



January 14, 2020

SENATE BILL No. 229

DIGEST OF SB 229 (Updated January 13, 2020 1:40 pm - DI 133)

Citations Affected: IC 13-18.

Synopsis: Maintenance of regulated drains. Provides that a permit is not required from the Indiana department of environmental management for the reconstruction or maintenance of regulated drains for purposes of the law concerning state regulated wetlands.

Effective: July 1, 2020.

Spartz

January 6, 2020, read first time and referred to Committee on Environmental Affairs.
January 13, 2020, reported favorably — Do Pass.

SB 229—LS 6809/DI 129



January 14, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 229

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 13-18-22-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as
3 provided in subsection (b), a person proposing a wetland activity in a
4 state regulated wetland must obtain a permit under this chapter to
5 authorize the wetland activity.
6 (b) A permit is not required for the following wetland activities:
7 (1) The discharge of dirt, sand, rock, stone, concrete, or other
8 inert fill materials in a de minimis amount.
9 (2) A wetland activity at a surface coal mine for which the
10 department of natural resources has approved a plan to:
11 (A) minimize, to the extent practical using best technology
12 currently available, disturbances and adverse effects on fish
13 and wildlife;
14 (B) otherwise effectuate environmental values; and
15 (C) enhance those values where practicable.
16 (3) Any activity listed under Section 404(f) of the Clean Water
17 Act, including:

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- 1 (A) normal farming, silviculture, and ranching activities, such
 2 as plowing, seeding, cultivating, minor drainage, harvesting
 3 for the production of food, fiber, and forest products, or upland
 4 soil and water conservation practices;
- 5 (B) maintenance, including emergency reconstruction of
 6 recently damaged parts, of currently serviceable structures
 7 such as dikes, dams, levees, groins, riprap, breakwaters,
 8 causeways, and bridge abutments or approaches, and
 9 transportation structures;
- 10 (C) construction or maintenance of farm or stock ponds or
 11 irrigation ditches, or the maintenance of drainage ditches;
- 12 (D) construction of temporary sedimentation basins on a
 13 construction site that does not include placement of fill
 14 material into the navigable waters; and
- 15 (E) construction or maintenance of farm roads or forest roads,
 16 or temporary roads for moving mining equipment, where the
 17 roads are constructed and maintained, in accordance with best
 18 management practices, to assure that:
- 19 (i) flow and circulation patterns and chemical and biological
 20 characteristics of the navigable waters are not impaired;
- 21 (ii) the reach of the navigable waters is not reduced; and
- 22 (iii) any adverse effect on the aquatic environment will be
 23 otherwise minimized.
- 24 **(4) The reconstruction or maintenance (as defined in**
 25 **IC 36-9-27-2) of a regulated drain (as defined in**
 26 **IC 36-9-27-2).**
- 27 (c) The goal of the permitting program for wetland activities in state
 28 regulated wetlands is to:
- 29 (1) promote a net gain in high quality isolated wetlands; and
- 30 (2) assure that compensatory mitigation will offset the loss of
 31 isolated wetlands allowed by the permitting program.



COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 229, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 229 as introduced.)

MESSMER, Chairperson

Committee Vote: Yeas 6, Nays 2

