

HOUSE BILL No. 1908

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-20.

Synopsis: Composting and vegetative matter. Removes an exception to the restriction on disposal of vegetative matter in solid waste landfills that allowed grass and certain vegetative matter to be disposed of in solid waste landfills. Allows the state solid waste management fund to provide grants to implement the composting facility development grant program. Establishes the composting facility development grant program to be run by the department of environmental management. Describes the requirements for applying for and receiving grants from the program.

Effective: July 1, 1999.

Kuzman

January 26, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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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.

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HOUSE BILL No. 1908



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 13-20-9-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This chapter does not
3 apply to the following:

4 (1) ~~The~~ use of vegetative matter resulting from landscaping
5 maintenance and land clearing projects that, after composting, is
6 used as cover material for a solid waste landfill.

7 (2) ~~The deposit into a solid waste landfill of:~~
8 (A) ~~grass;~~

9 (B) ~~woody vegetative matter that is:~~
10 (i) ~~less than three (3) feet in length; and~~
11 (ii) ~~bagged, bundled, or otherwise contained; or~~

12 (C) ~~de minimis amounts of vegetative matter that are:~~
13 (i) ~~less than three (3) feet in length;~~
14 (ii) ~~bagged, bundled, or otherwise contained; and~~
15 (iii) ~~not set out separately for collection and disposal.~~

16 SECTION 2. IC 13-20-22-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The state solid



1 waste management fund is established to provide money for the
2 following:

3 (1) Programs that provide grants and loans that provide education
4 and promote the following:

5 (A) Recycling and the use of recycled materials.

6 (B) Waste reduction.

7 (C) Management of yard waste.

8 (2) Providing grants to implement household hazardous waste
9 source reduction or recycling projects.

10 **(3) Providing grants to implement the composting facility**
11 **development grant program established under IC 13-20-23.**

12 (b) The expenses of administering the fund shall be paid from
13 money in the fund.

14 (c) The sources of money for the fund are the following:

15 (1) All fees deposited into the fund under section 12(2) of this
16 chapter.

17 (2) Accrued interest and other investment earnings of the fund.

18 (3) Appropriations made by the general assembly.

19 (4) Gifts and donations from any person to the fund.

20 (d) The treasurer of state shall invest the money in the fund not
21 currently needed to meet the obligations of the fund in the same
22 manner as other public money may be invested.

23 (e) Money in the fund at the end of a state fiscal year does not revert
24 to the state general fund.

25 SECTION 3. IC 13-20-23 IS ADDED TO THE INDIANA CODE
26 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 1999]:

28 **Chapter 23. Composting Facility Development Grant Program**

29 **Sec. 1. The Indiana composting facility development grant**
30 **program is established. The purpose of the program is to promote**
31 **and assist the development of registered composting facilities by**
32 **providing matching grants to businesses, units, and districts**
33 **involved in composting.**

34 **Sec. 2. (a) The department may award matching grants under**
35 **this chapter for the following purposes:**

36 (1) **The purchase of property to be used for a registered**
37 **composting facility.**

38 (2) **The purchase of equipment to be used by a registered**
39 **composting facility.**

40 (b) **The department may not award matching grants under this**
41 **chapter for the purpose of funding continued operations of a**
42 **registered composting facility.**



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1 **Sec. 3. Grants awarded under this chapter shall be funded from**
 2 **the state solid waste management fund established by**
 3 **IC 13-20-22-2 if money is available under IC 13-20-22.**

4 **Sec. 4. Units, districts, and businesses may join in any**
 5 **combination for purposes of the following:**

- 6 (1) **Implementing a project.**
 7 (2) **Applying for a grant under this chapter.**

8 **Sec. 5. (a) After a grant applicant has developed a plan for:**

- 9 (1) **funding; and**
 10 (2) **starting or expanding;**

11 **a registered composting facility under this chapter, the applicant**
 12 **may apply for a grant under this chapter on forms prepared and**
 13 **supplied by the department.**

14 **(b) A grant application must include the following:**

15 (1) **A statement describing a project's scope of activities and**
 16 **objectives that identifies persons responsible for project**
 17 **planning, coordination, and implementation.**

18 (2) **A map specifying the property on which the composting**
 19 **facility will be located.**

20 (3) **A description of proposed information and educational**
 21 **activities designed to inform the public about composting.**

22 (4) **A description of measures that will be implemented to**
 23 **ensure compliance with IC 13-20-10 during the project.**

24 (5) **A budget showing all estimated project costs, including**
 25 **ineligible project costs and eligible project costs as described**
 26 **under section 6 of this chapter.**

27 (6) **A statement by the business, or if the applicant includes a**
 28 **unit or a district, a resolution by the legislative body (as**
 29 **defined in IC 36-1-2-9) of the unit or the board of directors of**
 30 **the district involved in the project, that does the following:**

- 31 (A) **Authorizes the project and the grant application.**
 32 (B) **Expresses the specific intent to carry out all proposed**
 33 **project activities described in the grant application.**
 34 (C) **Allows department employees to inspect and have**
 35 **access to proposed composting facility sites involved in the**
 36 **project.**

37 (D) **Commits the applicant to do the following:**

38 (i) **Maintain appropriate records that document all**
 39 **expenditures made during the project.**

40 (ii) **Submit to the department a final report that**
 41 **describes all project activities, achievements, and**
 42 **problems and that compares the actual project to the**

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1 objectives and activities proposed in the grant
 2 application, including samples of all informational and
 3 educational brochures prepared and distributed and
 4 data on compost production rates, quantity of vegetative
 5 matter collected by source, documentation of all costs,
 6 and recommendations for project improvements.

7 (E) Contains a timetable for completion of the project that:

8 (i) does not exceed twelve (12) months; and

9 (ii) includes anticipated dates of information and
 10 educational activities, vegetative matter collection, and
 11 submission of final reports.

12 (F) Commits the applicant to provide all funding required
 13 to implement and administer the project, not including the
 14 grant award.

15 (G) Commits the applicant to develop a proposed plan,
 16 including sources of funding and a timetable for
 17 implementation for the creation of an ongoing composting
 18 facility that is registered and in compliance with
 19 IC 13-20-10.

20 (H) Includes a copy of all documents submitted for the
 21 application for registration under IC 13-20-10.

22 Sec. 6. (a) Estimated project costs submitted under section
 23 5(b)(5) of this chapter must include the following:

24 (1) Eligible project costs.

25 (2) Ineligible project costs.

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

29 (c) Ineligible project costs include the following:

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

31 (2) Costs incurred more than twelve (12) months after a grant
 32 has been accepted.

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

35 (4) Costs incurred for ongoing operations of the composting
 36 facility.

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

39 (d) Eligible project costs may be:

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

41 (2) funded by the grant.

42 (e) Project costs that are not ineligible under subsection (c) are

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1 eligible project costs for purposes of subsection (d).

2 **Sec. 7. A grant awarded under this chapter:**

- 3 (1) may not exceed fifty percent (50%) of the total eligible
4 costs estimated in a grant application; and
5 (2) must be matched by an applicant's financial or in kind
6 contributions.

7 **Sec. 8. (a) When a grantee accepts a grant award, the**
8 **department shall pay the grantee seventy-five percent (75%) of the**
9 **grant for the project.**

10 (b) The remaining twenty-five percent (25%) of the grant shall
11 be paid to the grantee after the:

- 12 (1) grantee submits the final report to the department; and
13 (2) department has audited and approved in writing the final
14 expenditures.

15 **Sec. 9. (a) A grantee shall submit to the department**
16 **documentation of all project expenditures within:**

- 17 (1) thirty (30) days after completion of the project; or
18 (2) twelve (12) months after the grant is awarded;

19 whichever occurs first.

20 (b) A grantee shall specify the source of money expended on a
21 project for both ineligible costs and eligible costs.

22 (c) Unexpended grant money shall be returned to the state solid
23 waste management fund within sixty (60) days after the
24 department has:

- 25 (1) completed the department's final audit of project
26 expenditures; and
27 (2) notified the grantee, in writing, of the unexpended amount.

28 **Sec. 10. (a) In determining the priority of grant applications**
29 **under this chapter, the department shall first consider an**
30 **applicant's demonstrated commitment to composting. The**
31 **department shall consider evidence of the following in making the**
32 **department's determination under this subsection:**

- 33 (1) A resolution by the applicant that the applicant is
34 committed to developing a composting facility.
35 (2) An educational project sponsored by the applicant
36 concerning the composting, including instructions for the
37 proper methods of handling, storage, and disposal of
38 vegetative matter used in composting.
39 (3) Sponsorship or participation in other projects that relate
40 to composting, including projects developed or sponsored by
41 civic organizations or private foundations.

42 (b) If the department determines that one (1) or more applicants

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1 demonstrate substantially similar commitment levels under
 2 subsection (a), the department shall give priority to the application
 3 the department received first.

4 **Sec. 11. (a) A unit, district, or business may apply for more than
 5 one (1) grant under this chapter.**

6 **(b) A previous grant recipient under this chapter may reapply
 7 for additional grants within the same year only if money is
 8 available to the department after awarding grants to all other
 9 eligible applicants.**

10 **Sec. 12. (a) A grant applicant may request an exemption from
 11 a requirement under this chapter by submitting a written request
 12 to the department.**

13 **(b) A request filed under this section must contain a detailed
 14 description of the basis for a requested exemption.**

15 **(c) The department shall review an exemption request with
 16 regard to:**

- 17 (1) a potential nuisance;
- 18 (2) a hazard to public health or safety; or
- 19 (3) estimated degradation of the environment;

20 **involved in the exemption request.**

21 **(d) An exemption granted by the department must:**

- 22 (1) be in writing; and
- 23 (2) clearly state the reasons for the exemption.

24 **Sec. 13. (a) The department may terminate a grant awarded
 25 under this chapter if the department determines that there:**

- 26 (1) has been no sustained progress in meeting a timetable
 27 established in section 5(b)(6)(E) of this chapter;
- 28 (2) is substantial evidence that a grant was obtained by fraud;
 29 or
- 30 (3) is substantial evidence of gross abuse or corrupt practices
 31 in the administration or implementation of a project.

32 **(b) If the department terminates a grant, the grantee shall
 33 return the full amount of the grant received.**

34 **Sec. 14. (a) Before February 1 of each year, the department shall
 35 submit an annual report to the:**

- 36 (1) governor;
- 37 (2) legislative council; and
- 38 (3) budget director.

39 **(b) The report must contain the following:**

- 40 (1) A description of each project funded through grants under
 41 this chapter.
- 42 (2) A statement of the total amount of money that the

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1 **department expends through grants under this chapter during**
2 **the immediately preceding year.**
3 **(3) An estimate of the amount of money that is required to**
4 **meet the eligible grant requests for the current year.**
5 **(4) Proposals of recommendations for any changes, in funding**
6 **or otherwise, to the grant project.**
7 **Sec. 15. The board shall adopt rules under IC 4-22-2 to**
8 **implement this chapter.**

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