

SENATE BILL No. 6

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 time from 12 months to 24 months in which collection and disposal
(Continued next page)

Effective: July 1, 1999.

Simpson

January 6, 1999, read first time and referred to Committee on Environmental Affairs.

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

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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.

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

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



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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 disposal project that does the
10 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 disposal of household hazardous waste **or conditionally**
 41 **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 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 disposal projects under
 8 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 five hundred~~ thousand dollars
 25 ~~(\$250,000)~~ **(\$500,000)** of the fund is available to the department each
 26 year to fund grants awarded under IC 13-20-20, exclusive of
 27 administrative and personnel expenditures authorized by section
 28 1(a)(8) of this chapter.

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