

HOUSE BILL No. 1291

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-149; IC 13-18-4.

Synopsis: Fertilizer runoff and Lake Michigan discharges. Amends the water pollution control law effective July 1, 2020, to: (1) eliminate an exception to the prohibition against causing water pollution that applies to fertilizer run off from a field in a storm event if the fertilizer was applied to the land in compliance with rules of the state chemist; (2) eliminate a requirement that the commissioner of the department of environmental management allow for a mixing zone in a permit that involves a discharge into Lake Michigan if the permit applicant can demonstrate that the mixing zone will not cause harm to human health or aquatic life; and (3) eliminate a provision under which the commissioner, in issuing a permit authorizing a discharge into a mixing zone in Lake Michigan, is required to allow for mixing initiated by the use of submerged, high rate diffuser outfall structures (or their equivalent) that provide turbulent initial mixing and minimize organism exposure times.

Effective: July 1, 2018.

Dvorak

January 16, 2018, read first time and referred to Committee on Natural Resources.



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. 1291

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 13-11-2-149 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 149. (a) "Outfall", for
3 purposes of IC 13-18-4-8, means the point of discharge from a point
4 source.

5 (b) **This section expires July 1, 2020.**

6 SECTION 2. IC 13-18-4-5, AS AMENDED BY P.L.189-2011,
7 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2018]: Sec. 5. (a) ~~Except as provided in subsection (b)~~; A
9 person may not:

- 10 (1) throw, run, drain, or otherwise dispose; or
- 11 (2) cause, permit, or suffer to be thrown, run, drained, allowed to
12 seep, or otherwise disposed;

13 into any of the streams or waters of Indiana any organic or inorganic
14 matter that causes or contributes to a polluted condition of any of the
15 streams or waters of Indiana, as determined by a rule of the board
16 adopted under sections 1 and 3 of this chapter.

17 (b) Subsection (a) does not apply to organic or inorganic matter that



1 consists of fertilizer material contained in:

- 2 (1) runoff from a storm event; or
 3 (2) irrigation return flow;

4 entering the waters of Indiana as a result of land application of fertilizer
 5 material in compliance with rules adopted by the state chemist under
 6 IC 15-16-2-44. **This subsection expires July 1, 2020.**

7 (c) The department shall request documentation of compliance with
 8 subsection (b) before a notice of violation can be issued. **This**
 9 **subsection expires July 1, 2020.**

10 (d) A person has thirty (30) days to submit documentation after
 11 receiving a request under subsection (c). **This subsection expires July**
 12 **1, 2020.**

13 (e) The department may issue a notice of violation for failure to
 14 comply with subsection (d). No notice of violation can be issued if the
 15 department determines that a person complied with subsection (b).
 16 **This subsection expires July 1, 2020.**

17 (f) Before the rules for land application of fertilizer materials
 18 adopted under IC 15-16-2-44 by the state chemist take effect, a person
 19 may meet the requirements under subsection (b) if the person maintains
 20 documentation of compliance with:

- 21 (1) the conditions for land application of manure requirements
 22 under IC 13-18-10; or
 23 (2) the National Resources Conservation Services land
 24 application standards.

25 **This subsection expires July 1, 2020.**

26 (g) Subsection (b) does not affect liability for killing wild animals
 27 under IC 14-22-10-6. **This subsection expires July 1, 2020.**

28 SECTION 3. IC 13-18-4-7 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) Notwithstanding
 30 any rules of the board, the commissioner shall allow for a mixing zone
 31 in permits that involve a discharge into Lake Michigan if the applicant
 32 can demonstrate to the commissioner that the mixing zone will not
 33 cause harm to human health or aquatic life.

34 (b) For mixing zones allowed under subsection (a), surface water
 35 quality standards for bioaccumulative chemicals of concern shall be
 36 applied to the undiluted discharge, rather than at a point outside the
 37 mixing zone.

38 **(c) This section expires July 1, 2020.**

39 SECTION 4. IC 13-18-4-8 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) In issuing permits
 41 authorizing discharge induced mixing, the commissioner shall allow for
 42 mixing initiated by the use of:



- 1 (1) submerged, high rate diffuser outfall structures; or
- 2 (2) the functional equivalent of submerged, high rate diffuser
- 3 outfall structures;
- 4 that provide turbulent initial mixing and minimize organism exposure
- 5 times.
- 6 **(b) This section expires July 1, 2020.**

