



February 9, 2007

SENATE BILL No. 432

DIGEST OF SB 432 (Updated February 6, 2007 2:24 pm - DI 73)

Citations Affected: IC 13-11; IC 13-18; IC 13-22.

Synopsis: Environmental fees. Modifies various environmental fees.

Effective: July 1, 2007.

Gard, Kenley, Broden

January 11, 2007, read first time and referred to Committee on Tax and Fiscal Policy.
February 8, 2007, amended, reported favorably — Do Pass.

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SB 432—LS 7415/DI 52+



February 9, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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SENATE BILL No. 432

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 13-11-2-116.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2007]: **Sec. 116.5. "Large quantity**
4 **generator", for purposes of IC 13-22-12, means a generator of**
5 **hazardous waste that is not a small quantity generator.**

6 SECTION 2. IC 13-11-2-204.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2007]: **Sec. 204.5. "Small quantity**
9 **generator", for purposes of IC 13-22-12, has the meaning set forth**
10 **in 40 CFR 261.**

11 SECTION 3. IC 13-11-2-238 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 238. (a) "Transporter",**
13 **for purposes of IC 13-20-4 and IC 13-20-6, means a person who is in**
14 **the business of transporting municipal waste.**

15 **(b) "Transporter", for purposes of IC 13-22, means a person**
16 **who transports hazardous waste and is required to obtain a United**
17 **States Environmental Protection Agency identification number**

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under 40 CFR 263.

SECTION 4. IC 13-18-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The commissioner shall certify persons as to their qualifications to supervise successfully the operation of:

- (1) water treatment plants;
- (2) water distribution systems; and
- (3) wastewater treatment plants.

(b) Each person who applies for an examination to qualify as a certified operator shall pay an examination fee as follows:

- (1) One hundred dollars (\$100) for a wastewater certification examination.**
- (2) One hundred fifty dollars (\$150) for a drinking water certification examination.**

SECTION 5. IC 13-18-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The commissioner shall prescribe and provide an application form for use by applicants in applying for the appropriate certificate issued under this chapter. An applicant must deposit a fee of ~~thirty~~ **at the time of making application as follows:**

- (1) One hundred dollars (\$30) at the time of making application (\$100) for wastewater certification.**
- (2) One hundred fifty dollars (\$150) for drinking water certification.**

SECTION 6. IC 13-18-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) A wastewater treatment plant operator certified under this chapter may renew the operator's certificate biennially by **doing the following:**

(1) Paying a renewal fee of ~~thirty dollars (\$30)~~ according to the classification of the certificate as follows:

Classification	Fee
Class I-SP	\$60
Class I	\$60
Class A-SO	\$60
Class A	\$60
Class II	\$80
Class B	\$80
Class III	\$100
Class C	\$100
Class IV	\$120
Class D	\$120

(2) Meeting any continuing education requirements

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1 established by the department.

2 (b) The fee is due and payable to the department before July 2 of
3 the year for which a renewal certificate is issued. Proof of compliance
4 with continuing education requirements must be submitted to the
5 department at the time the fee is due and payable. The late fee for
6 renewal of a certificate for any classification after July 1 is an
7 additional one hundred dollars (\$100).

8 (c) A wastewater treatment plant operator who fails to renew a
9 certificate for three (3) successive years may not receive a renewal
10 certificate without reexamination.

11 SECTION 7. IC 13-18-11-6.5 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.5. (a) A water
13 treatment plant operator or water distribution system operator certified
14 under this chapter may renew the operator's certificate triennially by:

- 15 (1) paying a renewal fee of ~~thirty one hundred fifty~~ dollars (~~\$30~~);
- 16 **(\$150);** and
- 17 (2) meeting any continuing education requirements established by
- 18 the department.

19 (b) The:

- 20 (1) fee is due and payable; and
- 21 (2) proof of compliance with continuing education requirements
- 22 must be submitted to the department;

23 before July 2 of the year for which a renewal certificate is to be issued.

24 (c) A water treatment plant operator or a water distribution system
25 operator who fails to renew a certificate within one (1) year after the
26 date the certificate expires may not receive a renewal certificate
27 without reexamination.

28 SECTION 8. IC 13-18-20-2 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. For industrial
30 permits, other than coal mine permits or stone quarry permits, the
31 annual base fee per facility is:

- 32 (1) one thousand dollars (\$1,000) for a major permit; and
 - 33 (2) four hundred dollars (\$400) for a minor permit;
- 34 plus the following annual discharge flow fee per facility:

		Daily Average Actual
Flow in MGD		Fee
36	.001 - .05	\$240 \$300
37	.051 - .1	\$360 \$450
38	.101 - .2	\$840 \$1,050
39	.201 - .3	\$1,200 \$1,500
40	.301 - .5	\$1,680 \$2,100
41	.501 - 1.0	\$2,060 \$2,575
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1	1.001 - 2.0	\$3,600 \$4,500
2	2.001 - 5.0	\$5,400 \$6,750
3	5.001 - 10.0	\$8,400 \$10,500
4	10.001 - 15.0	\$12,000 \$15,000
5	15.001 - 30.0	\$16,800 \$21,000
6	30.001 - 50.0	\$22,800 \$28,500
7	50.001 - 100.0	\$28,800 \$36,000
8	More than 100.0	\$34,800 \$43,500

9 Annual flow fees are reduced by twenty percent (20%) for discharges
 10 that are comprised of greater than ninety percent (90%) of non-contact
 11 cooling water.

12 SECTION 9. IC 13-18-20-3 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. Each facility for
 14 which a coal mine operator files a notice of intent under the general
 15 coal mine permit rules adopted under IC 13-18-18 shall pay an annual
 16 fee of five hundred dollars (\$500) instead of the following individual
 17 permit fees. The annual fee must accompany the initial notice of intent
 18 and is due each year on the anniversary date of the date when the initial
 19 notice of intent was filed.

20	Outfalls	Fee
21	1 Outfall	\$500 \$625
22	2-3 Outfalls	\$750 \$938
23	4-6 Outfalls	\$1,000 \$1,250
24	7-10 Outfalls	\$1,500 \$1,875
25	11-20 Outfalls	\$2,500 \$3,125
26	21-99 Outfalls	\$3,500 \$4,375

27 SECTION 10. IC 13-18-20-4 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. For stone quarry
 29 permits, the annual fee is as follows:

30	Outfalls	Fee
31	1 Outfall	\$750 \$938
32	2 Outfalls	\$1,500 \$1,875
33	3 Outfalls	\$2,000 \$2,500
34	4 Outfalls	\$2,500 \$3,125

35 SECTION 11. IC 13-18-20-5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. For municipal
 37 permits, the annual base fee per facility is:

- 38 (1) one thousand ~~five~~ **eight** hundred ~~seventy-five~~ **seventy-five** dollars (~~\$1,500~~)
 39 **(\$1,875)** for a major permit; and
 40 (2) ~~four~~ **five** hundred dollars (~~\$400~~) **(\$500)** for a minor permit;
 41 plus the following annual discharge flow fee per facility:

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	Daily Average Actual	Fee
1		
2	Flow in MGD	
3	.001 - .05	\$300 \$375
4	.051 - .1	\$600 \$750
5	.101 - .2	\$2,000 \$2,500
6	.201 - .3	\$4,000 \$5,000
7	.301 - .5	\$5,000 \$6,250
8	.501 - 1.0	\$6,000 \$7,500
9	1.001 - 2.0	\$7,000 \$8,750
10	2.001 - 5.0	\$8,000 \$10,000
11	5.001 - 10.0	\$10,000 \$12,500
12	10.001 - 15.0	\$13,000 \$16,250
13	15.001 - 30.0	\$15,000 \$18,750
14	30.001 - 50.0	\$20,000 \$25,000
15	50.001 - 100.0	\$22,000 \$27,500

16 SECTION 12. IC 13-18-20-6 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. For state permits, the
 18 annual base fee per facility is:

- 19 (1) one thousand **two hundred fifty** dollars (~~\$1,000~~) (**\$1,250**) for
 20 a major permit; and
 21 (2) ~~four~~ **five** hundred dollars (~~\$400~~) (**\$500**) for a minor permit;
 22 plus the following annual discharge flow fee per facility:

	Daily Average Actual	Fee
24	Flow in MGD	
25	.001 - .05	\$240 \$300
26	.051 - .1	\$360 \$450
27	.101 - .2	\$840 \$1,050
28	.201 - .3	\$1,200 \$1,500
29	.301 - .5	\$1,680 \$2,100
30	.501 - 1.0	\$2,060 \$2,575
31	1.001 - 2.0	\$3,600 \$4,500
32	2.001 - 5.0	\$5,400 \$6,750
33	5.001 - 10.0	\$8,400 \$10,500
34	10.001 - 15.0	\$12,000 \$15,000
35	15.001 - 30.0	\$16,800 \$21,000
36	30.001 - 50.0	\$22,800 \$28,500
37	50.001 - 100.0	\$28,800 \$36,000
38	More than 100.0	\$34,800 \$43,500

39 SECTION 13. IC 13-18-20-7 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. For federal permits,
 41 the annual base fee per facility is:

- 42 (1) one thousand **two hundred fifty** dollars (~~\$1,000~~) (**\$1,250**) for



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1 a major permit; and
 2 (2) ~~four~~ **five** hundred dollars (**\$500**) for a minor permit;
 3 plus the following annual discharge flow fee per facility:

Daily Average Actual

Flow in MGD	Fee
6 .001 - .05	\$240 \$300
7 .051 - .1	\$360 \$450
8 .101 - .2	\$840 \$1,050
9 .201 - .3	\$1,200 \$1,500
10 .301 - .5	\$1,680 \$2,100
11 .501 - 1.0	\$2,060 \$2,575
12 1.001 - 2.0	\$3,600 \$4,500
13 2.001 - 5.0	\$5,400 \$6,750
14 5.001 - 10.0	\$8,400 \$10,500
15 10.001 - 15.0	\$12,000 \$15,000
16 15.001 - 30.0	\$16,800 \$21,000
17 30.001 - 50.0	\$22,800 \$28,500
18 50.001 - 100.0	\$28,800 \$36,000
19 More than 100.0	\$34,800 \$43,500

20 SECTION 14. IC 13-18-20-8 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. For semipublic
 22 permits, the annual base fee per facility is:

23 (1) ~~seven nine~~ **hundred fifty thirty-eight** dollars (~~\$750~~) (**\$938**)
 24 for a major permit; and

25 (2) two hundred **fifty** dollars (~~\$200~~) (**\$250**) for a minor permit;
 26 plus the following annual discharge flow fee per facility:

Daily Average Design

Flow in MGD	Fee
29 .001 - .05	\$150 \$188
30 .051 - .1	\$300 \$375
31 .101 - .2	\$1,000 \$1,250
32 .201 - .3	\$2,000 \$2,500
33 .301 - .5	\$2,500 \$3,125
34 .501 - 1.0	\$3,000 \$3,750
35 1.001 - 2.0	\$3,500 \$4,375
36 2.001 - 5.0	\$4,000 \$5,000
37 5.001 - 10.0	\$5,000 \$6,250
38 10.001 - 15.0	\$6,500 \$8,125
39 15.001 - 30.0	\$7,500 \$9,375
40 30.001 - 50.0	\$10,000 \$12,500
41 50.001 - 100.0	\$11,000 \$13,750

42 SECTION 15. IC 13-18-20-9 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. For public water
2 system permits, the annual base fee per facility is:

3 (1) one thousand **two hundred fifty** dollars (~~(\$1,000)~~) (**\$1,250**) for
4 a major permit; and

5 (2) ~~four~~ **five** hundred dollars (~~(\$400)~~) (**\$500**) for a minor permit;
6 plus the following annual discharge flow fee per facility based on
7 projected daily average flow in MGD as set forth in a facility NPDES
8 permit:

9	Projected Daily Average	Fee
10	Flow in MGD	
11	.001 - .05	\$240 \$300
12	.051 - .1	\$360 \$450
13	.101 - .2	\$840 \$1,050
14	.201 - .3	\$1,200 \$1,500
15	.301 - .5	\$1,680 \$2,100
16	.501 - 1.0	\$2,060 \$2,575
17	1.001 - 2.0	\$3,600 \$4,500
18	2.001 - 5.0	\$5,400 \$6,750
19	5.001 - 10.0	\$8,400 \$10,500
20	10.001 - 15.0	\$12,000 \$15,000
21	15.001 - 30.0	\$16,800 \$21,000
22	30.001 - 50.0	\$22,800 \$28,500
23	50.001 - 100.0	\$28,800 \$36,000
24	More than 100.0	\$34,800 \$43,500

25 SECTION 16. IC 13-18-20-10 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) For storm water
27 permits for construction activity, a fee of ~~one~~ **four** hundred dollars
28 (~~(\$100)~~) (**\$400**) shall be submitted with a notice of intent. (~~NOT~~):

29 (b) For storm water permits for industrial activity, the annual fee is
30 one hundred **fifty** dollars (~~(\$100)~~) (**\$150**).

31 (c) **Except as provided in subsection (f), for municipal separate**
32 **storm sewer system (MS4) general permits, a fee shall be submitted**
33 **with the notice of intent based on the population of the jurisdiction**
34 **obtaining the permit, according to the following schedule:**

35	Population	Fee
36	1-999	\$250
37	1,000-2,999	\$500
38	3,000-4,999	\$750
39	5,000-6,999	\$1,000
40	7,000-9,999	\$1,500
41	More than 9,999	\$2,000

42 (d) **Except as provided in subsection (f), for nonmunicipal**

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1 (including institutions and conservancy districts) separate storm
 2 sewer system (MS4) general permits, a fee shall be submitted with
 3 the notice of intent in the amount of five hundred dollars (\$500).
 4 (e) Except as provided in subsection (f), for county separate
 5 storm sewer system (MS4) general permits, a fee shall be submitted
 6 with the notice of intent in the amount of two thousand dollars
 7 (\$2,000).
 8 (f) The fee under subsection (c), (d), or (e) is reduced by
 9 twenty-five percent (25%) if the permit is co-permitted with one
 10 (1) or more other permittees.
 11 SECTION 17. IC 13-18-20-11 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. For an industrial
 13 waste pretreatment permit, the annual fee is ~~three~~ five hundred fifty
 14 dollars (~~\$350~~): (\$500).
 15 SECTION 18. IC 13-18-22-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) An individual
 17 permit is required to authorize a wetland activity in a Class III wetland.
 18 (b) Except as provided in section 4(a) of this chapter, an individual
 19 permit is required to authorize a wetland activity in a Class II wetland.
 20 (c) The board shall adopt rules under IC 4-22-2 and IC 13-14 not
 21 later than June 1, 2005, to govern the issuance of individual permits by
 22 the department under subsections (a) and (b).
 23 (d) **An applicant for a permit under this section must submit a**
 24 **fee of one thousand dollars (\$1,000) to the department at the time**
 25 **of making application.**
 26 SECTION 19. IC 13-18-22-4 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Wetland
 28 activities with minimal impact in Class I wetlands and Class II
 29 wetlands, including the activities analogous to those allowed under the
 30 nationwide permit program (as published in 67 Fed. Reg. 2077-2089
 31 (2002)), shall be authorized by a general permit rule.
 32 (b) Wetland activities in Class I wetlands shall be authorized by a
 33 general permit rule.
 34 (c) The board shall adopt rules under IC 4-22-2 and IC 13-14 not
 35 later than February 1, 2005, to establish and implement the general
 36 permits described in subsections (a) and (b).
 37 (d) **For a general permit for wetland activity, a fee of one**
 38 **hundred dollars (\$100) shall be submitted with the notice of intent.**
 39 SECTION 20. IC 13-18-23-2 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2007]: **Sec. 2. (a) An applicant for an**
 42 **individual certification under Section 401 of the Clean Water Act**

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1 shall submit a fee of two hundred dollars (\$200) to the department
 2 at the time of making application.

3 (b) An applicant for a regional general certification under
 4 Section 401 of the Clean Water Act shall submit a fee of one
 5 hundred dollars (\$100) to the department with the notice of intent.

6 (c) Subject to section 1(b) of this chapter, the department must
 7 return an application fee submitted under this section if a waiver
 8 of certification occurs because the department fails to act within
 9 the period specified in section 1(a)(1) of this chapter.

10 SECTION 21. IC 13-22-12-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Notwithstanding fees
 12 established under IC 13-16-1, the hazardous waste:

- 13 (1) permit application fees; **and**
 - 14 (2) annual operation fees; ~~and~~
 - 15 (3) ~~prices for purchasing manifests;~~
- 16 contained in this chapter are established.

17 SECTION 22. IC 13-22-12-3 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) **Except as**
 19 **provided in subsections (b) and (c)**, for hazardous waste, the annual
 20 operation fees are as follows:

	Fee
21	
22 Land Disposal	\$37,500
23 Incinerator (per unit)	\$10,000
24 Storage	\$2,500
25 Treatment	\$10,000
26 Generator	\$1,565
27 Postclosure Activity	\$1,500
28 Groundwater Compliance	
29 Sampling at active	
30 facilities (per well)	\$1,000
31 Small quantity generator	\$500
32 Transporter	\$500

33 (b) The annual operation fee for a large quantity generator is
 34 based on the amount of hazardous waste generated as follows:

Amount generated	Fee
35	
36 Less than 10 tons	\$1,000
37 At least 10 tons and less than 100 tons	\$2,500
38 At least 100 tons and less than 1,000 tons	\$4,000
39 At least 1,000 tons and less than 10,000 tons	\$5,000
40 10,000 tons or more	\$7,000

41 (c) The annual fee for a large quantity generator is based on the
 42 amount shipped offsite in the past year as follows:

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	Amount shipped	Fee
1		
2	Less than 10 tons	\$1,500
3	At least 10 tons and less than 100 tons	\$2,500
4	At least 100 tons and less than 1,000 tons	\$4,500
5	At least 1,000 tons and less than 10,000 tons	\$5,500
6	10,000 tons or more	\$7,500

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SENATE MOTION

Madam President: I move that Senator Kenley be added as second author and Senator Broden be added as third author of Senate Bill 432.

GARD

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 432, 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 8, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 20. IC 13-18-23-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. (a) An applicant for an individual certification under Section 401 of the Clean Water Act shall submit a fee of two hundred dollars (\$200) to the department at the time of making application.**

(b) An applicant for a regional general certification under Section 401 of the Clean Water Act shall submit a fee of one hundred dollars (\$100) to the department with the notice of intent.

(c) Subject to section 1(b) of this chapter, the department must return an application fee submitted under this section if a waiver of certification occurs because the department fails to act within the period specified in section 1(a)(1) of this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 432 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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