
SENATE BILL No. 219

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2; IC 13-15-1-2; IC 13-15-4.4.

Synopsis: Ballast water and sediment in vessels. After June 30, 2007: (1) allows a vessel to operate in waters of Indiana only if ballast water and sediment in the vessel have been sterilized; and (2) allows a discharge of ballast water or sediment into the waters of Indiana only if the department of environmental management (IDEM) has issued a permit for the discharge. Requires IDEM to establish a ballast water and sediment inspection program that ensures that aquatic nuisance species do not enter the waters of Indiana. Requires the water pollution control board to adopt rules to implement these provisions.

Effective: July 1, 2006.

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January 9, 2006, read first time and referred to Committee on Energy and Environmental Affairs.

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Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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SENATE BILL No. 219



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 13-11-2-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2006]: **Sec. 9.5. "Aquatic nuisance species", for purposes of**
4 **IC 13-15-4.4, refers to an aquatic plant or animal species that:**

- 5 (1) **is not native to waters of Indiana; and**
- 6 (2) **causes damage to a plant or animal species that is native**
7 **to waters of Indiana.**

8 SECTION 2. IC 13-11-2-16.5 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2006]: **Sec. 16.5. "Ballast water", for**
11 **purposes of this chapter, IC 13-15-1-2, and IC 13-15-4.4, means**
12 **water and associated solids taken on board a vessel outside Indiana**
13 **to control or maintain trim, draft, stability, or stresses on the**
14 **vessel, without regard to the manner in which the ballast water is**
15 **carried.**

16 SECTION 3. IC 13-11-2-197.8 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2006]: **Sec. 197.8. "Sediment", for purposes**
 2 **of IC 13-15-1-2 and IC 13-15-4.4, means any matter settled out of**
 3 **ballast water.**

4 SECTION 4. IC 13-11-2-261 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 261. "Water pollution
 6 control laws" refers to:

7 **(1) IC 13-15-4.4; and**

8 **(2) IC 13-18, except for the following:**

9 ~~(A)~~ **(A) IC 13-18-2.**

10 ~~(B)~~ **(B) IC 13-18-9 through IC 13-18-20.**

11 SECTION 5. IC 13-15-1-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The water pollution
 13 control board shall establish requirements for the issuance of permits
 14 to control water pollution and atomic radiation, including the
 15 following:

16 (1) Permits to control or limit the discharge of any contaminants
 17 into state waters or into a publicly owned treatment works.

18 (2) Permits for the construction, installation, or modification of
 19 facilities, equipment, or devices to control or limit any discharge,
 20 emission, or disposal of contaminants into the waters of Indiana
 21 or into a publicly owned treatment works.

22 (3) Permits for the operation of facilities, equipment, or devices
 23 to control or limit the discharge, emission, or disposal of any
 24 contaminants into the waters of Indiana or into a publicly owned
 25 treatment works.

26 **(4) Permits under IC 13-15-4.4-1(2) for the discharge from**
 27 **vessels into waters of Indiana of any of the following:**

28 **(A) Ballast water.**

29 **(B) Sediment.**

30 However, the water pollution control board may not require a permit
 31 under subdivision (2) for any facility, equipment, or device
 32 constructed, installed, or modified as part of a surface coal mining
 33 operation that is operated under a permit issued under IC 14-34.

34 SECTION 6. IC 13-15-4.4 IS ADDED TO THE INDIANA CODE
 35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2006]:

37 **Chapter 4.4. Ballast Water and Sediment in Vessels**

38 **Sec. 1. After June 30, 2007:**

39 **(1) a vessel may operate in waters of Indiana only if ballast**
 40 **water and sediment in the vessel have been treated by:**

41 **(A) filtration;**

42 **(B) thermal methods;**

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- 1 (C) ultraviolet light;
- 2 (D) biocides; or
- 3 (E) other techniques approved by the department;
- 4 to destroy or remove all living biological organisms; and
- 5 (2) a discharge of any of the following directly or indirectly
- 6 into the waters of Indiana is allowed only if the department
- 7 has issued a permit under this chapter to allow the discharge:
- 8 (A) Ballast water.
- 9 (B) Sediment.

10 **Sec. 2.** The department shall determine the requirements for
 11 application for and issuance of a permit under section 1(2) of this
 12 chapter.

13 **Sec. 3.** The department shall establish a ballast water and
 14 sediment inspection program that ensures that aquatic nuisance
 15 species do not enter the waters of Indiana through the direct or
 16 indirect discharge of any of the following:

- 17 (1) Ballast water.
- 18 (2) Sediment.

19 **Sec. 4. (a)** The water pollution control board:

- 20 (1) shall adopt rules to implement this chapter; and
- 21 (2) may establish a fee under IC 13-16-1 for the issuance of a
- 22 permit under section 1(2) of this chapter.

23 **(b)** In adopting rules under subsection (a)(1), the water pollution
 24 control board shall cooperate to the fullest extent practical with:

- 25 (1) other Great Lakes basin states;
- 26 (2) the Canadian Great Lakes provinces;
- 27 (3) the Great Lakes panel on aquatic nuisance species;
- 28 (4) the Great Lakes fishery commission;
- 29 (5) the International Joint Commission; and
- 30 (6) the Great Lakes Commission;

31 to ensure the development of standards for the control of aquatic
 32 nuisance species that are broadly protective of Indiana waters and
 33 other natural resources.

34 **SECTION 7.** [EFFECTIVE JULY 1, 2006] **(a)** The water pollution
 35 control board shall adopt the rules described under
 36 IC 13-15-1-2(4), as amended by this act, not later than June 30,
 37 2007.

38 **(b)** The department of environmental management shall
 39 establish the procedure for the issuance of permits under
 40 IC 13-15-4.4, as added by this act, not later than July 1, 2007.

41 **(c)** This SECTION expires July 2, 2007.

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