

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:

- 1 Page 1, line 1, delete "13-20-7-1, AS AMENDED BY
2 P.L.224-1999," and insert "13-11-2-109.5 IS ADDED TO THE
3 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2000]: **Sec. 109.5. "Industrial waste", for
5 purposes of IC 13-20, means a solid waste that is not:**
6 **(1) a hazardous waste (as defined in section 99 of this
7 chapter);**
8 **(2) a municipal waste (as defined in section 133 of this
9 chapter); or**
10 **(3) a construction\demolition waste (as defined in section 41
11 of this chapter).**
12 SECTION 2. IC 13-11-2-133 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 133. (a) "Municipal
14 waste", for purposes of:
15 (1) IC 13-20-4;
16 (2) IC 13-20-6;
17 (3) IC 13-20-21;
18 (4) IC 13-20-23;
19 (5) IC 13-22-1 through IC 13-22-8; and
20 (6) IC 13-22-13 through IC 13-22-14;
21 means any garbage, refuse, industrial lunchroom or office waste, and

1 other material resulting from the operation of residential, municipal,
2 commercial, or institutional establishments and community activities.

3 (b) The term does not include the following:

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

6 (2) Hazardous waste regulated under:

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

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

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

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

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

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

18 (1) Incineration.

19 (2) Placement in a landfill.

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

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

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

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

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

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

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

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

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

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

- 1 (2) Two hundred seventy (270) days for an application concerning
 2 the following:
- 3 (A) A Class 3 modification under 40 CFR 270.42 of a
 4 hazardous waste treatment or storage facility.
- 5 (B) A major new National Pollutant Discharge Elimination
 6 System permit.
- 7 (3) One hundred eighty (180) days for an application concerning
 8 the following:
- 9 (A) A new solid waste processing or recycling facility.
 10 (B) A minor new National Pollutant Discharge Elimination
 11 System individual permit.
- 12 (C) A permit concerning the land application of wastewater.
- 13 (4) One hundred fifty (150) days for an application concerning a
 14 minor new National Pollutant Discharge Elimination System
 15 general permit.
- 16 (5) One hundred twenty (120) days for an application concerning
 17 a Class 2 modification under 40 CFR 270.42 to a hazardous waste
 18 facility.
- 19 (6) Ninety (90) days for an application concerning the following:
- 20 (A) A minor modification to a solid waste landfill or
 21 incinerator permit.
- 22 (B) A wastewater facility or water facility construction permit.
- 23 (7) The amount of time provided for in rules adopted by the air
 24 pollution control board for an application concerning the
 25 following:
- 26 (A) An air pollution construction permit that is subject to 326
 27 IAC 2-2 and 326 IAC 2-3.
- 28 (B) An air pollution facility construction permit (other than as
 29 defined in 326 IAC 2-2).
- 30 (C) Registration of an air pollution facility.
- 31 (8) Sixty (60) days for an application concerning the following:
- 32 (A) A Class 1 modification under 40 CFR 270.42 requiring
 33 prior written approval, to a hazardous waste:
- 34 (i) landfill;
 35 (ii) incinerator;
 36 (iii) treatment facility; or
 37 (iv) storage facility.
- 38 (B) Any other permit not specifically described in this section
 39 for which the application fee exceeds one hundred dollars
 40 (\$100) and for which a time frame has not been established
 41 under section 3 of this chapter.
- 42 (9) Fifty (50) days for an application concerning certification of

1 a special waste:

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

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

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

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

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

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

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

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

21 (1) Municipal waste.

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

24 (3) Hazardous waste regulated under:

25 (A) IC 13-22; or

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

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

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

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

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

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

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

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

42 **Chapter 7.5. Industrial Waste**

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

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

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

10 **(1) generate industrial waste; and**

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

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

17 **(1) the industrial waste is not hazardous waste;**

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

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

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

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

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

30 SECTION 8. IC 13-20-21-6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. For solid waste, the
 32 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

40 SECTION 9. [EFFECTIVE JULY 1, 2000] **(a) The department**
 41 **of environmental management shall adopt rules under IC 4-22-2**
 42 **before July 1, 2001, to reflect the elimination of references to**

1 **special waste and the addition of references to industrial waste in**
2 **this act.**

3 **(b) This SECTION expires January 1, 2002.**

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

7 Page 1, delete lines 2 through 17.

8 Delete page 2.

(Reference is to SB 372 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

Senator Gard, Chairperson