

Second Regular Session 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.

## SENATE ENROLLED ACT No. 178

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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 14-29-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A permit issued under this chapter must include the following conditions:

- (1) The permittee shall give bond in the amount and with surety approved by the department for full and prompt compliance with the terms and conditions of the permit.
- (2) The permittee shall, monthly or quarterly as the department stipulates, make to the department a verified report and full account and payment for all mineral or substance taken during the preceding month or quarter.
- (3) The department may, at any time in reasonable hours, inspect the following:
  - (A) All books, papers, and records of the permittee relating to the account.
  - (B) The works and workings of the permittee.
- (4) The department may revoke or suspend the permit for the failure of the permittee to comply with this chapter or with the terms and conditions of the permit.
- (5) Subject to suspension or revocation, the permit will remain in force for the period that the department determines, not to exceed five (5) years from the date of issuance. However, the permit may be renewed by the permittee by written application filed with the

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department six (6) months before expiration of the permit.

(6) The works, workings, and operations under the permit must not do any of the following:

(A) Impede the navigation of the water.

(B) Damage or endanger a bridge, highway, railroad, public work, utility, or the property of a riparian owner or adjoining proprietor or adjacent permittee.

(C) Endanger the lives of individuals.

(7) The permittee shall take the measures, to be determined by the department and stipulated in the permit, that are reasonable to avoid the damage and danger.

**(8) Except as provided in subsections (c) and (d), if the permittee takes sand from the bed or from under the bed of Lake Michigan, the sand may only be deposited on the beach of Lake Michigan and may not be removed to any other place or used for any other purpose.**

(b) The department may also prescribe other reasonable conditions in the permit that are in the best interests of the state.

**(c) A permittee that, in accordance with permit conditions, dredges not more than ten (10) cubic yards of sand from the bed or from under the bed of Lake Michigan within a period of thirty (30) days is exempt from subsection (a)(8) with respect to that quantity of sand.**

**(d) Notwithstanding subsection (a)(8), if the director determines that sand taken from the bed or from under the bed of Lake Michigan contains a toxic material (as defined in IC 13-11-2-233) or a substance that is potentially harmful to human health or to the environment, the sand shall be disposed of in a manner consistent with IC 13-22.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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