
SENATE BILL No. 439

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-86.5; IC 13-17-3-16.

Synopsis: Fugitive dust. Defines "fugitive dust". Provides that a violation of an environmental law concerning fugitive dust that: (1) may be proved by the department of environmental management only by using visual evidence; and (2) has not been recorded, measured, or documented by the department using any other means; is considered to be a minor violation, and the department's enforcement action is limited to the assessment of a civil penalty in an amount not to exceed \$500.

Effective: July 1, 2000.

Paul

January 10, 2000, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

SENATE BILL No. 439



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 13-11-2-86.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2000]: **Sec. 86.5. "Fugitive dust", for**
4 **purposes of IC 13-17-3-16, means the generation of particulate**
5 **matter to the extent that some part of the particulate matter**
6 **escapes beyond the property line or boundary of the property,**
7 **right-of-way, or easement on which the source of the particulate**
8 **matter is located.**

9 SECTION 2. IC 13-17-3-16 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2000]: **Sec. 16. (a) A violation of an environmental law**
12 **concerning fugitive dust that:**

13 (1) **may be proved by the department only by using visual**
14 **evidence; and**

15 (2) **has not been recorded, measured, or documented by the**
16 **department using any other means;**

17 **shall be considered to be a minor violation under IC 13-30-7.**



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1 **(b) The department's enforcement action for a violation**
2 **described in subsection (a) is limited to the assessment of a civil**
3 **penalty in an amount not to exceed five hundred dollars (\$500).**

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