



March 26, 1999

**ENGROSSED
SENATE BILL No. 495**

DIGEST OF SB0495 (Updated March 24, 1999 3:25 pm - DI 69)

Citations Affected: IC 13-11; IC 13-14; IC 13-19; noncode.

Synopsis: Foundry sand. Allows a property owner to provide information to the department of environmental management in response to an inspection. Requires the department to review and consider the information, and append any written information to the inspection report and include written information in the public file. Permits the use of Type III foundry sand in a land application operation or for soil amendments. Requires the department of environmental management to develop a task force to develop guidance for the department on the use of foundry sand and on procedures for foundry sand characterization that address generator knowledge and testing requirements.

Effective: July 1, 1999.

Ford, Kenley, Skillman

(HOUSE SPONSORS — KRUZAN, WOLKINS)

January 19, 1999, read first time and referred to Committee on Environmental Affairs.
February 25, 1999, amended, reported favorably — Do Pass.
March 1, 1999, read second time, amended, ordered engrossed.
March 2, 1999, engrossed.
March 3, 1999, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 8, 1999, read first time and referred to Committee on Environmental Affairs.
March 25, 1999, reported — Do Pass.

ES 495—LS 7700/DI 78+



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March 26, 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. 495

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 13-11-2-114.2 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1999]: **Sec. 114.2. "Land application**
4 **operation"**, for purposes of IC 13-19-3, means an operation in
5 **which sludge, waste products, or wastewater generated by**
6 **industrial, municipal, or semipublic facilities are disposed of by**
7 **application upon or incorporation into the soil. The term does not**
8 **include the operation of a landfill or an open dump.**

9 SECTION 2. IC 13-11-2-116 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 116. (a) "Landfill", for
11 purposes of IC 13-20-2, means a solid waste disposal facility at which
12 solid waste is deposited on or beneath the surface of the ground as an
13 intended place of final location.

14 (b) "Landfill", for purposes of **IC 13-11-2-114.2** and IC 13-20-11,
15 means a facility operated under a permit issued under IC 13-15-3 or
16 IC 13-7-10 (before its repeal) at which solid waste is disposed of by
17 placement on or under the surface of the ground.

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1 (c) "Landfill", for purposes of IC 13-11-2-82 and IC 13-21, means
 2 a solid waste management disposal facility at which solid waste is
 3 deposited on or in the ground as an intended place of final location.

4 The term does not include the following:

5 (1) A site that is devoted solely to receiving one (1) or more of the
 6 following:

7 (A) Fill dirt.

8 (B) Vegetative matter subject to disposal as a result of:

9 (i) landscaping;

10 (ii) yard maintenance;

11 (iii) land clearing; or

12 (iv) any combination of activities referred to in this clause.

13 (2) A facility receiving waste that is regulated under the
 14 following:

15 (A) IC 13-22-1 through IC 13-22-8.

16 (B) IC 13-22-13 through IC 13-22-14.

17 SECTION 3. IC 13-19-3-7 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The department and
 19 the boards shall allow a person to use foundry sand that meets Type III
 20 criteria under 329 IAC 10-9 for the following activities in accordance
 21 with guidance without requiring the person to obtain any permits from
 22 the department:

23 (1) As a daily cover for litter and vermin control at a landfill in
 24 accordance with any applicable permits issued for the landfill.

25 (2) As a protective cover for a landfill leachate system in
 26 accordance with any applicable permits issued for the landfill.

27 (3) For use as capped embankments for ground and sight barriers
 28 under ten thousand (10,000) cubic yards or embankments for
 29 airports, bridges, or overpasses.

30 (4) **For use in:**

31 (A) **a land application operation; or**

32 (B) **as a soil amendment;**

33 **if the application or amendment does not include the**
 34 **operation of a landfill.**

35 (5) As a structural fill base capped by clay, asphalt, or concrete
 36 for the following:

37 (A) Roads.

38 (B) Road shoulders.

39 (C) Parking lots.

40 (D) Floor slabs.

41 (E) Utility trenches.

42 (F) Bridge abutments.



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- 1 (G) Tanks and vaults.
- 2 (H) Construction or architectural fill.
- 3 (I) Other similar uses.
- 4 ~~(5)~~ (6) As a raw material constituent incorporated into another
- 5 product including the following:
- 6 (A) Flowable fill.
- 7 (B) Concrete.
- 8 (C) Asphalt.
- 9 (D) Brick.
- 10 (E) Block.
- 11 (F) Portland cement.
- 12 (G) Glass.
- 13 (H) Roofing materials.
- 14 (I) Rock wool.
- 15 (J) Plastics.
- 16 (K) Fiberglass.
- 17 (L) Mineral wool.
- 18 (M) Lightweight aggregate.
- 19 (N) Paint.
- 20 (O) Plaster.
- 21 (P) Other similar products.

22 SECTION 4. IC 13-14-5-6 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 1999]: **Sec. 6. (a) The property owner may provide information
 25 in response to any of the following:**

- 26 (1) An oral report provided under section 2 of this chapter.
- 27 (2) A written summary provided under section 2 or 3 of this
- 28 chapter.
- 29 (3) Questions raised during the inspection visit.

30 (b) The department shall review and consider any information
 31 presented by the property owner under subsection (a). The
 32 department shall append any written information provided under
 33 subsection (a) to the inspection report and include the written
 34 information in the public file.

35 SECTION 5. [EFFECTIVE JULY 1, 1999] (a) The department of
 36 environmental management shall develop a task force that includes
 37 individuals knowledgeable about the foundry industry, individuals
 38 knowledgeable in proposed uses of foundry sand, and other
 39 interested parties to develop guidance for the department before
 40 January 1, 2000:

- 41 (1) to implement IC 13-19-3-7, as amended by this act; and
- 42 (2) to develop appropriate procedures for foundry sand

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1 **characterization that address generator knowledge and**
2 **testing requirements.**
3 **(b) This SECTION expires January 2, 2000.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 495, 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 2, delete lines 17 through 37.

Page 4, delete lines 1 through 21, and insert the following:

"SECTION 4. IC 13-14-5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 6. (a) The property owner may provide information in response to any of the following:**

- (1) **An oral report provided under section 2 of this chapter.**
- (2) **A written summary provided under section 2 or 3 of this chapter.**
- (3) **Questions raised during the inspection visit.**

(b) **The department shall review and consider any information presented by the property owner under subsection (a). The department shall append any written information provided under subsection (a) to the inspection report and include the written information in the public file.**

SECTION 5. [EFFECTIVE JULY 1, 1999] (a) **The department of environmental management shall develop a task force that includes individuals knowledgeable about the foundry industry, individuals knowledgeable in proposed uses of foundry sand, and other interested parties to develop guidance for the department before January 1, 2000:**

- (1) **to implement IC 13-19-3-7, as amended by this act; and**
- (2) **to develop appropriate procedures for foundry sand characterization that address generator knowledge and testing requirements.**

(b) **This SECTION expires January 2, 2000."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 495 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 495 be amended to read as follows:

Page 2, line 20, delete "section 8 of this chapter and".

(Reference is to SB 495 as printed February 26, 1999.)

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SENATE MOTION

Mr. President: I move that Senators Kenley and Skillman be added as coauthors of Senate Bill 495.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 495, 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 12, nays 0.

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