1076 - 2000, which would have required the Committee to review the need for revisions in the law on regulated drains and, if appropriate, prepare legislation to make revisions in the law, did not receive a hearing in the Senate. The chairperson asked for discussion concerning whether the Committee wished to pursue the issues presented in the bill.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Sen. Wheeler provided background on the development of the current law on regulated drains, including the work put into the handbook used by county officials. He stated that he would hesitate to revisit the issue.

Jim Hebenstreit, Department of Natural Resources (DNR), explained that the handbook came about as a result of problems in obtaining permits. Currently, DNR meets with draining boards before the permitting process begins, assisting them in setting conditions before taking construction bids. While this seems to have helped the process, there still remain some issues to be resolved.

Sen. Wheeler stated that runoff from paved surfaces is a continuing problem in many areas. As construction changes the contours of land, runoff and flooding can occur, for which the only remedy for property owners is civil action in court, as there is no enforcement mechanism by either the state or counties.

Mark Thornburg, Farm Bureau, commented that the difficulty is often in determining where the common enemy doctrine governing diffuse water ends and regulated drainage law begins.

John Stevens, Wabash County surveyor, stated that the drainage code seems to be working well at this point, as it covers most issues that arise. He said that working with DNR and IDEM has been helpful to surveyors and drainage boards. Mr. Stevens also said that the drainage code does permit obstruction problems to come before drainage boards, which means that property owners do not always have to go to court. According to Mr. Stevens, most counties and cities have or are adopting ordinances that adopt standards for storm water drainage, but this is a continuing process that can best be addressed locally, as conditions vary throughout the state. In a platted subdivision, drainage issues should be addressed as part of the subdivision plan, and so the county surveyor has authority to enforce the drainage plan. Currently, any subdivision of five acres or more must be permitted through the area soil and water conservation district and through DNR.

Linda Ann Platz, Clinton County surveyor, stated that retention ponds have solved many water runoff problems in subdivisions.

Rep. Friend suggested that more responsibility could be given to soil and water conservation districts under the Clean Water Indiana Act of 1999. A climate could be created in which the district supervisors work with county surveyors, thus giving surveyors some access to the federal funds that the districts can use. He suggested that this is an issue the Committee might wish to examine.

Sen. Young said that in his area district supervisors often do work closely with surveyors. He stated that districts in his area would like to obtain funding to clean up sinkholes (a common feature in Karst systems) that have been filled, and that drain into underground water systems. In addition, Sen. Young asked whether DNR could give an update on planning for dry water events (low flow events) at a later meeting.

Mr. Hebenstreit stated that DNR began meeting with the State Emergency Management Agency (SEMA) last October to coordinate the agencies' roles during water shortage events. However, it then began raining, and it was not necessary to begin to implement the low flow plan. He pointed out that the current plan does not set forth a method to deal with conflicting uses, and so perhaps should be examined to establish priorities.

Krista Jones, Indiana Association of Soil and Water Conservation Districts, offered to provide the Committee with more information concerning the Clean Water Act and the

districts' roles.

The Committee decided to hear presentations from DNR and the Association of Soil and Water Conservation Districts at its next meeting, scheduled for August 19. The meeting was adjourned at 11:05 A.M.