

# SENATE BILL No. 321

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2-38.5; IC 13-20-20; IC 13-25-4-1; IC 13-25-4-4.

**Synopsis:** Hazardous waste grant program. Requires the department of environmental management to provide financial assistance to local units of government and solid waste management districts through matching grants awarded for projects involving the collection and disposal of: (1) household hazardous waste; and (2) hazardous waste generated by conditionally exempt small quantity generators who generate not more than 100 kilograms of hazardous waste and one kilogram of acutely hazardous waste during a month. (Current law requires the department to provide grants only for collection and disposal projects involving household hazardous waste.) Extends the period of time in which collection and disposal projects must be  
(Continued next page)

**Effective:** July 1, 1998.

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Simpson

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January 8, 1998, read first time and referred to Committee on Health and Environmental Affairs.

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Digest Continued

completed from 12 months to 24 months. Increases the amount of money that is available each year from the hazardous substances response trust fund to provide collection and disposal project grants from \$250,000 to \$500,000.

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Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## SENATE BILL No. 321

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 13-11-2-38.5 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 1998]: **Sec. 38.5. "Conditionally exempt**  
4 **small quantity generator waste"**, for purposes of IC 13-20-20 and  
5 **IC 13-25-4, means hazardous waste generated by a person who**  
6 **generates not more than:**

7 (1) **one hundred (100) kilograms of hazardous waste; and**

8 (2) **one (1) kilogram of acutely hazardous waste;**

9 **during a month.**

10 SECTION 2. IC 13-20-20-1, AS ADDED BY P.L.1-1996,  
11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 1998]: Sec. 1. (a) The department shall provide financial  
13 assistance to units and districts through matching grants awarded under  
14 this chapter for projects involving the collection and disposal of  
15 household hazardous waste **and conditionally exempt small quantity**



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1 **generator waste.**

2 (b) Grants awarded under this chapter shall be funded from the  
3 hazardous substances response trust fund established by IC 13-25-4-1  
4 if money is available under IC 13-25-4-4.

5 (c) Units and districts may join in any combination for the purposes  
6 of the following:

7 (1) Implementing a project.

8 (2) Applying for a grant under this chapter.

9 SECTION 3. IC 13-20-20-2, AS ADDED BY P.L.1-1996,  
10 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 1998]: Sec. 2. A grant may be awarded under this chapter to  
12 a unit or district that has developed a household hazardous waste **or**  
13 **conditionally exempt small quantity generator waste** collection and  
14 disposal project that does the following:

15 (1) Provides educational literature describing the hazards  
16 associated with household hazardous waste **and conditionally**  
17 **exempt small quantity generator waste.**

18 (2) Uses a licensed hazardous waste ~~transportation~~ service to:

19 (A) collect;

20 (B) handle;

21 (C) pack;

22 (D) transport; and

23 (E) dispose of;

24 collected household hazardous waste **and conditionally exempt**  
25 **small quantity generator waste.**

26 (3) Allows and encourages participation from all households  
27 within a designated household hazardous waste **or conditionally**  
28 **exempt small quantity generator waste** collection area that is  
29 specified in the grant application.

30 SECTION 4. IC 13-20-20-3, AS ADDED BY P.L.1-1996,  
31 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 1998]: Sec. 3. (a) After a grant applicant has developed a plan  
33 under section 2 of this chapter, the applicant may apply for a grant  
34 under this chapter on forms prepared and supplied by the department.

35 (b) A grant application must include the following:

36 (1) A statement describing a project's scope of activities and  
37 objectives that identifies persons responsible for project planning,  
38 coordination, and implementation.

39 (2) A map specifying the area to be served by the project that  
40 includes the locations of household hazardous waste **and**  
41 **conditionally exempt small quantity generator waste** collection  
42 sites.



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- 1 (3) A description of proposed information and educational  
 2 activities designed to inform households of the opportunity to  
 3 participate in the project.
- 4 (4) A description of safety and security measures that will be  
 5 implemented during the project.
- 6 (5) A budget showing all estimated project costs that includes  
 7 ineligible project costs and eligible project costs as described  
 8 under section 4 of this chapter.
- 9 (6) A resolution by the legislative body (as defined in  
 10 IC 36-1-2-9) of a unit or the board of directors of a district  
 11 involved in the project that does the following:
- 12 (A) Authorizes the project and the grant application.
- 13 (B) Expresses the specific intent to carry out all proposed  
 14 project activities described in the grant application.
- 15 (C) Allows department employees to have access to and  
 16 inspect proposed household hazardous waste **and**  
 17 **conditionally exempt small quantity generator waste**  
 18 collection sites involved in the project.
- 19 (D) Commits the applicant to do the following:
- 20 (i) Maintain appropriate records that document all  
 21 expenditures made during the project.
- 22 (ii) Submit to the department a final report describing all  
 23 project activities, achievements, and problems that compares  
 24 the actual project to the objectives and activities proposed in  
 25 the grant application, including samples of all informational  
 26 and educational brochures prepared and distributed and data  
 27 on the household participation rates, waste quantities  
 28 collected by category, documentation of all costs, and  
 29 recommendations for project improvements.
- 30 (E) Contains a timetable for completion of the project that:
- 31 (i) does not exceed ~~twelve (12)~~ **twenty-four (24)** months;  
 32 and
- 33 (ii) includes anticipated dates of information and  
 34 educational activities, waste collection, and submission of  
 35 final reports.
- 36 (F) Commits the applicant to provide all funding required to  
 37 implement and administer the project, not including the grant  
 38 award.
- 39 (G) Commits the applicant to develop a proposed plan for a  
 40 permanent household hazardous waste **or conditionally**  
 41 **exempt small quantity generator waste** program that  
 42 includes sources of funding and a timetable for

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1 implementation.

2 (H) Commits the applicant to develop a proposed plan for a  
3 permanent household hazardous product program designed to  
4 educate the public as to nonhazardous and nontoxic substitutes  
5 for hazardous household products.

6 SECTION 5. IC 13-20-20-4, AS ADDED BY P.L.1-1996,  
7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 1998]: Sec. 4. (a) Estimated project costs submitted under  
9 section 3(b)(5) of this chapter must include the following:

10 (1) Eligible project costs.

11 (2) Ineligible project costs.

12 (b) Project costs that are ineligible for grant funding may not be  
13 used to fulfill a grantee's match requirement. A grantee is responsible  
14 for all project costs except the costs funded by a grant.

15 (c) Ineligible project costs include the following:

16 (1) Costs incurred before the approval of a grant.

17 (2) Costs incurred more than ~~twelve (12)~~ **twenty-four (24)**  
18 months after a grant has been accepted.

19 (3) Costs incurred by a grantee that exceed original estimated  
20 eligible project costs indicated in a grant application.

21 (4) Other costs that are not specifically related to a project as  
22 determined by the department.

23 (d) Eligible project costs may be:

24 (1) used to fulfill the grantee's match requirement; and

25 (2) funded by the grant.

26 (e) Project costs that are not ineligible under subsection (c) are  
27 eligible project costs for purposes of subsection (d).

28 SECTION 6. IC 13-20-20-8, AS ADDED BY P.L.1-1996,  
29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 1998]: Sec. 8. (a) In determining the priority of grant  
31 applications under this chapter, the department shall first consider an  
32 applicant's demonstrated commitment to an annual household  
33 hazardous waste **or conditionally exempt small quantity generator**  
34 **waste** collection and disposal project. The department shall consider  
35 evidence of the following in making the department's determination  
36 under this subsection:

37 (1) A resolution by the applicant that the applicable community  
38 is committed to undertaking annual action to promote the proper  
39 collection and disposal of household hazardous waste **or**  
40 **conditionally exempt small quantity generator waste.**

41 (2) An educational project sponsored by the applicant concerning  
42 the potential dangers associated with household hazardous waste

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1           **or conditionally exempt small quantity generator waste,**  
 2           including instructions for the proper methods of handling, storage,  
 3           and disposal of household hazardous waste **or conditionally**  
 4           **exempt small quantity generator waste.**

5           (3) Sponsorship or participation in other projects that relate to the  
 6           collection and disposal of household hazardous waste **or**  
 7           **conditionally exempt small quantity generator waste,**  
 8           including projects developed or sponsored by civic organizations  
 9           or private foundations.

10          (4) An educational project by the applicant concerning  
 11          nonhazardous and nontoxic substitutes for hazardous household  
 12          products.

13          (b) If the department determines that one (1) or more applicants  
 14          demonstrate substantially similar commitment levels under subsection  
 15          (a), the department shall give priority to the application the department  
 16          received first.

17          SECTION 7. IC 13-25-4-1, AS AMENDED BY P.L.59-1997,  
 18          SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19          JULY 1, 1998]: Sec. 1. (a) The hazardous substances response trust  
 20          fund is established. The purpose of the fund is to accumulate and  
 21          maintain a source of money for the following purposes:

22           (1) Financing contracts or cooperative agreements between the  
 23           state and the President of the United States under Section 104 of  
 24           CERCLA (42 U.S.C. 9604).

25           (2) Providing state assistance in the form of supplies, materials,  
 26           services, and equipment to:

27           (A) prevent the release of a hazardous substance or  
 28           contaminant; or

29           (B) control, contain, isolate, neutralize, remove, store, or  
 30           dispose of any hazardous substance or contaminant already  
 31           released into or on the air, land, or waters of Indiana.

32           (3) Financing response actions that are:

33           (A) undertaken or authorized by the commissioner with  
 34           respect to sites in Indiana; and

35           (B) considered by the commissioner to be necessary to protect  
 36           the public health or welfare or the environment from the  
 37           release or threatened release of a hazardous substance or  
 38           contaminant.

39           (4) Paying expenses related to releases of regulated substances  
 40           other than petroleum from underground storage tanks under  
 41           IC 13-23-13-7.

42           (5) Paying administrative and personnel expenses incurred by the

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- 1 state in responding to releases or threats of releases of hazardous  
 2 substances or contaminants.
- 3 (6) Paying claims for the reimbursement of necessary response  
 4 costs incurred by persons that have received preauthorization  
 5 from the commissioner for reimbursement.
- 6 (7) Providing grants for household hazardous waste **and**  
 7 **conditionally exempt small quantity generator waste** collection  
 8 and disposal projects under IC 13-20-20.
- 9 (8) Paying administrative and personnel expenses incurred by the  
 10 department in implementing and administering household  
 11 hazardous waste **and conditionally exempt small quantity**  
 12 **generator waste** collection and disposal projects under  
 13 IC 13-20-20.
- 14 (9) Transferring funds to the environmental remediation revolving  
 15 loan fund established by IC 13-19-5-2.
- 16 (b) Money in the fund at the end of a state fiscal year does not revert  
 17 to the state general fund.
- 18 SECTION 8. IC 13-25-4-4, AS ADDED BY P.L.1-1996, SECTION  
 19 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 20 1998]: Sec. 4. (a) The department shall do the following:
- 21 (1) Prepare an annual budget to provide for administrative and  
 22 personnel expenses from the fund.
- 23 (2) Submit the budget to the budget committee in accordance with  
 24 IC 4-12-1.
- 25 (b) The general assembly must appropriate the money in the fund to  
 26 be used for administrative and personnel expenses before expenditure  
 27 of the money. The commissioner shall order all other expenditures  
 28 from the fund with the approval of the governor and the budget agency.
- 29 (c) Not more than ~~two hundred fifty five hundred~~ thousand dollars  
 30 ~~(~~\$250,000~~) (\$500,000)~~ of the fund is available to the department each  
 31 year to fund grants awarded under IC 13-20-20, exclusive of  
 32 administrative and personnel expenditures authorized by section  
 33 1(a)(8) of this chapter.

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