



**Legislative Committee Chair
Report to the Board of Directors**

May 3, 2018

Submitted by: Kerry Daily

Legislation:

The legislative session ended on March 14, 2018. Due to several bills not receiving final approval, a special session has been scheduled for May 14, 2018. It is expected that the special session will last only one day and will consider only five (5) bills dealing with school safety, state and local tax issues, Gary and Muncie Schools and school bonding. A final bill contains technical corrections for many sections of State code. Bills of interest to INAFSM that passed the legislature and have been signed into law by the Governor are:

Senate Bill 386 (Ruckelshaus) allows new financing of flood control improvements in Indianapolis (if successful may be expanded later to other municipalities).

House Bill 1089 (Ober and Zent) concerns the St. Joseph River Basin Commission and allows expansion of the Commission's functions and authority.

House Bill 1267 (Soliday, Brown, Ober) would establish the Water Infrastructure Task Force. The Task Force would address wastewater, drinking water and stormwater issues in Indiana.

The bill of most interest to INAFSM that did not pass both chambers was **House Bill 1096** (Culver) which would have prohibited MS4 Operators from establishing rules more restrictive than state erosion and sediment control rules. The bill passed the House but did not make it out of the Senate Committee on Environmental Affairs. INAFSM and many other groups testified against the bill in the Senate Committee hearing.

To address some of the concerns expressed by both supporters and opponents of HB 1096, INAFSM is in the process of organizing listening sessions to hear from all parties concerned with MS4 rules.

INAFSM wants to hear from both regulators and members of the regulated community on how local stormwater programs can be best implemented to protect local property owners, communities' water resources while still promoting development necessary for communities' growth.

Indiana CGP:

Indiana CGP to Advisory Group met on March 15, 2018 to discuss the second draft of the Indiana CGP. The second draft is better organized and clearer than the first draft. Some proposed post-construction stormwater quality requirements from the first draft are not in the second draft. INAFSM comments on the second draft of the Indiana CGP were provided to IDEM on March 29, 2018. No further meetings or discussions currently scheduled by IDEM.

WOTUS:

Rule-making has been completed regarding the effective date of the 2015 Obama Administration rule so that it cannot be in effect until February of 2020.

The comment period for the 2017 Trump Administration codification of the rule prior to the 2015 Obama Administration rule has closed.

New proposed Trump Administration version of WOTUS rule not yet public, expected to follow Justice Scalia principles outlined in his decision on Rapanos case: the federal government can regulate waters if the waters exhibit a relatively permanent flow, such as a river, lake, or stream. In addition, a wetland falls within the federal government's jurisdiction only if there is a continuous surface water connection between it and a relatively permanent waterbody

=> => => For probably the next two years, rules and requirements will stay the way they are and the way they have been for the last several years.