



January 26, 2018

HOUSE BILL No. 1096

DIGEST OF HB 1096 (Updated January 24, 2018 12:14 pm - DI 55)

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

Synopsis: Construction requirements of MS4 operators. Prohibits the person responsible for development, implementation, or enforcement of the requirements established by a city, town, conservancy district, or other public or private entity that owns, operates, or maintains a regulated municipal separate storm sewer system (MS4) from imposing construction site run-off control requirements more stringent than the construction site run-off control requirements established by the general permit authorized by the article of the Indiana administrative code on the National Pollutant Discharge Elimination System (NPDES) general permit rule program.

Effective: July 1, 2018.

Culver, Wolkins, Miller D

January 3, 2018, read first time and referred to Committee on Environmental Affairs.
January 25, 2018, amended, reported — Do Pass.

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January 26, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1096

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 13-11-2-41.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: **Sec. 41.5. "Construction site run-off**
4 **control requirements", for purposes of IC 13-18-26, has the**
5 **meaning set forth in IC 13-18-26-2.**

6 SECTION 2. IC 13-11-2-130.6 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2018]: **Sec. 130.6. "MS4 operator", for**
9 **purposes of IC 13-18-26, has the meaning set forth in**
10 **IC 13-18-26-3.**

11 SECTION 3. IC 13-18-26 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2018]:

14 **Chapter 26. Limit on MS4 Operator's Construction Site Run-off**
15 **Control Requirements**

16 **Sec. 1. As used in this chapter, "327 IAC 15" refers to the**
17 **administrative rules of the environmental rules board concerning**

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1 National Pollutant Discharge Elimination System (NPDES) general
2 permits.
3 Sec. 2. As used in this chapter, "construction site run-off control
4 requirements" means requirements intended to prevent erosion
5 and sediment runoff from construction sites by mandating the use
6 of anchored mulch, open vegetated swales and buffer strips, the
7 minimization of land disturbance and surface imperviousness, and
8 similar measures.
9 Sec. 3. As used in this chapter, "MS4 operator" means the
10 person responsible for development, implementation, or
11 enforcement of the requirements established by a city, town,
12 conservancy district, or other public or private entity that:
13 (1) owns, operates, or maintains a regulated municipal
14 separate storm sewer system (MS4); and
15 (2) is required by the general permit authorized by 327
16 IAC 15 to develop a storm water quality management plan
17 that includes a commitment to develop an erosion and
18 sediment control program for construction activities that
19 disturb one (1) or more acres of land within the MS4 area.
20 Sec. 4. An MS4 operator may not impose construction site
21 run-off control requirements that are more stringent than the
22 construction site run-off control requirements established by the
23 general permit authorized by 327 IAC 15.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1096, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after ""Construction" insert "**site run-off control**".

Page 1, line 14, after "Construction" insert "**Site Run-off Control**".

Page 1, line 16, delete "15-5"" and insert "**15**".

Page 1, line 17, delete "rule" and insert "**rules**".

Page 2, line 1, delete "storm water runoff associated with construction activity." and insert "**National Pollutant Discharge Elimination System (NPDES) general permits.**".

Page 2, line 2, after "construction" insert "**site run-off control**".

Page 2, line 8, after "means" insert "**the person responsible for development, implementation, or enforcement of the requirements established by**".

Page 2, line 9, after "other" insert "**public or private**".

Page 2, line 12, after "by" insert "**the general permit authorized by**".

Page 2, line 12, delete "15-13" and insert "**15**".

Page 2, line 16, delete "area of the MS4 operator." and insert "**area.**".

Page 2, line 17, after "construction" insert "**site run-off control**".

Page 2, line 18, after "construction" insert "**site run-off control**".

Page 2, line 19, after "by" insert "**the general permit authorized by**".

Page 2, line 19, delete "15-5." and insert "**15.**".

and when so amended that said bill do pass.

(Reference is to HB 1096 as introduced.)

WOLKINS

Committee Vote: yeas 9, nays 3.

