



Reprinted  
April 9, 1999

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## ENGROSSED SENATE BILL No. 6

DIGEST OF SB 6 (Updated April 8, 1999 5:54 pm - DI 44)

**Citations Affected:** IC 13-11; IC 13-20; IC 13-25; IC 34-19; noncode.

**Synopsis:** Hazardous waste grant program. Specifies that, with certain exceptions, the law concerning the regulation of special waste applies only to solid waste that is disposed of at a solid waste landfill that does not meet Subtitle D design standards of the federal resource conservation and recovery act ("RCRA"). Provides that a person may not be required to have solid waste certified as special waste unless the solid waste is disposed of at a solid waste landfill that does not meet  
(Continued next page)

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

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**Simpson, Gard, Craycraft, Howard,  
Riegsecker**

(HOUSE SPONSORS — KRUZAN, WOLKINS)

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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.  
April 8, 1999, read second time, amended, ordered engrossed.

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Subtitle D requirements of RCRA. Requires all persons that generate special waste at a final disposal facility to provide the facility with a signed affidavit that affirms certain information. Provides that persons that generate special waste may not send it to a transfer station unless the transfer station is permitted by the department of environmental management to accept special waste. 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 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. 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. Allows a civil action to abate or enjoin a nuisance caused by the unlawful dumping of solid waste to be brought by an attorney representing a solid waste management district in which the nuisance exists. Allows a county, municipality or solid waste management district that brings a successful action to abate or enjoin such a nuisance to recover court costs incurred in bringing the action. Allows the town of Danville to invest money in a host agreement future fund in municipal securities and equity securities. Allows a maximum investment term for this fund to be for five years.

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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

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 5-13-9-2 IS AMENDED TO READ AS  
2 FOLLOWS: [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Each officer  
3 designated in section 1 of this chapter may invest or reinvest any funds  
4 that are held by the officer and available for investment in any of the  
5 following:  
6 (1) Securities backed by the full faith and credit of the United  
7 States Treasury or fully guaranteed by the United States and  
8 issued by any of the following:  
9 (A) The United States Treasury.  
10 (B) A federal agency.  
11 (C) A federal instrumentality.  
12 (D) A federal government sponsored enterprise.  
13 (2) Discount notes issued by any of the following:  
14 (A) A federal agency.  
15 (B) A federal instrumentality.  
16 (C) A federal government sponsored enterprise.  
17 (b) If an investment under subsection (a)(1) is made at a cost in

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1 excess of the par value of the securities purchased, any premium paid  
 2 for the securities shall be deducted from the first interest received and  
 3 returned to the fund from which the investment was purchased, and  
 4 only the net amount is considered interest income.

5 (c) The officer making the investment may sell any securities  
 6 acquired and may do anything necessary to protect the interests of the  
 7 funds invested, including the exercise of exchange privileges which  
 8 may be granted with respect to maturing securities in cases where the  
 9 new securities offered in exchange meet the requirements for initial  
 10 investment.

11 (d) The investing officers of the political subdivisions are the legal  
 12 custodians of securities under this chapter. They shall accept  
 13 safekeeping receipts or other reporting for securities from:

- 14 (1) a duly designated depository as prescribed in this article; or  
 15 (2) a financial institution located either in or out of Indiana having  
 16 custody of securities with a combined capital and surplus of at  
 17 least ten million dollars (\$10,000,000) according to the last  
 18 statement of condition filed by the financial institution with its  
 19 governmental supervisory body.

20 (e) The state board of accounts may rely on safekeeping receipts or  
 21 other reporting from any depository or financial institution.

22 (f) **In addition to any other investments allowed under this**  
 23 **chapter, a clerk-treasurer of a town with a population of more than**  
 24 **four thousand (4,000) but less than five thousand (5,000) in a**  
 25 **county having a population of more than seventy-five thousand**  
 26 **(75,000) but less than seventy-eight thousand (78,000) may also**  
 27 **invest money in a host community agreement future fund**  
 28 **established by ordinance of the town in:**

- 29 (1) **municipal securities; and**  
 30 (2) **equity securities;**

31 **having a stated final maturity of any number of years or having no**  
 32 **stated final maturity. The total investments outstanding under this**  
 33 **subsection may not exceed twenty-five percent (25%) of the total**  
 34 **portfolio of funds invested by the clerk-treasurer of a town.**  
 35 **However, an investment that complies with this subsection when**  
 36 **the investment is made remains legal even if a subsequent decrease**  
 37 **in the total portfolio invested by the clerk-treasurer of a town**  
 38 **causes the percentage of investments outstanding under this**  
 39 **subsection to exceed twenty-five per cent (25%).**

40 SECTION 2. IC 5-13-9-5.6 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.. 5.6. **Except for**  
 42 **investments allowed under section 2(f) of this chapter,** investments

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1 made under this chapter must have a stated final maturity of not more  
2 than:

3 **(1) five (5) years for investments made from a host community**  
4 **agreement future fund established by ordinance of a town**  
5 **with a population of more than four thousand (4,000) but less**  
6 **than five thousand (5,000) in a county having a population of**  
7 **more than seventy-five thousand (75,000) but less than**  
8 **seventy-eight thousand (78,000); or**

9 **(2) two (2) years for a fund or political subdivision not**  
10 **described in subdivision (1);**

11 after the date of purchase or entry into a repurchase agreement.

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

18 SECTION 4. IC 13-20-7-1 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a) Except as**  
20 **provided in sections 7 and 8 of this chapter, this chapter and rules**  
21 **adopted under this chapter apply only to solid waste that is**  
22 **disposed of at a solid waste landfill that does not meet Subtitle D**  
23 **design standards of the federal Resource Conservation and**  
24 **Recovery Act as provided in 40 CFR Part 258.**

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

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

28 ~~(A)~~ **(A) the solid waste is generated by one (1) generator from**  
29 **one (1) process;**

30 ~~(B)~~ **(B) the quantity of solid waste generated by the process is**  
31 **less than one hundred (100) kilograms per month; and**

32 ~~(C)~~ **(C) the quantity of solid waste disposed of is less than one**  
33 **thousand (1,000) kilograms per shipment; or**

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

38 SECTION 5. IC 13-20-7-7 IS ADDED TO THE INDIANA CODE  
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
40 UPON PASSAGE]: **Sec. 7. (a) This section applies to all persons**  
41 **that:**

42 **(1) generate special waste; and**



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1 (2) dispose of the special waste at a final disposal facility.

2 (b) A person that generates special waste and disposes of the  
3 special waste at a final disposal facility shall provide the final  
4 disposal facility with a signed disposal notification attesting that  
5 the information on the disposal notification is true and accurate  
6 and that:

7 (1) the special waste is not hazardous waste;

8 (2) a waste determination was performed on the special waste  
9 in accordance with 40 CFR 258 and 40 CFR 261; and

10 (3) documentation that supports the waste determination will  
11 be made available, upon request, to the final disposal facility.

12 SECTION 6. IC 13-20-7-8 IS ADDED TO THE INDIANA CODE  
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
14 UPON PASSAGE]: Sec. 8. (a) This section applies to all persons  
15 that generate special waste.

16 (b) A person that generates special waste may not send the  
17 special waste to a transfer station unless the transfer station is  
18 permitted by the department to accept special waste.

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

25 (b) Grants awarded under this chapter shall be funded:

26 (1) from the hazardous substances response trust fund established  
27 by IC 13-25-4-1 if money is available under IC 13-25-4-4;

28 (2) from the solid waste management fund established by  
29 IC 13-20-22-2.

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

32 (1) Implementing a project.

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

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

40 (1) Provides educational literature describing the hazards  
41 associated with household hazardous waste and conditionally  
42 exempt small quantity generator waste.



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- 1 (2) Uses a licensed hazardous waste ~~transportation~~ service to:
- 2 (A) collect;
- 3 (B) handle;
- 4 (C) pack;
- 5 (D) transport; and
- 6 (E) dispose of;
- 7 collected household hazardous waste **and conditionally exempt**
- 8 **small quantity generator waste.**
- 9 (3) Allows and encourages participation from all households
- 10 within a designated household hazardous waste **or conditionally**
- 11 **exempt small quantity generator waste** collection area that is
- 12 specified in the grant application.
- 13 SECTION 9. IC 13-20-20-3 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) After a grant
- 15 applicant has developed a plan under section 2 of this chapter, the
- 16 applicant may apply for a grant under this chapter on forms prepared
- 17 and supplied by the department.
- 18 (b) A grant application must include the following:
- 19 (1) A statement describing a project's scope of activities and
- 20 objectives that identifies persons responsible for project planning,
- 21 coordination, and implementation.
- 22 (2) A map specifying the area to be served by the project that
- 23 includes the locations of household hazardous waste **and**
- 24 **conditionally exempt small quantity generator waste** collection
- 25 sites.
- 26 (3) A description of proposed information and educational
- 27 activities designed to inform households of the opportunity to
- 28 participate in the project.
- 29 (4) A description of safety and security measures that will be
- 30 implemented during the project.
- 31 (5) A budget showing all estimated project costs that includes
- 32 ineligible project costs and eligible project costs as described
- 33 under section 4 of this chapter.
- 34 (6) A resolution by the legislative body (as defined in
- 35 IC 36-1-2-9) of a unit or the board of directors of a district
- 36 involved in the project that does the following:
- 37 (A) Authorizes the project and the grant application.
- 38 (B) Expresses the specific intent to carry out all proposed
- 39 project activities described in the grant application.
- 40 (C) Allows department employees to have access to and
- 41 inspect proposed household hazardous waste **and**
- 42 **conditionally exempt small quantity generator waste**

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- 1 collection sites involved in the project.
- 2 (D) Commits the applicant to do the following:
- 3 (i) Maintain appropriate records that document all
- 4 expenditures made during the project.
- 5 (ii) Submit to the department a final report describing all
- 6 project activities, achievements, and problems that compares
- 7 the actual project to the objectives and activities proposed in
- 8 the grant application, including samples of all informational
- 9 and educational brochures prepared and distributed and data
- 10 on the household participation rates, waste quantities
- 11 collected by category, documentation of all costs, and
- 12 recommendations for project improvements.
- 13 (E) Contains a timetable for completion of the project that:
- 14 (i) does not exceed ~~twelve (12)~~ **twenty-four (24)** months;
- 15 and
- 16 (ii) includes anticipated dates of information and
- 17 educational activities, waste collection, and submission of
- 18 final reports.
- 19 (F) Commits the applicant to provide all funding required to
- 20 implement and administer the project, not including the grant
- 21 award.
- 22 (G) Commits the applicant to develop a proposed plan for a
- 23 permanent household hazardous waste **or conditionally**
- 24 **exempt small quantity generator waste** program that
- 25 includes sources of funding and a timetable for
- 26 implementation.
- 27 (H) Commits the applicant to develop a proposed plan for a
- 28 permanent household hazardous product program designed to
- 29 educate the public as to nonhazardous and nontoxic substitutes
- 30 for hazardous household products.
- 31 SECTION 10. IC 13-20-20-4 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) Estimated project
- 33 costs submitted under section 3(b)(5) of this chapter must include the
- 34 following:
- 35 (1) Eligible project costs.
- 36 (2) Ineligible project costs.
- 37 (b) Project costs that are ineligible for grant funding may not be
- 38 used to fulfill a grantee's match requirement. A grantee is responsible
- 39 for all project costs except the costs funded by a grant.
- 40 (c) Ineligible project costs include the following:
- 41 (1) Costs incurred before the approval of a grant.
- 42 (2) Costs incurred more than ~~twelve (12)~~ **twenty-four (24)**

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1 months after a grant has been accepted.

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

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

6 (d) Eligible project costs may be:

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

8 (2) funded by the grant.

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

11 SECTION 11. IC 13-20-20-8 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) In determining  
13 the priority of grant applications under this chapter, the department  
14 shall first consider an applicant's demonstrated commitment to an  
15 annual household hazardous waste **or conditionally exempt small**  
16 **quantity generator waste** collection and disposal project. The  
17 department shall consider evidence of the following in making the  
18 department's determination under this subsection:

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

23 (2) An educational project sponsored by the applicant concerning  
24 the potential dangers associated with household hazardous waste  
25 **or conditionally exempt small quantity generator waste,**  
26 including instructions for the proper methods of handling, storage,  
27 and **recycling or** disposal of household hazardous waste **or**  
28 **conditionally exempt small quantity generator waste.**

29 (3) Sponsorship or participation in other projects that relate to the  
30 collection and disposal of household hazardous waste **or**  
31 **conditionally exempt small quantity generator waste,**  
32 including projects developed or sponsored by civic organizations  
33 or private foundations.

34 (4) An educational project by the applicant concerning  
35 nonhazardous and nontoxic substitutes for hazardous household  
36 products.

37 (b) If the department determines that one (1) or more applicants  
38 demonstrate substantially similar commitment levels under subsection  
39 (a), the department shall give priority to the application the department  
40 received first.

41 SECTION 12. IC 13-25-4-1 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The hazardous

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1 substances response trust fund is established. The purpose of the fund  
 2 is to accumulate and maintain a source of money for the following  
 3 purposes:

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

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

9 (A) prevent the release of a hazardous substance or  
 10 contaminant; or

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

14 (3) Financing response actions that are:

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

17 (B) considered by the commissioner to be necessary to protect  
 18 the public health or welfare or the environment from the  
 19 release or threatened release of a hazardous substance or  
 20 contaminant.

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

24 (5) Paying administrative and personnel expenses incurred by the  
 25 state in responding to releases or threats of releases of hazardous  
 26 substances or contaminants.

27 (6) Paying claims for the reimbursement of necessary response  
 28 costs incurred by persons that have received preauthorization  
 29 from the commissioner for reimbursement.

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

33 (8) Paying administrative and personnel expenses incurred by the  
 34 department in implementing and administering household  
 35 hazardous waste **and conditionally exempt small quantity**  
 36 **generator waste** collection and **recycling or** disposal projects  
 37 under IC 13-20-20.

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

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

42 SECTION 13. IC 13-25-4-4 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The department  
2 shall do the following:

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

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

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

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

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

20 SECTION 15. IC 13-11-2-104 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 104. (a) "Household  
22 hazardous waste", for purposes of IC 13-20-20 **and IC 13-21**, means  
23 hazardous waste generated by households. ~~that:~~

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

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

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

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

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

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

31 (1) is generated by households; and

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

34 (c) For the purposes of subsection (b), a material is:

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

37 (2) "corrosive" if the material has the quality of corrosivity (as  
38 defined in 40 CFR 261.22);

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

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



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1 SECTION 16. IC 34-19-1-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) An action to  
3 abate or enjoin a nuisance may be brought by any person whose:

- 4 (1) property is injuriously affected; or  
5 (2) personal enjoyment is lessened;  
6 by the nuisance.

7 (b) A civil action to abate or enjoin a nuisance may also be brought  
8 by:

- 9 (1) an attorney representing:  
10 (A) the county; or  
11 (B) **subject to subsection (d), the solid waste management**  
12 **district established under IC 13-21-3-1;**

- 13 in which a nuisance exists; or  
14 (2) the attorney of any city or town in which a nuisance exists.

15 (c) A county, city, or town, or **solid waste management district**  
16 that brings a successful action under this section (or IC 34-1-52-2  
17 before its repeal) to abate or enjoin a nuisance caused by the unlawful  
18 dumping of solid waste is entitled to recover reasonable attorney's fees  
19 and court costs incurred in bringing the action.

20 (d) **A solid waste management district may bring a civil action**  
21 **under this chapter only to abate or enjoin a nuisance caused by the**  
22 **unlawful dumping of solid waste.**

23 SECTION 17. [EFFECTIVE UPON PASSAGE] (a) **The solid**  
24 **waste management board shall adopt rules under IC 4-22-2 and**  
25 **IC 13-14-9 to make the board's rules consistent with IC 13-20-7-1,**  
26 **as amended by this act.**

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

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

35 (d) **This SECTION expires July 2, 2000.**

36 SECTION 18. **An emergency is declared for this act.**

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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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## HOUSE MOTION

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

Page 7, after line 15, begin a new paragraph and insert:

"SECTION 12. IC 34-19-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) An action to abate or enjoin a nuisance may be brought by any person whose:

- (1) property is injuriously affected; or
- (2) personal enjoyment is lessened;

by the nuisance.

(b) A civil action to abate or enjoin a nuisance may also be brought by:

- (1) an attorney representing:
  - (A) the county; **or**
  - (B) **subject to subsection (d), the solid waste management district established under IC 13-21-3-1;**

in which a nuisance exists; or

- (2) the attorney of any city or town in which a nuisance exists.

(c) A county, city, ~~or~~ town, **or solid waste management district** that brings a successful action under this section (or IC 34-1-52-2 before its repeal) to abate or enjoin a nuisance caused by the unlawful dumping of solid waste is entitled to recover reasonable attorney's fees **and court costs** incurred in bringing the action.

**(d) A solid waste management district may bring a civil action under this chapter only to abate or enjoin a nuisance caused by the unlawful dumping of solid waste."**

(Reference is to ESB 6 as printed April 6, 1999.)

KRUZAN

## HOUSE MOTION

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

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 13-20-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **Except as provided in sections 7 and 8 of this chapter, this chapter and rules adopted under this chapter apply only to solid waste that is disposed of at a solid waste landfill that does not meet Subtitle D design standards of the federal Resource Conservation and**

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**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:
  - (1) (A) the solid waste is generated by one (1) generator from one (1) process;
  - (2) (B) the quantity of solid waste generated by the process is less than one hundred (100) kilograms per month; and
  - (3) (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 of 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.**

SECTION 3. IC 13-20-7-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) This section applies to all persons that:**

- (1) **generate special waste; and**
- (2) **dispose of the special waste at a final disposal facility.**

(b) **A person that generates special waste and disposes of the special waste at a final disposal facility shall provide the final disposal facility with a signed disposal notification attesting that the information on the disposal notification is true and accurate and that:**

- (1) **the special waste is not hazardous waste;**
- (2) **a waste determination was performed on the special waste in accordance with 40 CFR 258 and 40 CFR 261; and**
- (3) **documentation that supports the waste determination will be made available, upon request, to the final disposal facility.**

SECTION 4. IC 13-20-7-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) This section applies to all persons that generate special waste.**

(b) **A person that generates special waste may not send the special waste to a transfer station unless the transfer station is permitted by the department to accept special waste."**

Page 6, delete lines 29 through 30.

Page 6, line 38, after "households" insert ".".

Page 7, line 15, delete "~~261.24).~~" and insert "~~261.24).~~".

Page 7, after line 15, begin a new paragraph and insert:

"SECTION 14. [EFFECTIVE UPON PASSAGE] (a) **The solid**

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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, 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 of 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.

(d) This SECTION expires July 2, 2000.

SECTION 15. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 6 as printed April 5, 1999.)

WOLKINS

HOUSE MOTION

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

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

SECTION 1. IC 5-13-9-2 IS AMENDED TO READ AS FOLLOWS: [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Each officer designated in section 1 of this chapter may invest or reinvest any funds that are held by the officer and available for investment in any of the following:

- (1) Securities backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States and issued by any of the following:
    - (A) The United States Treasury.
    - (B) A federal agency.
    - (C) A federal instrumentality.
    - (D) A federal government sponsored enterprise.
  - (2) Discount notes issued by any of the following:
    - (A) A federal agency.
    - (B) A federal instrumentality.
    - (C) A federal government sponsored enterprise.
- (b) If an investment under subsection (a)(1) is made at a cost in



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excess of the par value of the securities purchased, any premium paid for the securities shall be deducted from the first interest received and returned to the fund from which the investment was purchased, and only the net amount is considered interest income.

(c) The officer making the investment may sell any securities acquired and may do anything necessary to protect the interests of the funds invested, including the exercise of exchange privileges which may be granted with respect to maturing securities in cases where the new securities offered in exchange meet the requirements for initial investment.

(d) The investing officers of the political subdivisions are the legal custodians of securities under this chapter. They shall accept safekeeping receipts or other reporting for securities from:

- (1) a duly designated depository as prescribed in this article; or
- (2) a financial institution located either in or out of Indiana having custody of securities with a combined capital and surplus of at least ten million dollars (\$10,000,000) according to the last statement of condition filed by the financial institution with its governmental supervisory body.

(e) The state board of accounts may rely on safekeeping receipts or other reporting from any depository or financial institution.

**(f) In addition to any other investments allowed under this chapter, a clerk-treasurer of a town with a population of more than four thousand (4,000) but less than five thousand (5,000) in a county having a population of more than seventy-five thousand (75,000) but less than seventy-eight thousand (78,000) may also invest money in a host community agreement future fund established by ordinance of the town in:**

- (1) municipal securities; and**
- (2) equity securities;**

**having a stated final maturity of any number of years or having no stated final maturity. The total investments outstanding under this subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the clerk-treasurer of a town. However, an investment that complies with this subsection when the investment is made remains legal even if a subsequent decrease in the total portfolio invested by the clerk-treasurer of a town causes the percentage of investments outstanding under this subsection to exceed twenty-five per cent (25%).**

SECTION 2. IC 5-13-9-5.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec.. 5.6. **Except for investments allowed under section 2(f) of this chapter,** investments



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made under this chapter must have a stated final maturity of not more than:

**(1) five (5) years for investments made from a host community agreement future fund established by ordinance of a town with a population of more than four thousand (4,000) but less than five thousand (5,000) in a county having a population of more than seventy-five thousand (75,000) but less than seventy-eight thousand (78,000); or**

**(2) two (2) years for a fund or political subdivision not described in subdivision (1);**

after the date of purchase or entry into a repurchase agreement.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 6 as printed March 26, 1999.)

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