

# SENATE BILL No. 271

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-1.2-11.5; IC 13-11-2; IC 13-18-28; IC 14-25-7.

**Synopsis:** Water resource management. Makes the Indiana finance authority (authority) the entity with primary authority for the gathering, interpretation, and dissemination of Indiana water resource data. Requires the authority to coordinate and facilitate statewide water resource planning in Indiana. Defines "water supply reservoir" as a body of water that was formed by the construction of a dam and from which water is drawn by a water treatment plant that provides water utility service to the public. Provides that effluent from a wastewater treatment plant shall not be discharged into: (1) a water supply reservoir; (2) a stream that flows into a water supply reservoir; or (3) a wetland associated with a stream that flows into a water supply reservoir; through a pipeline more than 10 miles in length.

**Effective:** July 1, 2024.

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## Ford J.D.

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January 16, 2024, read first time and referred to Committee on Utilities.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## SENATE BILL No. 271

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-1.2-11.5-3, AS AMENDED BY P.L.10-2019,  
2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 3. The authority shall **do the following:**  
4 (1) Monitor and study events and conditions that bear upon the  
5 ability of utilities to provide clean and safe drinking water in  
6 Indiana for the foreseeable future, including the ability of utilities  
7 to directly or indirectly fund the increasing costs of meeting  
8 governmental requirements.  
9 (2) **Gather, interpret, and disseminate water resource data,**  
10 **and coordinate the gathering, interpretation, and**  
11 **dissemination of water resource data in Indiana.**  
12 (3) **Coordinate and facilitate statewide water resource**  
13 **planning.**  
14 (4) **Perform quality assurance review under IC 14-25-7-18 of**  
15 **water resources data compiled from the reports submitted**  
16 **under IC 14-25-7-15 by owners of significant water**  
17 **withdrawal facilities.**



1 SECTION 2. IC 5-1.2-11.5-4, AS AMENDED BY P.L.10-2019,  
 2 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2024]: Sec. 4. The powers of the authority under section 3  
 4 **3(1)** of this chapter include the following:

- 5 (1) Assessing issues related to service line ownership and  
 6 replacement.
- 7 (2) Assessing the challenges that utilities are likely to encounter  
 8 as they become subject to more stringent governmental  
 9 requirements.
- 10 (3) Studying cost recovery mechanisms that enable utilities to  
 11 respond quickly to system needs.
- 12 (4) Monitoring the growing costs for utilities in complying with  
 13 consent decrees related to governmental requirements.
- 14 (5) Studying regional water ownership issues, including  
 15 cross-border issues.

16 SECTION 3. IC 5-1.2-11.5-4.1 IS ADDED TO THE INDIANA  
 17 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2024]: **Sec. 4.1. The powers of the authority**  
 19 **under section 3(2) of this chapter include the following:**

- 20 **(1) Collecting water resource data from sources throughout**  
 21 **Indiana, including the following:**
  - 22 **(A) The department of natural resources and the natural**  
 23 **resources commission.**
  - 24 **(B) The Indiana geological and water survey established by**  
 25 **IC 21-47-2.**
  - 26 **(C) The reports submitted under IC 14-25-7-15 by owners**  
 27 **of significant water withdrawal facilities.**
  - 28 **(D) Universities and colleges.**
  - 29 **(E) Water utilities.**
  - 30 **(F) The volunteer monitoring program established under**  
 31 **IC 14-25-7-12.5.**
  - 32 **(G) Other owners and operators of groundwater**  
 33 **monitoring wells.**
- 34 **(2) Establishing a central repository or data base of**  
 35 **information on water resources throughout Indiana.**
- 36 **(3) Recognizing deficiencies in the available data about**  
 37 **Indiana water resources and taking action to remedy those**  
 38 **deficiencies.**
- 39 **(4) Analyzing and facilitating the analysis of data about**  
 40 **Indiana water resources.**
- 41 **(5) Providing water resource data and analysis of water**  
 42 **resource data to:**



- 1 (A) the governor;  
 2 (B) the general assembly;  
 3 (C) state agencies;  
 4 (D) water utilities;  
 5 (E) local governmental entities;  
 6 (F) water resource boards, councils, or other entities  
 7 established in study areas under section 5(c) of this  
 8 chapter; and  
 9 (G) other public sector and private sector entities.  
 10 (6) Employing staff having academic and professional  
 11 qualifications appropriate to the gathering, interpretation,  
 12 and dissemination of water resource data.

13 SECTION 4. IC 5-1.2-11.5-4.2 IS ADDED TO THE INDIANA  
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2024]: **Sec. 4.2. The powers of the authority**  
 16 **under section 3(3) of this chapter include the following:**

- 17 (1) **Promoting and participating in statewide water resource**  
 18 **planning to ensure that:**  
 19 (A) **ample water resources will be available throughout the**  
 20 **state to meet future agricultural, municipal, industrial, and**  
 21 **recreational water needs;**  
 22 (B) **water resources are conserved and used wisely; and**  
 23 (C) **economic development efforts in each area of the state**  
 24 **are undertaken with knowledge of the water resources of**  
 25 **the area.**  
 26 (2) **Monitoring water usage to ensure that it will not deplete**  
 27 **the water resources of an area during times of peak usage.**  
 28 (3) **Promoting and facilitating water resource planning at the**  
 29 **local level so that:**  
 30 (A) **local governmental leaders can be guided in their**  
 31 **planning and decision making by knowledge of local water**  
 32 **resources; and**  
 33 (B) **the water resource plans of multiple local areas can be**  
 34 **synthesized to produce area and statewide water resource**  
 35 **plans.**

36 SECTION 5. IC 5-1.2-11.5-5, AS ADDED BY P.L.15-2019,  
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2024]: **Sec. 5. (a) For the purposes of this chapter, the**  
 39 **authority shall divide the state of Indiana into study areas.**

- 40 (b) **Each study area created under this section must consist of**  
 41 **multiple counties. In selecting the counties to comprise each study area,**  
 42 **the authority may consider similarities among the counties in:**



- 1 (1) the watersheds in which they are located;
- 2 (2) the water sources that are available in them; and
- 3 (3) any other factors the authority considers relevant.

4 **(c) The study areas into which the state is divided under this**  
 5 **section may serve as units within which local water resource**  
 6 **planning, as promoted and facilitated by the authority under**  
 7 **section 4.2(3) of this chapter, takes place. If water resource**  
 8 **councils, boards, or other entities are established within study**  
 9 **areas, the authority shall promote and facilitate water resource**  
 10 **planning by those entities and shall provide water resource data**  
 11 **and analysis to those entities.**

12 SECTION 6. IC 13-11-2-258, AS AMENDED BY P.L.15-2019,  
 13 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2024]: Sec. 258. (a) "Wastewater treatment plant", for  
 15 purposes of IC 13-18-11, **IC 13-18-28**, and IC 13-20-17.5, and  
 16 environmental management laws, means the system of treatment  
 17 works, regulatory devices, equipment, and other facilities and  
 18 appurtenances installed to treat sewage, industrial wastes, and other  
 19 wastes delivered by a system of sewers and other related facilities,  
 20 whether owned or operated by the state, a municipality, or a person,  
 21 firm, or corporation. The term does not include septic tank disposal  
 22 systems.

23 (b) "Wastewater treatment plant", for purposes of IC 13-18-26,  
 24 means the system of treatment works, regulatory devices, equipment,  
 25 and other facilities and appurtenances installed to treat sewage and  
 26 other wastes that are delivered by a system of sewers and other related  
 27 facilities, regardless of whether the system of treatment works,  
 28 regulatory devices, equipment, and other facilities and appurtenances  
 29 is owned or operated by the state, a municipality, a person, a firm, or  
 30 a corporation. The term does not include a system that is installed by  
 31 a company or industry and used to treat industrial wastes prior to  
 32 discharge of the wastewater in accordance with a permit issued by the  
 33 department or another entity to which permitting authority has been  
 34 delegated.

35 SECTION 7. IC 13-11-2-262.3 IS ADDED TO THE INDIANA  
 36 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 37 **[EFFECTIVE JULY 1, 2024]: Sec. 262.3. "Water supply reservoir",**  
 38 **for purposes of IC 13-18-28, has the meaning set forth in**  
 39 **IC 13-18-28-1.**

40 SECTION 8. IC 13-18-28 IS ADDED TO THE INDIANA CODE  
 41 AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**  
 42 **JULY 1, 2024]:**



1 **Chapter 28. Discharge From Wastewater Treatment Plant Into**  
2 **a Water Supply Reservoir**

3 **Sec. 1. As used in this chapter, "water supply reservoir" means**  
4 **a body of water:**

- 5 (1) **that was formed by the construction of a dam; and**
- 6 (2) **from which water is drawn by a water treatment plant**
- 7 **that provides water utility service to the public.**

8 **Sec. 2. Effluent from a wastewater treatment plant shall not be**  
9 **discharged into:**

- 10 (1) **a water supply reservoir;**
- 11 (2) **a stream that flows into a water supply reservoir; or**
- 12 (3) **a wetland associated with a stream that flows into a water**
- 13 **supply reservoir;**

14 **through a pipeline more than ten (10) miles in length.**

15 SECTION 9. IC 14-25-7-12 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. The commission  
17 may do the following:

- 18 (1) Collect, ~~and disseminate,~~ **and make available to the Indiana**
- 19 **finance authority** information relating to the water resource.
- 20 (2) Consult with and advise all users of the water resource as to
- 21 availability of the water resource and the most practical method
- 22 of water withdrawal, development, conservation, and use.
- 23 (3) Make the necessary investigations and inspections for proper
- 24 administration of this chapter.
- 25 (4) Enter at reasonable times with proper notice upon any
- 26 property other than a dwelling place for the purpose of inspecting
- 27 and investigating significant water withdrawal facilities or
- 28 enforcing this chapter.
- 29 (5) Establish, by rule, the criteria for the determination of
- 30 minimum stream flows and minimum ground water levels.
- 31 (6) When necessary for the proper administration and
- 32 enforcement of this chapter, require the metering or other
- 33 reasonable measurement of water withdrawals from significant
- 34 water withdrawal facilities and the reporting of the metering or
- 35 measurement to the commission.
- 36 (7) Cooperate with other state and local agencies, other states and
- 37 their state agencies, and agencies of the United States in water
- 38 resource development, conservation, and use.
- 39 (8) Accept and administer money from any source to aid in
- 40 carrying out this chapter.
- 41 (9) Exercise the additional authority necessary to carry out this
- 42 chapter.



1 SECTION 10. IC 14-25-7-12.5, AS ADDED BY P.L.189-2015,  
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2024]: Sec. 12.5. (a) The department shall cooperate with the  
 4 United States Geological Survey to establish a program under which  
 5 volunteers may monitor the water resource and provide monitoring data  
 6 to **the Indiana finance authority**, the commission, the department,  
 7 and the United States Geological Survey. Data derived from the  
 8 voluntary monitoring conducted under the program may be:

9 (1) collected and disseminated by the commission under section  
 10 12(1) of this chapter; and

11 (2) used by the commission in conducting the continuing  
 12 assessment of the availability of the water resource under section  
 13 11(1) of this chapter.

14 (b) The department may cooperate with other local, state, and  
 15 federal governmental agencies in implementing this section.

16 (c) The commission, under IC 4-22-2 and section 10(a) of this  
 17 chapter, may adopt rules concerning the administration of this section.  
 18 Section 10(c) and 10(d) of this chapter does not apply to the adoption  
 19 of rules under this subsection.

20 SECTION 11. IC 14-25-7-18, AS AMENDED BY P.L.189-2018,  
 21 SECTION 137, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) As used in this section,  
 23 "authority" refers to the Indiana finance authority established by  
 24 IC 5-1.2-3.

25 (b) As used in this section, "quality assurance review" means a  
 26 process of reviewing and verifying water resources data with the goal  
 27 of assuring the reliability of the data. The term includes the application  
 28 of certain objectives, principles, and policies already in use at the  
 29 Indiana geological and water survey in maintaining consistency in  
 30 water resources data and accountability to the scientific community and  
 31 general public.

32 (c) The authority shall perform a quality assurance review of the  
 33 water resources data compiled from the reports submitted by owners of  
 34 significant water withdrawal facilities under ~~(1)~~ section 15 of this  
 35 chapter. ~~and~~

36 ~~(2) IC 13-2-6.1-1 and IC 13-2-6.1-7 (before their repeal);~~  
 37 ~~beginning with the reports submitted for the 1985 calendar year.~~

38 (d) The authority may enter into contracts with one (1) or more  
 39 professionals or state educational institutions under which the  
 40 professionals or state educational institutions will perform some or all  
 41 of the duties imposed on the authority by this section. The authority  
 42 may compensate the professionals or state educational institutions for



- 1 work performed under this section with:
- 2 (1) money from the drinking water revolving loan fund
- 3 established by IC 5-1.2-10-3; or
- 4 (2) any other funds appropriated to the authority.
- 5 (e) In performing the quality assurance review required by this
- 6 section, the authority shall use the water resources data in a manner
- 7 that:
- 8 (1) protects the confidential information of owners of significant
- 9 water withdrawal facilities; and
- 10 (2) is consistent with IC 5-14-3-4.
- 11 (f) The authority shall present the results of the quality assurance
- 12 review performed under this section, as those results become available,
- 13 to the water rights and use section of the department's division of water.
- 14 The water rights and use section shall maintain the results in the data
- 15 base of data extracted from reports submitted by owners of significant
- 16 water withdrawal facilities under section 15 of this chapter (and
- 17 IC 13-2-6.1-1 and IC 13-2-6.1-7 before their repeal).

