



March 24, 1999

# ENGROSSED HOUSE BILL No. 1919

DIGEST OF HB 1919 (Updated March 22, 1999 3:50 pm - DI 78)

**Citations Affected:** IC 13-15; IC 13-16; IC 13-20; noncode.

**Synopsis:** Various environmental matters. Requires the commissioner of the department of environmental management to approve or deny permits: (1) within 150 days for an application for a minor new National Pollutant Discharge Elimination System general permit (current law requires the commissioner to act within 180 days); (2) within 90 days for a permit concerning a wastewater facility or wastewater facility construction (current law requires the commissioner to act within 120 days); and (3) within 50 days for an application concerning certification of special wastes. Requires the environmental quality service council to review permit accountability time frames.  
(Continued next page)

**Effective:** Upon passage; July 1, 1999.

## Sturtz

(SENATE SPONSORS — GARD, SIMPSON)

January 26, 1999, read first time and referred to Committee on Environmental Affairs.  
March 1, 1999, reported — Do Pass.  
March 4, 1999, read second time, amended, ordered engrossed.  
March 5, 1999, engrossed.  
March 8, 1999, read third time, passed. Yeas 95, nays 1.

### SENATE ACTION

March 11, 1999, read first time and referred to Committee on Environmental Affairs.  
March 23, 1999, amended, reported favorably — Do Pass.

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Requires the commissioner of the department of environmental management to proportionally reduce the fees billed to sources with NPDES permits, solid waste permits, and hazardous waste permits, if the funds in the environmental management permit operation fund less obligated expenditures exceed certain amounts. Changes the scope of special waste statutes and rules to apply only to solid waste that is disposed at a solid waste landfill that does not meet Subtitle D design standards of the federal Resource Conservation and Recovery Act.

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March 24, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## ENGROSSED HOUSE BILL No. 1919

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 13-15-4-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Except as provided  
3 in sections 2, 3, and 6 of this chapter, the commissioner shall approve  
4 or deny an application filed with the department after July 1, 1995,  
5 within the following number of days:  
6 (1) Three hundred sixty-five (365) days for an application  
7 concerning the following:  
8 (A) A new hazardous waste or solid waste landfill.  
9 (B) A new hazardous waste or solid waste incinerator.  
10 (C) A major modification of a solid waste landfill.  
11 (D) A major modification of a solid waste incinerator.  
12 (E) A new hazardous waste treatment or storage facility.  
13 (F) A new Part B permit issued under 40 CFR 270 et seq. for  
14 an existing hazardous waste treatment or storage facility.  
15 (G) A Class 3 modification under 40 CFR 270.42 to a

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- 1 hazardous waste landfill.
- 2 (2) Two hundred seventy (270) days for an application concerning
- 3 the following:
- 4 (A) A Class 3 modification under 40 CFR 270.42 of a
- 5 hazardous waste treatment or storage facility.
- 6 (B) A major new National Pollutant Discharge Elimination
- 7 System permit.
- 8 (3) One hundred eighty (180) days for an application concerning
- 9 the following:
- 10 (A) A new solid waste processing or recycling facility.
- 11 (B) A minor new National Pollutant Discharge Elimination
- 12 System **individual** permit.
- 13 (C) A permit concerning the land application of wastewater.
- 14 **(4) One hundred fifty (150) days for an application concerning**
- 15 **a minor new National Pollutant Discharge Elimination System**
- 16 **general permit.**
- 17 ~~(4)~~ (5) One hundred twenty (120) days for an application
- 18 concerning ~~the following~~:
- 19 ~~(A)~~ a Class 2 modification under 40 CFR 270.42 to a
- 20 hazardous waste facility.
- 21 ~~(B)~~ A wastewater facility or water facility construction permit.
- 22 ~~(5)~~ (6) Ninety (90) days for an application concerning **the**
- 23 **following**:
- 24 (A) A minor modification to a solid waste landfill or
- 25 incinerator permit.
- 26 (B) **A wastewater facility or water facility construction**
- 27 **permit.**
- 28 ~~(6)~~ (7) The amount of time provided for in rules adopted by the
- 29 air pollution control board for an application concerning the
- 30 following:
- 31 (A) An air pollution construction permit that is subject to 326
- 32 IAC 2-2 and 326 IAC 2-3.
- 33 (B) An air pollution facility construction permit (other than as
- 34 defined in 326 IAC 2-2).
- 35 (C) Registration of an air pollution facility.
- 36 ~~(7)~~ (8) Sixty (60) days for an application concerning the
- 37 following:
- 38 (A) A Class 1 modification under 40 CFR 270.42 requiring
- 39 prior written approval, to a hazardous waste:
- 40 (i) landfill;
- 41 (ii) incinerator;
- 42 (iii) treatment facility; or



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1 (iv) storage facility.

2 (B) ~~Certification of a special waste:~~

3 ~~(C) Any other permit not specifically described in this section~~  
 4 ~~for which the application fee exceeds one hundred dollars~~  
 5 ~~(\$100) and for which a time frame has not been established~~  
 6 ~~under section 3 of this chapter.~~

7 **(9) Fifty (50) days for an application concerning certification**  
 8 **of a special waste.**

9 SECTION 2. IC 13-16-1-6 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. Notwithstanding  
 11 sections 1 through 5 of this chapter or any other law, a board or the  
 12 department may not do any of the following:

13 (1) **Except as provided in section 7 of this chapter**, change a fee  
 14 established by:

15 (A) IC 13-18-20;

16 (B) IC 13-20-21; or

17 (C) IC 13-22-12.

18 (2) Establish an additional fee that was not in effect on January 1,  
 19 1994, concerning the following:

20 (A) National Pollutant Discharge Elimination System  
 21 programs.

22 (B) Solid waste programs.

23 (C) Hazardous waste programs.

24 (3) Require payment of a fee for material used as alternate daily  
 25 cover pursuant to a permit issued by the department under 329  
 26 IAC 10-20-13.

27 SECTION 3. IC 13-16-1-7 IS ADDED TO THE INDIANA CODE  
 28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 29 1, 1999]: **Sec. 7. Before billing a permitted source under**  
 30 **IC 13-18-20, IC 13-20-21, or IC 13-22-12, the commissioner shall**  
 31 **review the money in the environmental management permit**  
 32 **operation fund established under IC 13-15-11 and make the**  
 33 **following adjustments:**

34 (1) **If the balance of the fund collected under IC 13-18-20,**  
 35 **once obligated expenditures are subtracted from the balance,**  
 36 **exceeds two million five hundred thousand dollars**  
 37 **(\$2,500,000) as of July 1 of the billing year, the commissioner**  
 38 **shall adjust the annual fee schedule to bill an amount, in the**  
 39 **aggregate, equivalent to the fee schedule amount, less the**  
 40 **excess over two million five hundred thousand dollars**  
 41 **(\$2,500,000). Adjustments to the individual bills must be**  
 42 **proportional to the applicable fee divided by the total amount**



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1 required by all the applicable fees.

2 (2) If the balance of the fund collected under IC 13-20-21,  
3 once obligated expenditures are subtracted from the balance,  
4 exceeds one million eight hundred thousand dollars  
5 (\$1,800,000) as of July 1 of the billing year, the commissioner  
6 shall adjust the annual fee schedule to bill an amount, in the  
7 aggregate, equivalent to the fee schedule amount, less the  
8 excess over one million eight hundred thousand dollars  
9 (\$1,800,000). Adjustments to the individual bills must be  
10 proportional to the applicable fee divided by the total amount  
11 required by all the applicable fees.

12 (3) If the balance of the fund collected under IC 13-22-12,  
13 once obligated expenditures are subtracted from the balance,  
14 exceeds one million eight hundred thousand dollars  
15 (\$1,800,000) as of July 1 of the billing year, the commissioner  
16 shall adjust the annual fee schedule to bill an amount, in the  
17 aggregate, equivalent to the fee schedule amount, less the  
18 excess over one million eight hundred thousand dollars  
19 (\$1,800,000). Adjustments to the individual bills must be  
20 proportional to the applicable fee divided by the total amount  
21 required by all the applicable fees.

22 SECTION 4. IC 13-20-7-1 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **This chapter**  
24 **and rules adopted under this chapter apply only to solid waste that**  
25 **is disposed at a solid waste landfill that does not meet Subtitle D**  
26 **design standards of the federal Resource Conservation and**  
27 **Recovery Act as provided in 40 CFR Part 258.**

28 (b) A person may not be required to have solid waste certified as  
29 special waste:

30 (1) for a single shipment of solid waste if:

31 (⊕) (A) the solid waste is generated by one (1) generator from  
32 one (1) process;

33 (⊖) (B) the quantity of solid waste generated by the process is  
34 less than one hundred (100) kilograms per month; and

35 (⊗) (C) the quantity of solid waste disposed of is less than one  
36 thousand (1,000) kilograms per shipment; or

37 (2) **unless the solid waste is disposed at a solid waste landfill**  
38 **that does not meet Subtitle D design standards of the federal**  
39 **Resource Conservation and Recovery Act as provided in 40**  
40 **CFR Part 258.**

41 SECTION 5. [EFFECTIVE JULY 1, 1999] (a) **The environmental**  
42 **quality service council shall:**

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1           **(1) review the permit accountability time frames outlined in**  
2           **IC 13-15-4-1, as amended by this act, and 326 IAC 2-5-2; and**  
3           **(2) make legislative recommendations based on the review**  
4           **conducted under subdivision (1), if appropriate.**  
5           **(b) This section expires October 1, 1999.**  
6           **SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The solid waste**  
7           **management board shall adopt rules under IC 4-22-2 and**  
8           **IC 13-14-9 to make the board's rules consistent with IC 13-20-7-1,**  
9           **as amended by this act.**  
10           **(b) The solid waste management board shall adopt the rules**  
11           **described in subsection (a) before July 1, 2000.**  
12           **(c) A rule adopted by the solid waste management board before**  
13           **the effective date of this SECTION that does not comply with**  
14           **IC 13-20-7-1, as amended by this act, applies only to solid waste**  
15           **that is disposed at a solid waste landfill that does not meet Subtitle**  
16           **D design standards of the federal Resource Conservation and**  
17           **Recovery Act as provided for in 40 CFR Part 258. SECTION 7. An**  
18           **emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1919, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1919 be amended to read as follows:

Page 3, delete lines 9 through 42.

Page 4, delete lines 1 through 20.

Renumber all SECTIONS consecutively.

(Reference is to HB 1919 as printed March 2, 1999.)

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1919, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 13-16-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. Notwithstanding sections 1 through 5 of this chapter or any other law, a board or the department may not do any of the following:

- (1) **Except as provided in section 7 of this chapter**, change a fee established by:
  - (A) IC 13-18-20;
  - (B) IC 13-20-21; or
  - (C) IC 13-22-12.
- (2) Establish an additional fee that was not in effect on January 1, 1994, concerning the following:
  - (A) National Pollutant Discharge Elimination System programs.
  - (B) Solid waste programs.
  - (C) Hazardous waste programs.
- (3) Require payment of a fee for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 3. IC 13-16-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 7. Before billing a permitted source under IC 13-18-20, IC 13-20-21, or IC 13-22-12, the commissioner shall review the money in the environmental management permit operation fund established under IC 13-15-11 and make the following adjustments:**

- (1) **If the balance of the fund collected under IC 13-18-20, once obligated expenditures are subtracted from the balance, exceeds two million five hundred thousand dollars (\$2,500,000) as of July 1 of the billing year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over two million five hundred thousand dollars (\$2,500,000). Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees.**
- (2) **If the balance of the fund collected under IC 13-20-21,**



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once obligated expenditures are subtracted from the balance, exceeds one million eight hundred thousand dollars (\$1,800,000) as of July 1 of the billing year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over one million eight hundred thousand dollars (\$1,800,000). Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees.

(3) If the balance of the fund collected under IC 13-22-12, once obligated expenditures are subtracted from the balance, exceeds one million eight hundred thousand dollars (\$1,800,000) as of July 1 of the billing year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over one million eight hundred thousand dollars (\$1,800,000). Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees.

SECTION 4. IC 13-20-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **This chapter and rules adopted under this chapter apply only to solid waste that is disposed at a solid waste landfill that does not meet Subtitle D design standards of the federal Resource Conservation and Recovery Act as provided in 40 CFR Part 258.**

(b) A person may not be required to have solid waste certified as special waste:

- (1) for a single shipment of solid waste if:
  - (+) (A) the solid waste is generated by one (1) generator from one (1) process;
  - (-) (B) the quantity of solid waste generated by the process is less than one hundred (100) kilograms per month; and
  - (-) (C) the quantity of solid waste disposed of is less than one thousand (1,000) kilograms per shipment; **or**
- (2) **unless the solid waste is disposed at a solid waste landfill that does not meet Subtitle D design standards of the federal Resource Conservation and Recovery Act as provided in 40 CFR Part 258."**

Page 3, after line 15, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **The solid waste management board shall adopt rules under IC 4-22-2 and IC 13-14-9 to make the board's rules consistent with IC 13-20-7-1,**



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as amended by this act.

(b) The solid waste management board shall adopt the rules described in subsection (a) before July 1, 2000.

(c) A rule adopted by the solid waste management board before the effective date of this SECTION that does not comply with IC 13-20-7-1, as amended by this act, applies only to solid waste that is disposed at a solid waste landfill that does not meet Subtitle D design standards of the federal Resource Conservation and Recovery Act as provided for in 40 CFR Part 258. SECTION 7. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1919 as reprinted March 5, 1999.)

GARD, Chairperson

Committee Vote: Yeas 7, Nays 0.

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