



February 18, 2005

HOUSE BILL No. 1383

DIGEST OF HB 1383 (Updated February 15, 2005 11:17 am - DI 69)

Citations Affected: IC 13-14; IC 13-22; IC 13-23.

Synopsis: Environmental rulemaking. Prohibits the air pollution control board, water pollution control board, and solid waste management board from adopting a rule or standard that is more stringent than a corresponding federal provision established under federal law.

Effective: July 1, 2005.

Wolkins, Bottorff, Cherry, Heim

January 13, 2005, read first time and referred to Committee on Environmental Affairs.
February 17, 2005, amended, reported — Do Pass.

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HB 1383—LS 6936/DI 69+



February 18, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1383

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 13-14-8-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. **(a)** A rule or
 3 standard adopted by a board may:
 4 (1) make different provisions as required by varying
 5 circumstances and conditions for different contaminant sources
 6 and for different geographical areas;
 7 (2) be made applicable to sources outside Indiana that:
 8 (A) are causing;
 9 (B) are contributing to; or
 10 (C) could cause or contribute to;
 11 environmental pollution in Indiana; and
 12 (3) make provision for abatement standards and procedures:
 13 (A) concerning occurrences, emergencies, or pollution; or
 14 (B) on other short term conditions constituting an acute danger
 15 to health or to the environment.
 16 **(b) A rule or standard adopted by a board may not be more**
 17 **stringent than a corresponding federal provision established under**

HB 1383—LS 6936/DI 69+



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federal law.

SECTION 2. IC 13-22-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall adopt rules under IC 4-22-2 and IC 13-14-8 on the proper and safe transportation, treatment, storage, and disposal of hazardous wastes. Whenever possible, the rules adopted under this section must allow for variation in Indiana with regard to population density, climate, and geology.

(b) Rules adopted under this section concerning incinerators used as hazardous waste facilities may **not** establish requirements **that are** more stringent than the requirements for hazardous waste incinerators established by regulations adopted by the Administrator of the United States Environmental Protection Agency under the following statutes:

- (1) The federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).
- (2) The federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the federal Clean Air Act Amendments of 1990 (P.L.101-549).

SECTION 3. IC 13-23-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The board shall adopt rules under IC 4-22-2 and IC 13-14-8 for the establishment and operation of the program established under section 1 of this chapter.

(b) The rules **must may** not be **more or** less stringent than the regulations adopted by the Administrator of the United States Environmental Protection Agency under Section 9003 of the federal Solid Waste Disposal Act, as amended (42 U.S.C. 6991b, as amended).

(c) The rules adopted under subsection (a) must include the following:

- (1) Requirements for maintaining:
 - (A) a leak detection system;
 - (B) an inventory control system coupled with tank testing; or
 - (C) a comparable system or method;
 designed to identify releases in a manner consistent with the protection of human health and the environment.
- (2) Requirements for maintaining records of any:
 - (A) monitoring;
 - (B) leak detection system;
 - (C) inventory control system or tank testing; or
 - (D) comparable system.
- (3) Requirements for reporting of:
 - (A) any releases; and
 - (B) corrective action taken in response to a release.

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- 1 (4) Requirements for ordering or taking corrective action in
- 2 response to a release.
- 3 (5) Requirements for closure of underground storage tanks to
- 4 prevent future releases of regulated substances into the
- 5 environment.
- 6 (6) Requirements for maintaining evidence of financial
- 7 responsibility for:
 - 8 (A) taking corrective action; and
 - 9 (B) compensating third parties for bodily injury and property
 - 10 damage caused by sudden and nonsudden accidental releases
 - 11 arising from the operation of an underground storage tank.
- 12 (7) Standards of performance for new underground storage tanks.
- 13 (8) Requirements for the following:
 - 14 (A) Providing notice to the department of the existence of
 - 15 operational and nonoperational underground storage tanks, as
 - 16 required under 42 U.S.C. 6991a(a).
 - 17 (B) Providing the information required on the form prescribed
 - 18 under 42 U.S.C. 6991a(b)(2).
 - 19 (C) Providing notice, by any person who sells a tank intended
 - 20 to be used as an underground storage tank, to the purchaser of
 - 21 that tank of the owner's notification requirements established
 - 22 by this article and 42 U.S.C. 6991a(a).

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1383, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "Subject to subsections (c) and (d), a" and insert "A".

Page 2, delete lines 2 through 27.

Page 2, line 35, delete "Subject to subsections (c) and (d), rules" and insert "Rules".

Page 3, delete lines 4 through 30.

Page 3, line 35, delete "Subject to subsections (d) and (e), the" and insert "The".

Page 4, delete lines 36 through 42.

Delete page 5.

and when so amended that said bill do pass.

(Reference is to HB 1383 as introduced.)

WOLKINS, Chair

Committee Vote: yeas 8, nays 4.

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