

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6912**

**BILL NUMBER:** SB 473

**NOTE PREPARED:** Jan 5, 2023

**BILL AMENDED:**

**SUBJECT:** NPDES Limits for Discharges to the Ohio River.

**FIRST AUTHOR:** Sen. Becker

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
X FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill provides that if a person draws water exclusively from the Ohio River, discharges wastewater exclusively to the Ohio River, and demonstrates to the Department of Environmental Management (IDEM) that its use of the water does not increase the concentration of mercury in the water:

- (1) technology-based or water quality-based effluent limitations for mercury in the National Pollutant Discharge Elimination System (NPDES) permit issued to the person are not enforceable; and
- (2) an NPDES permit newly issued to or renewed for the person must not contain technology-based or water quality-based effluent limitations for mercury.

**Effective Date:** July 1, 2023.

**Explanation of State Expenditures:** *IDEM Enforcement:* The bill may reduce workload for IDEM as they would no longer be enforcing technology-based or water quality-based effluent limitations for mercury for NPDES permittees that draw water exclusively from and discharge water exclusively to the Ohio River, if the permittee can demonstrate to IDEM's satisfaction that the mercury concentration is not increased for the water drawn from the Ohio River, before it is discharged back into the Ohio River. Additionally, the bill requires that newly issued and renewed NPDES permits to these permittees must not contain technology-based or water quality-based effluent limitations, which could be a reduced workload. It is unclear whether the NPDES permittee would need to demonstrate their process and its effect on the water to IDEM once or on-going. Permits are valid for up to five years. There are 92 active NPDES permits that list the Ohio River as the only body of water receiving the facility's discharge.

*State-Owned or -Managed Facilities:* None of the 32 state facilities with NPDES permits list the Ohio River

as the body of water receiving the facility's discharge.

**Explanation of State Revenues:** *EPA Funding and Permit Revenue:* The bill would have an indeterminate impact on revenue to IDEM. To the extent that IDEM's funding from the EPA is tied to the state's compliance with all EPA Clean Water Act guidelines, the bill could jeopardize federal funding. Conversely, if more facilities apply for NPDES permits due to fewer regulations, NPDES permit revenue could increase. Permit fees are \$100 for new applications or renewals for major and minor permits and \$50 for modifications, plus annual operating base fees of \$200-\$400 (minor) or \$1,000-\$1,500 (major), and annual discharge flow fees ranging from \$205 to \$47,415, based on daily average actual flow.

**Explanation of Local Expenditures:** *Municipal Permittees:* There are 22 municipal or water district facilities and 1 mixed-ownership facility (public/private) with NPDES permits that list the Ohio River as the only body of water receiving the facility's discharge. These facilities would have reduced workload as they would not be required to comply with certain effluent limitations, if they meet certain conditions.

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Environmental Management.

**Local Agencies Affected:** Municipally-owned wastewater treatment facilities.

**Information Sources:**

Department of Environmental Management, Wastewater Permitting, NPDES:

<https://www.in.gov/idem/cleanwater/wastewater-permitting/>

<https://www.in.gov/idem/cleanwater/wastewater-permitting/national-pollutant-discharge-elimination-system-npdes/>

EPA, Clean Water Act:

<https://www.epa.gov/grants/epa-funding-instruments-and-authorities>

[https://www.epa.gov/sites/default/files/2021-01/documents/eg-plan-14\\_jan-2021.pdf](https://www.epa.gov/sites/default/files/2021-01/documents/eg-plan-14_jan-2021.pdf)

[https://www.epa.gov/sites/default/files/2015-09/documents/pwm\\_2010.pdf](https://www.epa.gov/sites/default/files/2015-09/documents/pwm_2010.pdf)

<https://www.epa.gov/water-pollution-control-section-106-grants/grants-state-and-interstate-agencies-under-section-106#stateeligible>

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