



April 5, 1999

**ENGROSSED  
SENATE BILL No. 6**

DIGEST OF SB0006 (Updated March 30, 1999 4:31 pm - DI 58)

**Citations Affected:** IC 13-11; IC 13-20; IC 13-25.

**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 recycling or disposal of: (1) household hazardous waste; and (2) waste generated by conditionally exempt small quantity generators. (Current (Continued next page)

**Effective:** July 1, 1999.

**Simpson, Gard, Craycraft, Howard,  
Riegsecker**  
(HOUSE SPONSORS — KRUZAN, WOLKINS)

January 6, 1999, read first time and referred to Committee on Environmental Affairs.  
February 2, 1999, amended, reported favorably — Do Pass.  
February 9, 1999, read second time, amended, ordered engrossed.  
February 10, 1999, engrossed.  
February 11, 1999, read third time, passed. Yeas 49, nays 0.  
HOUSE ACTION  
March 3, 1999, read first time and referred to Committee on Environmental Affairs.  
March 25, 1999, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.  
April 5, 1999, reported — Do Pass.

ES 6—LS 6050/DI 69+



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law requires the department to provide grants only for collection and disposal projects involving household hazardous waste.) Provides that an additional source of funds for household hazardous waste collection and disposal project grants is the solid waste management fund. Extends the time from 12 months to 24 months in which collection and disposal projects must be completed. Increases from \$250,000 to \$450,000 the amount of money that is available each year from the hazardous substances response trust fund to provide collection and disposal project grants. Repeals provisions that: (1) require grantees to submit to the department of environmental management documentation concerning all project expenditures; and (2) require the department to submit annual reports to certain persons concerning household hazardous waste grant program projects. Allows the solid waste management board to adopt rules concerning the household hazardous waste grant program instead of requiring the board to adopt rules. Amends the definition of household hazardous waste for purposes of the law concerning: (1) the household hazardous waste grant program; and (2) solid waste management districts.

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April 5, 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 SENATE BILL No. 6

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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 13-11-2-38.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
3 **[EFFECTIVE JULY 1, 1999]: Sec. 38.5. "Conditionally exempt**  
4 **small quantity generator waste"**, for purposes of **IC 13-20-20 and**  
5 **IC 13-25-4, means waste generated by a conditionally exempt small**  
6 **quantity generator (as defined in 40 CFR 261.5).**

7 SECTION 2. IC 13-20-20-1 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The department  
9 shall provide financial assistance to units and districts through  
10 matching grants awarded under this chapter for projects involving the  
11 collection and disposal of household hazardous waste **and**  
12 **conditionally exempt small quantity generator waste.**

13 (b) Grants awarded under this chapter shall be funded:  
14 (1) from the hazardous substances response trust fund established  
15 by IC 13-25-4-1 if money is available under IC 13-25-4-4;  
16 (2) **from the solid waste management fund established by**  
17 **IC 13-20-22-2.**

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

3 (1) Implementing a project.

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

5 SECTION 3. IC 13-20-20-2 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. A grant may be  
7 awarded under this chapter to a unit or district that has developed a  
8 household hazardous waste **or conditionally exempt small quantity**  
9 **generator waste** collection and **recycling or** disposal project that does  
10 the following:

11 (1) Provides educational literature describing the hazards  
12 associated with household hazardous waste **and conditionally**  
13 **exempt small quantity generator waste.**

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

15 (A) collect;

16 (B) handle;

17 (C) pack;

18 (D) transport; and

19 (E) dispose of;

20 collected household hazardous waste **and conditionally exempt**  
21 **small quantity generator waste.**

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

26 SECTION 4. IC 13-20-20-3 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) After a grant  
28 applicant has developed a plan under section 2 of this chapter, the  
29 applicant may apply for a grant under this chapter on forms prepared  
30 and supplied by the department.

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

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

35 (2) A map specifying the area to be served by the project that  
36 includes the locations of household hazardous waste **and**  
37 **conditionally exempt small quantity generator waste** collection  
38 sites.

39 (3) A description of proposed information and educational  
40 activities designed to inform households of the opportunity to  
41 participate in the project.

42 (4) A description of safety and security measures that will be

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

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1 for hazardous household products.

2 SECTION 5. IC 13-20-20-4 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) Estimated project  
4 costs submitted under section 3(b)(5) of this chapter must include the  
5 following:

6 (1) Eligible project costs.

7 (2) Ineligible project costs.

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

11 (c) Ineligible project costs include the following:

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

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

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

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

19 (d) Eligible project costs may be:

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

21 (2) funded by the grant.

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

24 SECTION 6. IC 13-20-20-8 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) In determining  
26 the priority of grant applications under this chapter, the department  
27 shall first consider an applicant's demonstrated commitment to an  
28 annual household hazardous waste **or conditionally exempt small**  
29 **quantity generator waste** collection and disposal project. The  
30 department shall consider evidence of the following in making the  
31 department's determination under this subsection:

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

36 (2) An educational project sponsored by the applicant concerning  
37 the potential dangers associated with household hazardous waste  
38 **or conditionally exempt small quantity generator waste,**  
39 including instructions for the proper methods of handling, storage,  
40 and **recycling or** disposal of household hazardous waste **or**  
41 **conditionally exempt small quantity generator waste.**

42 (3) Sponsorship or participation in other projects that relate to the

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1 collection and disposal of household hazardous waste **or**  
 2 **conditionally exempt small quantity generator waste,**  
 3 including projects developed or sponsored by civic organizations  
 4 or private foundations.

5 (4) An educational project by the applicant concerning  
 6 nonhazardous and nontoxic substitutes for hazardous household  
 7 products.

8 (b) If the department determines that one (1) or more applicants  
 9 demonstrate substantially similar commitment levels under subsection  
 10 (a), the department shall give priority to the application the department  
 11 received first.

12 SECTION 7. IC 13-25-4-1 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The hazardous  
 14 substances response trust fund is established. The purpose of the fund  
 15 is to accumulate and maintain a source of money for the following  
 16 purposes:

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

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

22 (A) prevent the release of a hazardous substance or  
 23 contaminant; or

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

27 (3) Financing response actions that are:

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

30 (B) considered by the commissioner to be necessary to protect  
 31 the public health or welfare or the environment from the  
 32 release or threatened release of a hazardous substance or  
 33 contaminant.

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

37 (5) Paying administrative and personnel expenses incurred by the  
 38 state in responding to releases or threats of releases of hazardous  
 39 substances or contaminants.

40 (6) Paying claims for the reimbursement of necessary response  
 41 costs incurred by persons that have received preauthorization  
 42 from the commissioner for reimbursement.



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1 (7) Providing grants for household hazardous waste **and**  
 2 **conditionally exempt small quantity generator waste** collection  
 3 **and recycling or** disposal projects under IC 13-20-20.

4 (8) Paying administrative and personnel expenses incurred by the  
 5 department in implementing and administering household  
 6 hazardous waste **and conditionally exempt small quantity**  
 7 **generator waste** collection and **recycling or** disposal projects  
 8 under IC 13-20-20.

9 (9) Transferring funds to the environmental remediation revolving  
 10 loan fund established by IC 13-19-5-2.

11 (b) Money in the fund at the end of a state fiscal year does not revert  
 12 to the state general fund.

13 SECTION 8. IC 13-25-4-4 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The department  
 15 shall do the following:

16 (1) Prepare an annual budget to provide for administrative and  
 17 personnel expenses from the fund.

18 (2) Submit the budget to the budget committee in accordance with  
 19 IC 4-12-1.

20 (b) The general assembly must appropriate the money in the fund to  
 21 be used for administrative and personnel expenses before expenditure  
 22 of the money. The commissioner shall order all other expenditures  
 23 from the fund with the approval of the governor and the budget agency.

24 (c) Not more than ~~two hundred fifty~~ **four hundred fifty** thousand  
 25 dollars ~~(\$250,000)~~ **(\$450,000)** of the fund is available to the  
 26 department each year to fund grants awarded under IC 13-20-20,  
 27 exclusive of administrative and personnel expenditures authorized by  
 28 section 1(a)(8) of this chapter.

29 SECTION 9. IC 13-20-20-7 and IC 13-20-20-12 ARE REPEALED  
 30 [EFFECTIVE JULY 1, 1999].

31 SECTION 10. IC 13-20-20-13 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. The board ~~shall~~  
 33 **may** adopt rules under **this chapter in accordance with IC 4-22-2 to**  
 34 **implement this chapter and IC 13-14-9.**

35 SECTION 11. IC 13-11-2-104 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 104. (a) "Household  
 37 hazardous waste", for purposes of IC 13-20-20 **and IC 13-21**, means  
 38 hazardous waste generated by households ~~that~~:

39 (1) is ignitable (as defined in 40 CFR 261.21);

40 (2) is toxic (as defined in 40 CFR 261.24);

41 (3) is reactive (as defined in 40 CFR 261.23);

42 (4) is corrosive (as defined in 40 CFR 261.22); or



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- 1 (5) otherwise poses a threat to human health or the environment.
- 2 (b) "Household hazardous waste"; for purposes of IC 13-21, means
- 3 solid waste that:
- 4 (1) is generated by households; and
- 5 (2) consists of or contains materials that are ignitable, corrosive,
- 6 reactive, or toxic.
- 7 (c) For the purposes of subsection (b), a material is:
- 8 (1) "ignitable" if the material has the quality of ignitability (as
- 9 defined in 40 CFR 261.21);
- 10 (2) "corrosive" if the material has the quality of corrosivity (as
- 11 defined in 40 CFR 261.22);
- 12 (3) "reactive" if the material has the quality of reactivity (as
- 13 defined in 40 CFR 261.23); and
- 14 (4) "toxic" if the material has the quality of EP toxicity (as defined
- 15 in 40 CFR 261.24).

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SENATE MOTION

Mr. President: I move that Senator Gard be added as second author of Senate Bill 6.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 6, 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 6, line 24, delete "five hundred" and insert "**four hundred fifty**".

Page 6, line 25, delete "\$500,000" and insert "**(\$450,000)**".

and when so amended that said bill do pass.

(Reference is to SB 6 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 0.

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## SENATE MOTION

Mr. President: I move that Senate Bill 6 be amended to read as follows:

Page 1, line 5, delete "hazardous waste generated by a person who" and insert **"waste generated by a conditionally exempt small quantity generator (as defined in 40 CFR 261.5)."**

Page 1, delete lines 6 through 9.

Page 1, line 16, after "funded" insert ":",

Page 1, line 16, before "from" begin a new paragraph and insert **"(1)"**.

Page 1, line 18, strike "." and insert ";;".

Page 1, after line 18, insert **"(2) from the solid waste management fund established by IC 13-20-22-2."**

Page 2, line 9, after "and" insert **"recycling or"**.

Page 4, line 40, after "and" insert **"recycling or"**.

Page 6, line 3, after "and" insert **"recycling or"**.

Page 6, line 7, after "and" insert **"recycling or"**.

Page 6, after line 28, begin a new paragraph and insert:

**"SECTION 9. IC 13-20-20-7 and IC 13-20-20-12 ARE REPEALED [EFFECTIVE JULY 1, 1999].**

**SECTION 10. IC 13-20-20-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. The board shall may adopt rules under this chapter in accordance with IC 4-22-2 to implement this chapter and IC 13-14-9.**

**SECTION 11. IC 13-11-2-104 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 104. (a) "Household hazardous waste", for purposes of IC 13-20-20 and IC 13-21, means hazardous waste generated by households that:**

**(1) is ignitable (as defined in 40 CFR 261.21);**

**(2) is toxic (as defined in 40 CFR 261.24);**

**(3) is reactive (as defined in 40 CFR 261.23);**

**(4) is corrosive (as defined in 40 CFR 261.22); or**

**(5) otherwise poses a threat to human health or the environment.**

**(b) "Household hazardous waste", for purposes of IC 13-21, means solid waste that:**

**(1) is generated by households; and**

**(2) consists of or contains materials that are ignitable, corrosive, reactive, or toxic.**

**⊕ For the purposes of subsection (b), a material is:**

**(1) "ignitable" if the material has the quality of ignitability (as defined in 40 CFR 261.21);**

**(2) "corrosive" if the material has the quality of corrosivity (as**

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defined in 40 CFR 261.22);

(3) "reactive" if the material has the quality of reactivity (as defined in 40 CFR 261.23); and

(4) "toxic" if the material has the quality of EP toxicity (as defined in 40 CFR 261.24).".

(Reference is to Senate Bill 6 as printed February 3, 1999.)

SIMPSON

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 6, 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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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 6, 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.

BAUER, Chair

Committee Vote: yeas 22, nays 0.

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