Reprinted
February 6, 2009

SENATE BILL No. 461

DIGEST OF SB 461 (Updated February 5, 2009 2:35 pm - DI 52)

Citations Affected: IC 5-24; IC 9-14; IC 9-19; IC 13-11; IC 13-14; IC 13-15; IC 13-18; IC 13-20; IC 13-23; IC 32-21; noncode.

Synopsis: Environmental issues. Repeals the electronic digital signature act. Allows the use in motor vehicle air conditioning equipment of a toxic or flammable refrigerant if the refrigerant has been approved by the United States Environmental Protection Agency. Allows, in streamlined rulemaking processes, the adoption of a proposed rule with amendments at the public hearing, and requires that the amendments meet logical outgrowth requirements. Replaces the undefined term "sanitary landfill" with "solid waste landfill". Modifies the deductible for claims against the ELTF by certain UST owners. Establishes deadlines for Indiana department of environmental management (IDEM) action on various permit applications with respect to certain solid waste processing facilities. Permits IDEM to establish a drinking water apprenticeship program. Allows suspension or revocation of a drinking water or wastewater operator certification if another state has decertified or taken similar action against the operator. For purposes of wastewater management statutes, replaces the term "wastewater" with "septage". Requires disclosure upon the sale of residential property of known methamphetamine contamination if the property has not been certified as decontaminated. Provides that an owner or agent is required to disclose knowledge of a psychologically affected property in a real estate transaction if the property has been contaminated by methamphetamine and has not been certified as decontaminated. Requires the environmental quality service council to study certain issues.

Effective: Upon passage; July 1, 2009.

Gard

January 14, 2009, read first time and referred to Committee on Energy and Environmental Affairs.
February 3, 2009, amended, reported favorably — Do Pass.
February 5, 2009, read second time, amended, ordered engrossed.

C o p y

Reprinted
February 6, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 461

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 9-14-3-0.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.3. As used in this chapter, "digital signature" ~~has the meaning set forth in IC 5-24-2-1.~~ **means an electronic signature that transforms a message using an asymmetric cryptosystem so that a person having the initial message and the signer's public key can accurately determine whether:**

(1) the transformation was created using the private key that corresponds to the signer's public key; and

(2) the initial message has been altered since the transformation was made.

SECTION 2. IC 9-19-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** Air conditioning equipment:

(1) shall be manufactured, installed, and maintained with due

regard for the safety of the occupants of the vehicle and the public; and

(2) except as provided in subsection (b), may not contain a refrigerant that is toxic to individuals or that is flammable.

(b) Air conditioning equipment may contain a refrigerant that is toxic to individuals or that is flammable if the refrigerant is included in the list published under 42 U.S.C. 7671k(c) by the United States Environmental Protection Agency as a safe alternative motor vehicle air conditioning substitute for clorfluorocarbon 12.

SECTION 3. IC 13-11-2-167 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 167. "Portable sanitary unit", for purposes of ~~IC 13-18-12,~~ **this chapter,** includes the following:

(1) Portable toilets.

(2) Mobile restrooms.

(3) Similar devices or equipment of a portable nature containing sanitary facilities for temporary or short term use.

SECTION 4. IC 13-11-2-199.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 199.2. "Septage", for purposes of this chapter and IC 13-18-12, means the following:**

(1) The following from sewage disposal systems:

(A) Human excreta.

(B) Water.

(C) Scum.

(D) Sludge.

(E) Sewage.

(F) Incidental or accidental seepage.

(2) Retained contents of septage holding tanks and portable sanitary units.

(3) Grease, fats, and retained wastes from grease traps or interceptors.

(4) Wastes carried in liquid from ordinary living processes.

SECTION 5. IC 13-11-2-199.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 199.3. "Septage management", for purposes of IC 13-18-12, includes the following:**

(1) The cleaning of sewage disposal systems.

(2) The transportation, storage, treatment, or disposal of septage.

SECTION 6. IC 13-11-2-201 IS AMENDED TO READ AS

C o p y

FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 201. "Sewage disposal system", for purposes of **this chapter,** IC 13-18-12, **and IC 13-20-17.5,** means septic tanks, ~~wastewater~~ **septage** holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:

(1) store;
(2) treat;
(3) make inoffensive; or
(4) dispose of;

human excrement or liquid carrying wastes of a domestic nature.

SECTION 7. IC 13-11-2-208 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 208. "Solid waste landfill", for purposes of IC 13-20-9, ~~IC 13-20-21-6,~~ **IC 13-20-21,** 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 8. IC 13-11-2-258 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 258. "Wastewater treatment plant", for purposes of IC 13-18-11, **IC 13-20-17.5,** and environmental management laws, means the system of treatment works, regulatory devices, equipment, and other facilities and appurtenances installed to treat sewage, industrial wastes, and other wastes delivered by a system of sewers and other related facilities, whether owned or operated by the state, a municipality, or a person, firm, or corporation. The term does not include septic tank disposal systems.

SECTION 9. IC 13-14-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. Except as provided in sections 4.5, 7, ~~and~~ 8, **and 14** of this chapter, a board may not adopt a rule under this chapter until the board has conducted at least two (2) public comment periods, each of which must be at least thirty (30) days in length.

SECTION 10. IC 13-14-9-8, AS AMENDED BY P.L.204-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) Unless a board determines that a proposed rule should be subject to additional comments or makes a determination described in subsection (f), sections 2 through 7 and sections 9 through 14 of this chapter do not apply to a rulemaking action if the commissioner determines that:

(1) the proposed rule constitutes:
(A) an adoption or incorporation by reference of a federal law,

Copy

regulation, or rule that:

(i) is or will be applicable to Indiana; and

(ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;

(B) a technical amendment with no substantive effect on an existing Indiana rule; or

(C) a substantive amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and

(2) the proposed rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in section 7(a)(2) of this chapter from the following:

(A) Exposing the proposed rule to diverse public comment under section 3 or 4 of this chapter.

(B) Affording interested or affected parties the opportunity to be heard under section 3 or 4 of this chapter.

(C) Affording interested or affected parties the opportunity to develop evidence in the record collected under sections 3 and 4 of this chapter.

(b) If the commissioner makes a determination under subsection (a), the commissioner shall prepare written findings under this section. The full text of the commissioner's written findings shall be included in:

(1) the notice of adoption of the proposed rule; and

(2) the written materials to be considered by the board at the public hearing held under this section.

(c) The notice of adoption of a proposed rule under this section must:

(1) be published in the Indiana Register; and

(2) include the following:

(A) Draft rule language that includes the language described in subsection (a)(1).

(B) A written comment period of at least thirty (30) days.

(C) A notice of public hearing before the appropriate board.

(d) The department shall include the following in the written materials to be considered by the board at the public hearing referred to in subsection (c):

(1) The full text of the proposed rule as most recently prepared by the department.

(2) Written responses of the department to written comments received during the comment period referred to in subsection (c).

(3) The commissioner's findings under subsection (b).

C o p y

(e) At the public hearing referred to in subsection (c), the board may:

(1) adopt the proposed rule;

(2) adopt the proposed rule with amendments;

~~(2)~~ **(3)** reject the proposed rule;

~~(3)~~ **(4)** determine that additional public comment is necessary; or

~~(4)~~ **(5)** determine to reconsider the proposed rule at a subsequent board meeting.

(f) If the board determines under subsection (e) that additional public comment is necessary, the department shall publish a second notice in accordance with section 4 of this chapter and complete the rulemaking in accordance with this chapter.

(g) If the board adopts the proposed rule with amendments under subsection (e), the amendments must meet the logical outgrowth requirements of section 10(b) of this chapter except that the board shall consider the comments provided to the board under the public hearing referred to in subsection (c)(2)(C).

SECTION 11. IC 13-14-9-14, AS ADDED BY P.L.100-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) Sections 1 through 13 of this chapter do not apply to a rule adopted under this section.

(b) The water pollution control board may use the procedures in this section to adopt a rule to establish new water quality standards for a community served by a combined sewer that has:

(1) an approved long term control plan; and

(2) an approved use attainability analysis that supports the use of a CSO wet weather limited use subcategory established under IC 13-18-3-2.5.

(c) After the department approves the long term control plan and use attainability analysis, the department shall publish in the Indiana Register a notice of adoption of a proposed rule to establish a CSO wet weather limited use subcategory for the area defined by the approved use attainability analysis.

(d) The notice under subsection (c) must include the following:

(1) Suggested rule language that amends the designated use to allow for a CSO wet weather limited use subcategory in accordance with IC 13-18-3-2.5.

(2) A written comment period of at least thirty (30) days.

(3) A notice of public hearing before the water pollution control board.

(e) The department shall include the following in the written materials to be considered by the water pollution control board at the

C o p y

public hearing referred to in subsection (d)(3):

(1) The full text of the proposed rule as most recently prepared by the department.

(2) Written responses of the department to written comments received during the comment period referred to in subsection (d)(2).

(3) The letter prepared by the department approving the long term control plan and use attainability analysis.

(f) At the public hearing referred to in subsection (d)(3), the board may:

(1) adopt the proposed rule to establish a new water quality standard amending the designated use to allow for a CSO wet weather limited use subcategory;

(2) adopt the proposed rule with amendments;

~~(2)~~ **(3)** reject the proposed rule; or

~~(3)~~ **(4)** determine to reconsider the proposed rule at a subsequent board meeting.

(g) If the board adopts the proposed rule with amendments under subsection (f), the amendments must meet the logical outgrowth requirements of section 10(b) of this chapter except that the board shall consider the comments provided to the board under the public hearing referred to in subsection (d)(3).

~~(g)~~ **(h)** The department shall submit a new water quality standard established in a rule adopted under subsection ~~(f)(1)~~ **(f)** to the United States Environmental Protection Agency for approval.

SECTION 12. IC 13-14-13-2, AS ADDED BY P.L.114-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The department may accept the electronic submission of information only if the submission meets the following:

~~(1) Standards established under IC 5-24 and corresponding rules.~~

~~(2)~~ **(1)** Requirements of cross-media electronic reporting under 40 CFR 3.

~~(3)~~ **(2)** Procedures established by the department to accept electronic information.

SECTION 13. IC 13-14-13-4, AS ADDED BY P.L.114-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The department may adopt procedures that are consistent with federal law for compliance with this chapter to allow an applicant to submit an electronic document bearing the valid electronic signature of a signatory if that signatory would otherwise be required to sign the paper document for which the electronic document substitutes.

C o p y

(b) The procedures adopted under subsection (a) may provide for electronic signature standards that are

~~(1) acceptable to the state board of accounts under IC 5-24; and~~

~~(2)~~ consistent with 40 CFR 3.

SECTION 14. IC 13-14-13-6, AS ADDED BY P.L.114-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A person is subject to applicable state or federal civil, criminal, or other penalties and remedies for failure to comply with a reporting requirement if the person submits an electronic document that:

(1) is in place of a paper document under this chapter; and

(2) fails to comply with the following:

~~(A) Standards established under IC 5-24 and supporting rules.~~

~~(B)~~ **(A)** Requirements of cross-media electronic reporting under 40 CFR 3.

~~(C)~~ **(B)** Procedures established by the department to accept electronic information.

SECTION 15. IC 13-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) 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.

(H) A new solid waste processing facility other than a transfer station.

(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.

(C) A major modification to a solid waste processing

C o p y

facility other than a transfer station.

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

(A) A new ~~solid waste processing or recycling facility.~~ **transfer station or a major modification to a transfer station.**

(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 **permit for the following:**

(i) A solid waste landfill. ~~or~~

(ii) A solid waste processing facility.

(iii) An 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 forty-nine dollars ($49) and for which a time frame has not been established under section 3 of this chapter.

(b) When a person holding a valid permit concerning an activity of a continuing nature has made a timely and sufficient application for a

C o p y

renewal permit under the rules of one (1) of the boards, the commissioner shall approve or deny the application on or before the expiration date stated in the permit for which renewal is sought.

SECTION 16. IC 13-18-11-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. **(a)** The ~~department~~ **board** shall adopt ~~regulations~~ **rules** to implement certification programs for operators of water treatment plants or water distribution systems. The certification program for the operators shall be classified in accordance with the complexity, size, and source of the water for the treatment system and the complexity and size for the distribution system.

(b) The department may establish procedures for an apprenticeship program for the following:

(1) Water treatment plant operators.

(2) Water distribution system operators.

SECTION 17. IC 13-18-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The commissioner may suspend or revoke the certificate of an operator, following a hearing under IC 13-15-7-3 and IC 4-21.5, if any of the following conditions are found:

(1) The operator has practiced fraud or deception **in any state or other jurisdiction at any time.**

(2) Reasonable care, judgment, or the application of the operator's knowledge or ability was not used in the performance of the operator's duties.

(3) The operator is incompetent or unable to properly perform the operator's duties.

(b) A hearing and further proceedings shall be conducted in accordance with IC 4-21.5-7.

SECTION 18. IC 13-18-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The water pollution control board and the department shall regulate persons who provide ~~wastewater~~ **septage** management services.

SECTION 19. IC 13-18-12-2, AS AMENDED BY P.L.114-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A person may not transport, treat, store, or dispose of ~~wastewater~~ **septage** in violation of this chapter.

(b) A person may not engage in:

(1) the cleaning of sewage disposal systems; or

(2) the transportation, treatment, storage, or disposal of ~~wastewater;~~ **septage;**

without a ~~wastewater~~ **septage** management permit unless the person is

C o p y

exempted under section 7 of this chapter.

(c) A person may not operate a vehicle for the transportation of ~~wastewater~~ **septage** without a ~~wastewater~~ **septage** management vehicle identification number issued under this chapter. ~~unless the person is exempted under section 4(a)(2) of this chapter.~~

(d) A person may not dispose of ~~wastewater~~ **septage** by land application without first obtaining approval of the land application site under this chapter.

(e) The department may issue a ~~wastewater~~ **septage** management permit that incorporates issuance of a ~~wastewater~~ **septage** management vehicle identification number and approval of a land application site.

(f) The department may issue new and renewal permits, identification numbers, and approvals under this chapter for a period the department determines appropriate. However, the period may not exceed three (3) years.

SECTION 20. IC 13-18-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The board shall initiate, in accordance with IC 13-15, a ~~wastewater~~ **septage** management permit program for all persons who offer to perform or are performing ~~wastewater~~ **septage** management services.

SECTION 21. IC 13-18-12-4, AS AMENDED BY P.L.114-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The board shall, in accordance with IC 13-14-8, adopt rules to establish the following:

(1) Standards for the following:

(A) The issuance of ~~wastewater~~ **septage** management permits under section 3 of this chapter.

(B) Cleaning of sewage disposal systems.

(C) Transportation, storage, and treatment of ~~wastewater,~~ **septage,** and disposal of ~~wastewater,~~ **septage,** including land application.

(2) Issuance of identification numbers for all vehicles used in ~~wastewater~~ **septage** management services. ~~However, the board may exempt by rule vehicles licensed on September 1, 1983, under the industrial waste haulers rule 320 IAC 5-10 as the rule existed on September 1, 1983.~~

(3) Procedures and standards for approval of sites for land application of ~~wastewater.~~ **septage.**

(b) The board may designate a county or city health agency as the board's agent to approve land application sites in accordance with rules adopted under this section.

SECTION 22. IC 13-18-12-5, AS AMENDED BY P.L.114-2008,

C o p y

SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Subject to subsections (b) and (c), the board may adopt a fee schedule for the issuance of:

(1) ~~wastewater~~ **septage** management permits;

(2) ~~wastewater~~ **septage** management vehicle identification numbers; and

(3) land application site approvals;

under this chapter.

(b) A permit fee may not exceed one hundred dollars ($100) per year.

(c) A vehicle identification number or land application approval fee may not exceed thirty dollars ($30) per year per vehicle or site.

(d) Whenever the board designates a county or city health agency as the board's agent to approve land application sites under this chapter, the county or city health agency shall collect and retain the land application approval fee.

SECTION 23. IC 13-18-12-7, AS AMENDED BY P.L.114-2008, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. This chapter does not require a person to obtain a permit or vehicle identification number under this chapter if the person is:

(1) engaged in:

(A) servicing or maintaining publicly owned wastewater treatment facilities; or

(B) transportation of wastewater from a publicly owned wastewater treatment facility;

as long as the wastewater at that facility has been fully treated and is stabilized;

(2) transporting ~~wastewater~~ **septage** from the point of its removal to another location on the same site or tract owned by the same person, although disposal of the ~~wastewater~~ **septage** must be done in accordance with this chapter; or

(3) a homeowner who cleans and services the sewage disposal system serving only the homeowner's residence, although transportation and disposal of ~~wastewater~~ **septage** must be done in compliance with this chapter.

SECTION 24. IC 13-20-17.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. After July 1, 2003, a person may sell or provide a mercury commodity to another person in this state (other than for collection for recycling) only if:

(1) the person selling or providing the mercury commodity provides a material safety data sheet with the mercury

C o p y

commodity; and

(2) the person selling or providing the mercury commodity requires the purchaser or recipient to sign a statement with respect to the mercury in the mercury commodity that the purchaser or recipient:

(A) will use the mercury only:

(i) for medical purposes;

(ii) in dental amalgam dispose-caps;

(iii) for training;

(iv) for research; or

(v) for manufacturing purposes;

(B) understands that mercury is toxic;

(C) will store and use the mercury appropriately so that no individual is exposed to the mercury under normal conditions of use; and

(D) will not intentionally:

(i) place or cause to be placed; or

(ii) allow anyone under the control of the purchaser or recipient to place or cause to be placed;

the mercury commodity in solid waste for disposal, ~~or~~ in a ~~wastewater~~ **sewage** disposal system, **or in a wastewater treatment plant.**

SECTION 25. IC 13-20-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. **(a) Except as provided in subsections (b) and (c),** for solid waste permits, the application fees are as follows:

New Permit or Major Modification

	Fee
~~Sanitary Landfill~~	~~$31,300~~
Construction\Demolition Site	$20,000
Restricted Waste Site	
Type I	$31,300
Type II	$31,300
Type III	$20,000
Processing Facility	
Transfer Station	$12,150
Other	$12,150
Incinerator	$28,650
Waste Tire Storage	
Registration	$ 500
Waste Tire Processing	$ 200
Waste Tire	

C o p y

Transportation	$ 25
Permit Renewal	
~~Sanitary Landfill~~	$ ~~15,350~~
Construction\	
Demolition Site	$ 7,150
Restricted Waste Site	
Type I	$ 15,350
Type II	$ 15,350
Type III	$ 7,150
Processing Facility	
Transfer Station	$ 2,200
Other	$ 2,200
Incinerator	$ 5,900
Waste Tire Processing	$ 200
Minor Modification	
Minor Modification	$2,500

(b) The fee for:

(1) a new permit; or

(2) a permit for a major modification;

for a solid waste landfill not covered by subsection (a) is thirty-one thousand three hundred dollars ($31,300).

(c) The fee for a permit renewal for a solid waste landfill not covered by subsection (a) is fifteen thousand three hundred fifty dollars ($15,350).

SECTION 26. IC 13-20-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. For solid waste, the annual operation fees are as follows:

	Fee
~~Sanitary~~ **Solid Waste** Landfill	
Not Otherwise Covered in This Section	
> 500 TPD	$35,000
250-499 TPD	$15,000
100-249 TPD	$ 7,000
<100 TPD	$ 2,000
Construction\	
Demolition Site	$ 1,500
Restricted Waste Site	
Type I	$35,000
Type II	$25,000
Type III	$10,000
Processing Facility	
Transfer Station	$ 2,000

C o p y

Other	$ 2,000
Incinerator	
>500 TPD	$35,000
250-499 TPD	$15,000
100-249 TPD	$ 7,000
<100 TPD	$ 2,000
Infectious Waste	
Incinerator (>7 TPD)	$ 5,000
Waste Tire Storage	
Registration	$ 500
Waste Tire Transportation	
Registration	$ 25
Groundwater	
Compliance	
Sampling	
(per well)	$ 250

SECTION 27. IC 13-20-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. Solid waste disposal fees must be paid by all solid waste disposal facilities, including ~~sanitary landfills,~~ **solid waste landfills,** incinerators, and construction\demolition disposal facilities. Solid waste disposal fees:

(1) for the period of January 1 through June 30 of each year are due on August 1 of that year; and

(2) for the period of July 1 through December 31 of each year are due on February 1 of the following year.

SECTION 28. IC 13-23-8-3, AS AMENDED BY P.L.221-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. For the purposes of section 2 of this chapter, the following amounts shall be used:

(1) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

(A) is not in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements; and

(B) is in compliance on a date required under the requirements described under section 4 of this chapter at the time a release was discovered;

the amount is thirty-five thousand dollars ($35,000).

(2) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

C o p y

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements;

(B) is not a double walled underground petroleum storage tank; and

(C) has piping that does not have secondary containment;

the amount is ~~twenty-five~~ **thirty** thousand dollars ~~($25,000).~~ **($30,000).**

(3) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements;

(B) is not a double walled underground petroleum storage tank; and

(C) has piping that has secondary containment;

the amount is twenty-five thousand dollars ($25,000).

(4) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements;

(B) is a double walled underground petroleum storage tank; and

(C) has piping that does not have secondary containment;

the amount is twenty-five thousand dollars ($25,000).

(5) If the underground petroleum storage tank that was involved in the occurrence for which claims are made:

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements;

(B) is a double walled underground petroleum storage tank; and

(C) has piping that has secondary containment;

C o p y

the amount is twenty thousand dollars ($20,000).

SECTION 29. IC 32-21-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. The Indiana real estate commission established by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains the following:

(1) Disclosure by the owner of the known condition of the following:

(A) The foundation.

(B) The mechanical systems.

(C) The roof.

(D) The structure.

(E) The water and sewer systems.

(F) Additions that may require improvements to the sewage disposal system.

(G) Other areas that the Indiana real estate commission determines are appropriate.

(2) Disclosure by the owner of known contamination by methamphetamine of property that has not been certified as decontaminated by an inspector approved under IC 13-14-1-15.

~~(2)~~ **(3)** A notice to the prospective buyer that contains substantially the following language:

"The prospective buyer and the owner may wish to obtain professional advice or inspections of the property and provide for appropriate provisions in a contract between them concerning any advice, inspections, defects, or warranties obtained on the property.".

~~(3)~~ **(4)** A notice to the prospective buyer that contains substantially the following language:

"The representations in this form are the representations of the owner and are not the representations of the agent, if any. This information is for disclosure only and is not intended to be a part of any contract between the buyer and owner.".

~~(4)~~ **(5)** A disclosure by the owner that an airport is located within a geographical distance from the property as determined by the Indiana real estate commission. The commission may consider the differences between an airport serving commercial airlines and an airport that does not serve commercial airlines in determining the distance to be disclosed.

SECTION 30. IC 32-21-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. **(a) Except as provided in subsection (b),** an owner or agent is not required to

Copy

disclose to a transferee any knowledge of a psychologically affected property in a real estate transaction.

(b) Subsection (a) does not apply if the transferred property has been contaminated by methamphetamine and has not been certified as decontaminated by an inspector approved under IC 13-14-1-15.

SECTION 31. IC 5-24 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 32. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 13-11-2-256; IC 13-11-2-257.

SECTION 33. [EFFECTIVE UPON PASSAGE] **(a) The environmental quality service council established by IC 13-13-7-1 shall study and make findings and recommendations concerning the following:**

(1) With respect to the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1:

(A) whether administration of the fund should be removed from the department of environmental management;

(B) whether to broaden access of the department of environmental management to the fund; and

(C) whether the annual limits on reimbursement of claims against the fund should be increased.

(2) Whether to abolish the underground petroleum storage tank trust fund established by IC 13-23-6-1.

(3) Whether to expand the definition of "owner" for purposes of IC 13-11-2-150 to include property owners who neither own nor operate underground storage tanks.

(4) Options for underground storage tank operators to obtain training required by Section 9010 of the federal Solid Waste Disposal Act (42 U.S.C. 6991i).

(5) Whether the northwest Indiana advisory board established under IC 13-13-6 should be abolished.

(6) Any other issues the council considers appropriate.

(b) The environmental quality service council shall include its findings and recommendations developed under subsection (a) in the council's 2009 final report to the legislative council.

(c) This SECTION expires January 1, 2010.

SECTION 34. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 461, 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 2, delete lines 11 through 42.

Delete pages 3 through 5.

Page 6, delete lines 1 through 21.

Page 6, line 41, delete "wastewater" and insert "**septage**".

Page 18, delete lines 37 through 42.

Delete pages 19 through 20.

Page 21, delete lines 1 through 6.

Page 22, delete lines 25 through 42.

Delete pages 23 through 27.

Page 28, delete lines 1 through 38.

Delete page 30.

Page 31, delete lines 1 through 22.

Page 31, line 26, delete "IC 13-11-2-163;".

Page 31, line 26, delete "IC 13-11-2-257;" and insert "IC 13-11-2-257.".

Page 31, delete line 27.

Page 31, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 31. [EFFECTIVE UPON PASSAGE] **(a) The environmental quality service council established by IC 13-13-7-1 shall study and make findings and recommendations concerning the following:**

(1) With respect to the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1:

(A) whether administration of the fund should be removed from the department of environmental management;

(B) whether to broaden access of the department of environmental management to the fund; and

(C) whether the annual limits on reimbursement of claims against the fund should be increased.

(2) Whether to abolish the underground petroleum storage tank trust fund established by IC 13-23-6-1.

(3) Whether to expand the definition of "owner" for purposes of IC 13-11-2-150 to include property owners who neither own nor operate underground storage tanks.

(4) Options for underground storage tank operators to obtain training required by Section 9010 of the federal Solid Waste

C o p y

Disposal Act (42 U.S.C. 6991i).

(5) Whether the northwest Indiana advisory board established under IC 13-13-6 should be abolished.

(6) Any other issues the council considers appropriate.

(b) The environmental quality service council shall include its findings and recommendations developed under subsection (a) in the council's 2009 final report to the legislative council.

(c) This SECTION expires January 1, 2010.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 461 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 461 be amended to read as follows:

Page 16, line 17, delete "a" and insert "**methamphetamine**".

Page 16, line 18, delete "controlled substance".

Page 17, line 3, delete "is" and insert "**has been contaminated by methamphetamine and has not been certified as decontaminated by an inspector approved under IC 13-14-1-15.**".

Page 17, delete lines 4 through 5.

(Reference is to SB 461 as printed February 4, 2009.)

GARD

C o p y