

Colin Connor: Keep an eye on these Indiana environmental bills

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The Indiana General Assembly kicked off its 2025 legislative session on Jan. 8. Hundreds of bills have been introduced so far, covering a wide range of topics, but I wanted to draw your attention to a few bills affecting energy and the environment.

House Bills 1465 and 1466: House Bill 1465, which was authored by Republican Rep. Jennifer Meltzer of Shelbyville, would affect multiple Indiana Code sections governing the Office of Administrative Law Proceedings. This bill seeks to make corrections and amendments to the act that just last year eliminated the Office of Environmental Adjudication and brought the Indiana Department of Environmental Management administrative review process under the Office of Administrative Law Proceedings. On Jan. 21, this bill was referred to the Judiciary Committee.

Representative Meltzer also authored House Bill 1466, which also affects the Office of Administrative Law Proceedings. Among other changes, the bill would bring the Department of Natural Resources administrative review process into the Office of Administrative Law Proceedings. As this would impact the day-to-day practice of many environmental attorneys, the Environmental Law Section of the Indiana State Bar Association is soliciting comments regarding the bill. The measure has been assigned to the Judiciary Committee.

Senate Bill 178: Senate Bill 178, which was authored by Republican Sens. James Buck of Kokomo and Eric Koch of Bedford, would define “clean energy” or “green energy” as an energy resource that produces or releases no more emissions than those associated with pipeline quality natural gas and releases reduced air pollutants relative to one or more types of fossil fuels.

The bill would also provide that it is the continuing policy of Indiana to recognize natural gas as “clean energy” or “green energy” for state or federal funding or incentive purposes. On Jan. 8, the bill was referred to the Committee on Utilities.

This bill is like efforts in other states to define natural gas as green and/or clean. Ohio enacted legislation in January 2023, which contained similar language to Indiana stating that “green energy” includes energy created by natural gas and that an energy source is considered green if it is more sustainable than some fossil fuels.

There is much debate between industry groups and environmental groups regarding these types of bills.

The Indiana Manufacturers Association supports the bill because it is meant to maximize the availability of federal government incentives available to the state. Environmental groups, however, have objected to such efforts because while natural gas produces a smaller carbon footprint than coal or oil, it has a much heavier methane footprint.

Senate Bill 538 and House Bills 1286, 1366, and 1553: Another hot-button issue at the Statehouse is legislation regarding PFAS chemicals.

As with other environmental bills introduced this session, there is an interesting dynamic at play between bills supported by industry and those supported by environmental groups.

For example, the Indiana Manufacturers Association has come out in favor of Senate Bill 538, which was authored by Republican Sen. Andy Zay of Huntington, because of its industry-friendly “PFAS chemicals” definition. That bill has been referred to the Committee on Environmental Affairs.

Meanwhile, the Indiana Manufacturers Association opposes three other bills, which aim to track the discharge of PFAS chemicals (House Bill 1286 authored by Republican Rep. Becky Cash of Zionsville), to require the Indiana Department of Health to establish maximum PFAS levels in public water systems that are not less stringent than those established by the EPA (House Bill 1366 authored by Democratic representative Ryan Dvorak of South Bend), and to prohibit the application of material containing more than 100 parts per billion or more PFAS chemicals to land (House Bill 1553 authored by Democratic representative Maureen Bauer of South Bend).

These three House bills have been referred to the Committee on Environmental Affairs.

Senate Bill 28: This proposal was authored by Republican Sens. Susan Glick of LaGrange and Eric Koch of Bedford and would govern groundwater emergencies.

The bill would allow the owner or operator of a significant groundwater withdrawal to file a complaint with the Department of Natural Resources that a well on the owner’s property failed to furnish the well’s normal supply of water or failed to furnish potable water.

The DNR director would then have to launch an investigation within 24 hours after receiving a complaint regarding a well failure on a livestock property or 72 hours after receiving a complaint regarding a well failure from a significant groundwater facility.

The bill would also exempt the owner and operator of a significant groundwater facility that withdraws water to irrigate crops or provide drinking water for livestock from paying a utility when the utility fails to provide the normal supply of water or potable water.

Finally, the bill would require the owner or operator of a significant groundwater withdrawal facility that withdraws water for crops or livestock to compensate an impacted owner of a nonsignificant groundwater withdrawal facility or significant groundwater facility that is not a utility when the impacted groundwater facility fails to furnish the normal supply of water or potable water.

On Jan. 8, the bill was first referred to the Committee on Utilities. On Jan. 30, it was reassigned to the Committee on Appropriations.

It is important to track these and other bills introduced by the General Assembly as they often are dropped, amended, or change shape throughout the many phases of the session. •

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