



2018 General Assembly HB 1096 Position



Promoting Sustainable
Floodplain and Stormwater
Management

HB 1096 Digest:

Sought to prohibit counties, cities, towns, and other entities who must comply with IDEM's Municipal Separate Storm Sewer System (MS4) Program from imposing more stringent construction site and post-construction runoff control requirements than those contained in IDEM's general permit (currently known as Rule 5 or 327 IAC 15-5).



Potential Solutions:

- Work cooperatively with the Construction & Development Community
- Form a "Think Tank" Group to work with IDEM on Rule 5 implementation issues
- Work with MS4s to develop consistent local construction & post-construction programs
- Provide educational opportunities for Construction & Development and MS4 professionals
- Work with IDEM to develop model ordinances, forms, and other tools for consistent implementation



The legislation was brought forward due to concerns expressed by members of the building and development community who work in multiple localities on the varying levels of stormwater regulations, permitting policies and procedures, and enforcement actions across the City, Town and County jurisdictions.

The legislation passed the Indiana House of Representatives but **did not pass** out of the Indiana Senate Committee on Environmental Affairs.

INAFSM agrees that local MS4 construction and post-construction programs throughout the state do have some inconsistencies.

However, INAFSM does NOT believe that state-wide legislation is the answer to fixing this issue.

Local city, town and county officials know their particular resources best and are best suited to develop the correct measures for their communities. For example, some have to address localized flooding issues or protect local, unique natural resources. HB 1096 goes against local, home rule.



INAFSM believes that it is always positive to talk about problems or how programs are not working. However, House Bill 1096 makes a leap in legislation that will adversely impact cities, towns and counties all over Indiana that is not necessary at this time.