Reprinted
February 2, 2000

SENATE BILL No. 372

DIGEST OF SB 372 (Updated February 1, 2000 2:49 PM - DI 52)

Citations Affected: IC 13-11; IC 13-15; IC 13-20; noncode.

Synopsis: Special waste and industrial waste. Eliminates the designation of certain waste as special waste. Defines industrial waste and establishes standards for the disposal of industrial waste. Requires that unless the department of environmental management issues a permit providing otherwise, industrial waste must be disposed of at a solid waste landfill cell or unit that meets certain requirements of federal law. Requires a generator of industrial waste to document that an appropriate waste determination has been made. Requires that a generator of industrial waste to provide notification to the landfill that the industrial waste is not hazardous waste and of an special handling requirements. Provides interim standards for the disposal of waste formerly classified as special waste. Provides that a transfer station may not accept industrial waste unless the transfer station is permitted by the department of environmental management to accept the waste. Directs the department of environmental management to adopt rules before July 1, 2001, to reflect the elimination of references in the Indiana code to special waste and the addition of references to industrial waste.

Effective: July 1, 2000.

Riegsecker

January 10, 2000, read first time and referred to Committee on Environmental Affairs.
January 25, 2000, amended, reported favorably — Do Pass.
February 1, 2000, read second time, amended, ordered engrossed.

C o p y

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February 2, 2000

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.

C o p y

SENATE BILL No. 372

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:

SECTION 1. IC 13-11-2-109.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 109.5. "Industrial waste", for purposes of IC 13-20, means a solid waste from a nonresidential source that is not:**

(1) a hazardous waste (as defined in section 99 of this chapter);

(2) a municipal waste (as defined in section 133 of this chapter);

(3) a construction\demolition waste (as defined in section 41 of this chapter); or

(4) an infectious waste as defined in IC 16-41-16-4.

SECTION 2. IC 13-11-2-133 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 133. (a) "Municipal waste", for purposes of:

(1) IC 13-20-4;

(2) IC 13-20-6;

(3) IC 13-20-21;
(4) IC 13-20-23;
(5) IC 13-22-1 through IC 13-22-8; and
(6) IC 13-22-13 through IC 13-22-14;

means any garbage, refuse, industrial lunchroom or office waste, and other **similar** material resulting from the operation of residential, municipal, commercial, or institutional establishments and community activities.

(b) The term does not include the following:

(1) ~~Special~~ **industrial** waste (as defined in ~~329 IAC 2-21-1, as in effect on January 1, 1990)~~ **section 109.5 of this chapter).**

(2) Hazardous waste regulated under:

(A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or

(B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as in effect on January 1, 1990.

(3) Infectious waste (as defined in IC 16-41-16-4).

(4) Wastes that result from the combustion of coal and that are referred to in IC 13-19-3-3.

(5) Materials that are being transported to a facility for reprocessing or reuse.

(c) As used in subsection (b)(5), "reprocessing or reuse" does not include either of the following:

(1) Incineration.

(2) Placement in a landfill.

SECTION 3. IC 13-11-2-208 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 208. "Solid waste landfill", for purposes of **IC 13-20-7.5,** IC 13-20-9 and IC 13-22-9, means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

SECTION 4. IC 13-11-2-253 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 253. "Waste-to-energy facility", for purposes of **IC 13-20 and** IC 13-21, means a facility at which solid waste is converted into energy or another useful product by incineration.

SECTION 5. IC 13-15-4-1, AS AMENDED BY P.L.224-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. Except as provided in sections 2, 3, and 6 of this chapter, the commissioner shall approve or deny an application filed with the department after July 1, 1995, within the following number of days:

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(1) Three hundred sixty-five (365) days for an application concerning the following:

(A) A new hazardous waste or solid waste landfill.

(B) A new hazardous waste or solid waste incinerator.

(C) A major modification of a solid waste landfill.

(D) A major modification of a solid waste incinerator.

(E) A new hazardous waste treatment or storage facility.

(F) A new Part B permit issued under 40 CFR 270 et seq. for an existing hazardous waste treatment or storage facility.

(G) A Class 3 modification under 40 CFR 270.42 to a hazardous waste landfill.

(2) Two hundred seventy (270) days for an application concerning the following:

(A) A Class 3 modification under 40 CFR 270.42 of a hazardous waste treatment or storage facility.

(B) A major new National Pollutant Discharge Elimination System permit.

(3) One hundred eighty (180) days for an application concerning the following:

(A) A new solid waste processing or recycling facility.

(B) A minor new National Pollutant Discharge Elimination System individual permit.

(C) A permit concerning the land application of wastewater.

(4) One hundred fifty (150) days for an application concerning a minor new National Pollutant Discharge Elimination System general permit.

(5) One hundred twenty (120) days for an application concerning a Class 2 modification under 40 CFR 270.42 to a hazardous waste facility.

(6) Ninety (90) days for an application concerning the following:

(A) A minor modification to a solid waste landfill or incinerator permit.

(B) A wastewater facility or water facility construction permit.

(7) The amount of time provided for in rules adopted by the air pollution control board for an application concerning the following:

(A) An air pollution construction permit that is subject to 326 IAC 2-2 and 326 IAC 2-3.

(B) An air pollution facility construction permit (other than as defined in 326 IAC 2-2).

(C) Registration of an air pollution facility.

(8) Sixty (60) days for an application concerning the following:

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(A) A Class 1 modification under 40 CFR 270.42 requiring prior written approval, to a hazardous waste:

(i) landfill;

(ii) incinerator;

(iii) treatment facility; or

(iv) storage facility.

(B) Any other permit not specifically described in this section for which the application fee exceeds one hundred dollars ($100) and for which a time frame has not been established under section 3 of this chapter.

~~(9) Fifty (50) days for an application concerning certification of a special waste.~~

SECTION 6. IC 13-20-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. This chapter does not apply to an individual, a corporation, a partnership, or a business association that in its regular business activity:

(1) produces solid or ~~special~~ **industrial** waste as a byproduct of or incidental to its regular business activity; and

(2) disposes of the solid or ~~special~~ **industrial** waste at a site that meets the following conditions that is:

(A) owned by the individual, corporation, partnership, or business association; and

(B) limited to use by that individual, corporation, partnership, or business association for the disposal of solid or ~~special~~ **industrial** waste produced by:

(i) that individual, corporation, partnership, or business association; or

(ii) a subsidiary of an entity referred to in item (i).

SECTION 7. IC 13-20-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. A vehicle may only be used to collect and transport the following:

(1) Municipal waste.

(2) ~~Special~~ **Industrial** waste. ~~(as defined in 329 IAC 2-21-1, as in effect January 1, 1990).~~

(3) Hazardous waste regulated under:

(A) IC 13-22; or

(B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq., as in effect January 1, 1990).

(4) Waste described under IC 13-19-3-3 that results from the combustion of coal.

(5) Material that is being transported to a facility, except an incinerator or a landfill, for reprocessing or reuse.

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(6) Wood, concrete, brick, and other construction and demolition materials.

(7) Dirt, sand, gravel, asphalt, salt, and other highway maintenance material.

(8) Coal, gypsum, slag, scrap metal, and other bulk industrial commodities.

(9) Infectious waste (as defined in IC 16-41-16-4).

SECTION 8. IC 13-20-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

Chapter 7.5. Industrial Waste

Sec. 1. (a) Except as provided in subsection (b), industrial waste may be disposed of only at a solid waste landfill cell or unit that meets or exceeds Subtitle D design standards of the federal Resource Conservation and Recovery Act as provided in 40 CFR Part 258 or in a waste-to-energy facility in accordance with the facility operating permit.

(b) The department may issue a permit to a solid waste landfill that does not meet or exceed the standards described in subsection (a).

Sec. 2. A generator of industrial waste must document that it has made a waste determination in accordance with 40 CFR 240 through 40 CFR 299 and 40 CFR 761.

Sec. 3. A solid waste landfill may not accept hazardous waste unless the solid waste landfill is authorized to accept hazardous waste under IC 13-22.

Sec 4. Before a generator first disposes of industrial waste, the person must provide the solid waste landfill with notification from the generator that:

(1) states that the industrial waste is not hazardous waste as determined under section 2 of this chapter; and

(2) identifies any special handling requirements.

Sec. 5. Disposal of an industrial waste that was certified as a special waste under IC 13-20-7 (before its repeal on July 1, 2000) at a solid waste landfill that does not meet or exceed the standards described in section 1(a) of this chapter may continue until the earlier of:

(1) the date of expiration of the certification under IC 13-20-7; or

(2) July 1, 2001.

Sec. 6. A transfer station may not accept industrial waste unless the transfer station is permitted by the department to accept

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industrial waste.

SECTION 9. IC 13-20-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. For solid waste, the disposal fees are as follows:

	Fee
Municipal Waste per ton	$ 0.10
~~Special~~ **Industrial** Waste per ton	$ 0.10
Municipal Waste Disposed of at an Incinerator per ton	$ 0.05
Construction\ Demolition Waste per ton	$ 0.10

SECTION 10. [EFFECTIVE JULY 1, 2000] **(a) The department of environmental management shall adopt rules under IC 4-22-2 before July 1, 2001, to reflect the elimination of references to special waste and the addition of references to industrial waste in this act.**

(b) This SECTION expires January 1, 2002.

SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2000]: IC 13-11-2-215; IC 13-11-2-215.1; IC 13-20-7; IC 13-20-21-5.

C o p y

COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 372, 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 1, line 1, delete "13-20-7-1, AS AMENDED BY P.L.224-1999," and insert "13-11-2-109.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 109.5. "Industrial waste", for purposes of IC 13-20, means a solid waste that is not:**

(1) a hazardous waste (as defined in section 99 of this chapter);

(2) a municipal waste (as defined in section 133 of this chapter); or

(3) a construction\demolition waste (as defined in section 41 of this chapter).

SECTION 2. IC 13-11-2-133 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 133. (a) "Municipal waste", for purposes of:

(1) IC 13-20-4;

(2) IC 13-20-6;

(3) IC 13-20-21;

(4) IC 13-20-23;

(5) IC 13-22-1 through IC 13-22-8; and

(6) IC 13-22-13 through IC 13-22-14;

means any garbage, refuse, industrial lunchroom or office waste, and other material resulting from the operation of residential, municipal, commercial, or institutional establishments and community activities.

(b) The term does not include the following:

(1) ~~Special~~ **industrial** waste (as defined in ~~329 IAC 2-21-1, as in effect on January 1, 1990)~~ **section 109.5 of this chapter).**

(2) Hazardous waste regulated under:

(A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or

(B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as in effect on January 1, 1990.

(3) Infectious waste (as defined in IC 16-41-16-4).

(4) Wastes that result from the combustion of coal and that are referred to in IC 13-19-3-3.

(5) Materials that are being transported to a facility for reprocessing or reuse.

(c) As used in subsection (b)(5), "reprocessing or reuse" does not

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include either of the following:

(1) Incineration.

(2) Placement in a landfill.

SECTION 3. IC 13-11-2-208 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 208. "Solid waste landfill", for purposes of **IC 13-20-7.5,** IC 13-20-9 and IC 13-22-9, means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

SECTION 4. IC 13-15-4-1, AS AMENDED BY P.L.224-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. Except as provided in sections 2, 3, and 6 of this chapter, the commissioner shall approve or deny an application filed with the department after July 1, 1995, within the following number of days:

(1) Three hundred sixty-five (365) days for an application concerning the following:

(A) A new hazardous waste or solid waste landfill.

(B) A new hazardous waste or solid waste incinerator.

(C) A major modification of a solid waste landfill.

(D) A major modification of a solid waste incinerator.

(E) A new hazardous waste treatment or storage facility.

(F) A new Part B permit issued under 40 CFR 270 et seq. for an existing hazardous waste treatment or storage facility.

(G) A Class 3 modification under 40 CFR 270.42 to a hazardous waste landfill.

(2) Two hundred seventy (270) days for an application concerning the following:

(A) A Class 3 modification under 40 CFR 270.42 of a hazardous waste treatment or storage facility.

(B) A major new National Pollutant Discharge Elimination System permit.

(3) One hundred eighty (180) days for an application concerning the following:

(A) A new solid waste processing or recycling facility.

(B) A minor new National Pollutant Discharge Elimination System individual permit.

(C) A permit concerning the land application of wastewater.

(4) One hundred fifty (150) days for an application concerning a minor new National Pollutant Discharge Elimination System general permit.

(5) One hundred twenty (120) days for an application concerning

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a Class 2 modification under 40 CFR 270.42 to a hazardous waste facility.

(6) Ninety (90) days for an application concerning the following:

(A) A minor modification to a solid waste landfill or incinerator permit.

(B) A wastewater facility or water facility construction permit.

(7) The amount of time provided for in rules adopted by the air pollution control board for an application concerning the following:

(A) An air pollution construction permit that is subject to 326 IAC 2-2 and 326 IAC 2-3.

(B) An air pollution facility construction permit (other than as defined in 326 IAC 2-2).

(C) Registration of an air pollution facility.

(8) Sixty (60) days for an application concerning the following:

(A) A Class 1 modification under 40 CFR 270.42 requiring prior written approval, to a hazardous waste:

(i) landfill;

(ii) incinerator;

(iii) treatment facility; or

(iv) storage facility.

(B) Any other permit not specifically described in this section for which the application fee exceeds one hundred dollars ($100) and for which a time frame has not been established under section 3 of this chapter.

~~(9) Fifty (50) days for an application concerning certification of a special waste.~~

SECTION 5. IC 13-20-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. This chapter does not apply to an individual, a corporation, a partnership, or a business association that in its regular business activity:

(1) produces solid or ~~special~~ **industrial** waste as a byproduct of or incidental to its regular business activity; and

(2) disposes of the solid or ~~special~~ **industrial** waste at a site that meets the following conditions that is:

(A) owned by the individual, corporation, partnership, or business association; and

(B) limited to use by that individual, corporation, partnership, or business association for the disposal of solid or ~~special~~ **industrial** waste produced by:

(i) that individual, corporation, partnership, or business association; or

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(ii) a subsidiary of an entity referred to in item (i).

SECTION 6. IC 13-20-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. A vehicle may only be used to collect and transport the following:

(1) Municipal waste.

(2) ~~Special~~ **Industrial** waste. ~~(as defined in 329 IAC 2-21-1, as in effect January 1, 1990).~~

(3) Hazardous waste regulated under:

(A) IC 13-22; or

(B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq., as in effect January 1, 1990).

(4) Waste described under IC 13-19-3-3 that results from the combustion of coal.

(5) Material that is being transported to a facility, except an incinerator or a landfill, for reprocessing or reuse.

(6) Wood, concrete, brick, and other construction and demolition materials.

(7) Dirt, sand, gravel, asphalt, salt, and other highway maintenance material.

(8) Coal, gypsum, slag, scrap metal, and other bulk industrial commodities.

(9) Infectious waste (as defined in IC 16-41-16-4).

SECTION 7. IC 13-20-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

Chapter 7.5. Industrial Waste

Sec. 1. (a) Except as provided in subsection (b), industrial waste may be disposed of only at a solid waste landfill cell or unit that meets or exceeds Subtitle D design standards of the federal Resource Conservation and Recovery Act as provided in 40 CFR Part 258.

(b) The department may issue a permit to a solid waste landfill for disposal of industrial waste in a cell or unit that does not meet or exceed the standards described in subsection (a).

Sec. 2. (a) This section applies to all persons that:

(1) generate industrial waste; and

(2) dispose of the industrial waste at a solid waste landfill cell or unit described in section 1(a) of this chapter.

(b) Before a person first disposes of industrial waste, the person must provide the solid waste landfill with a signed notification attesting that the information on the notification is true and accurate and that:

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(1) the industrial waste is not hazardous waste;

(2) a waste determination was performed on the industrial waste in accordance with 40 CFR 61, 40 CFR 240 through 40 CFR 299, 40 CFR 761, and 40 CFR 152 through 40 CFR 186;

(3) any industrial waste management requirements are identified; and

(4) the characteristics of the industrial waste have not changed since the waste determination was performed.

Sec. 3. (a) This section applies to all persons that generate industrial waste.

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

SECTION 8. IC 13-20-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. For solid waste, the disposal fees are as follows:

	Fee
Municipal Waste per ton	$ 0.10
~~Special~~ **Industrial** Waste per ton	$ 0.10
Municipal Waste Disposed of at an Incinerator per ton	$ 0.05
Construction\ Demolition Waste per ton	$ 0.10

SECTION 9. [EFFECTIVE JULY 1, 2000] **(a) The department of environmental management shall adopt rules under IC 4-22-2 before July 1, 2001, to reflect the elimination of references to special waste and the addition of references to industrial waste in this act.**

(b) This SECTION expires January 1, 2002.

SECTION 10. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2000]: IC 13-11-2-215; IC 13-11-2-215.1; IC 13-20-7; IC 13-20-21-5.".

Page 1, delete lines 2 through 17.

Delete page 2.

and when so amended that said bill do pass.

(Reference is to SB 372 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 1.

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SENATE MOTION

Mr. President: I move that Senate Bill 372 be amended to read as follows:

Page 1, line 4, after "waste" insert "**from a nonresidential source**".

Page 1, line 8, delete "or".

Page 1, line 10, delete "." and insert "**; or**".

Page 1, between lines 10 and 11, begin a new line block indented and insert:

"**(4) an infectious waste as defined in IC 16-41-16-4.**".

Page 2, line 4, after "other" insert "**similar**".

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 4. IC 13-11-2-253 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 253. "Waste-to-energy facility", for purposes of **IC 13-20 and** IC 13-21, means a facility at which solid waste is converted into energy or another useful product by incineration.".

Page 5, line 8, after "258" insert " **or in a waste-to-energy facility in accordance with the facility operating permit**".

Page 5, line10, delete "for disposal of industrial waste in a cell or unit".

Page 5, delete lines 12 through 32, begin a new paragraph and insert:

"**Sec. 2. A generator of industrial waste must document that it has made a waste determination in accordance with 40 CFR 240 through 40 CFR 299 and 40 CFR 761.**

Sec. 3. A solid waste landfill may not accept hazardous waste unless the solid waste landfill is authorized to accept hazardous waste under IC 13-22.

Sec 4. Before a generator first disposes of industrial waste, the person must provide the solid waste landfill with notification from the generator that:

(1) states that the industrial waste is not hazardous waste as determined under section 2 of this chapter; and

(2) identifies any special handling requirements.

Sec. 5. Disposal of an industrial waste that was certified as a special waste under IC 13-20-7 (before its repeal on July 1, 2000) at a solid waste landfill that does not meet or exceed the standards described in section 1(a) of this chapter may continue until the earlier of:

(1) the date of expiration of the certification under

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IC 13-20-7; or

(2) July 1, 2001.

Sec. 6. A transfer station may not accept industrial waste unless the transfer station is permitted by the department to accept industrial waste.".

Renumber all SECTIONS consecutively.

(Reference is to SB 372 as printed January 26, 2000.)

RIEGSECKER

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