

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.

## HOUSE ENROLLED ACT No. 1309

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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 13-11-2-91.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 91.5. "Great Lakes system", for purposes of IC 13-14-8-9, means all of the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes within the United States.**

SECTION 2. IC 13-14-8-9, AS AMENDED BY P.L.147-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) A variance from a water quality standard that is at least in part the basis of a National Pollutant Discharge Elimination System (NPDES) permit issued under this title must meet the conditions specified in:

- (1) 40 CFR ~~Part~~ 132, Appendix F, Procedure ~~2-C~~; **2, in the case of waters within the Great Lakes system; and**
- (2) 40 CFR 131.14; and**
- ~~(2)~~ **(3) rules adopted by the board.**

**(b) A variance from a water quality standard issued for waters within the Great Lakes system must meet the requirements of:**

- (1) 40 CFR 131.14; and**
- (2) 40 CFR 132;**

**as applicable. If two (2) or more inconsistent requirements could apply under 40 CFR 131.14 and 40 CFR 132 to a variance for**

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**waters within the Great Lakes system, the more stringent requirement applies to the variance.**

~~(b)~~ **(c)** With respect to a variance relating to an NPDES permit for a combined sewer overflow discharge, this subsection is satisfied if the NPDES permit holder has prepared a long term control plan and is implementing the nine (9) minimum controls pursuant to:

- (1) 33 U.S.C. 1342(q); and
- (2) 59 FR 18688.

~~(c)~~ **(d)** ~~Subject to subsection (d); A variance described in subsection (a) may be granted under this section for a period not to exceed the term of the NPDES permit affected by the variance. as follows:~~

**(1) For waters within the Great Lakes system, not more than five (5) years.**

**(2) For waters outside the Great Lakes system, any period that does not exceed a term authorized under 40 CFR 131.14.**

**However, a variance issued under this section for a period of more than five (5) years must be reevaluated in accordance with the requirements of 40 CFR 131.14.**

~~(d)~~ **(e)** ~~Except as provided in subsection (d), if an NPDES permit remains in effect beyond its stated term under IC 13-15-3-6, a variance described in subsection (a) issued under this section remains in effect for as long as the NPDES permit requirements affected by the variance are in effect.~~

~~(e)~~ **(f)** ~~A variance described in subsection (a) may be renewed each time the NPDES permit affected by the variance is renewed if the conditions of subsections (a) and (b) continue to be met. An application for a variance relating to an NPDES permit may be submitted under this section at any time before or after the issuance, renewal, or modification of the NPDES permit.~~

SECTION 3. IC 13-18-11-4, AS AMENDED BY P.L.147-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The commissioner shall issue certificates attesting to the competency of operators. A certificate must indicate the classification of works, plant, or system that the operator is qualified to supervise.

(b) If the successful passage of a certification examination is generally required for the issuance of a particular certificate under this chapter, the department shall ~~administer~~ **ensure that** the certification examination **is administered** to candidates for the certificate at least once per year.

(c) The commissioner may authorize an independent third party to administer certification examinations ~~in addition to the examinations~~



~~administered by the department under described in~~ subsection (b). A third party administering an examination under this subsection may require a candidate taking the examination to pay the third party a fee in addition to paying the department the fee required by section 5 of this chapter.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

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

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