

Adopted Rejected

COMMITTEE REPORT

YES: 10
NO: 0

MR. SPEAKER:

Your Committee on Environmental Affairs, to which was referred Senate Bill 433, 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:

- 1 Page 14, line 10, strike "a substantive" and insert "**an**".
- 2 Page 19, between lines 16 and 17, begin a new paragraph and insert:
- 3 "SECTION 21. IC 13-17-3-4 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board
- 5 shall adopt rules under IC 4-22-2 that are:
- 6 (1) consistent with the general intent and purposes declared in
- 7 IC 13-17-1 and section 1 of this chapter; and
- 8 (2) necessary to the implementation of the federal Clean Air Act
- 9 (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act
- 10 Amendments of 1990 (P.L.101-549).
- 11 (b) Notwithstanding IC 13-15-5, the board may adopt rules under
- 12 IC 4-22-2 and IC 13-14-9 that allow the commissioner's actions on
- 13 permits and permit modifications to become effective immediately,
- 14 regardless of whether a thirty (30) day comment period is held on the
- 15 permits or permit modifications. The board may adopt rules under this
- 16 subsection only after considering the:

- 1 (1) environmental significance of;
2 (2) federal requirements for federally delegated or approved
3 programs concerning; and
4 (3) need for opportunity for public participation on;
5 the permits or permit modifications.

6 (c) The board may adopt rules to require sources to report hazardous
7 air pollutant emissions if the reporting is necessary to demonstrate
8 compliance with emissions and other performance standards
9 established under 42 U.S.C. 7412 or 42 U.S.C. 7429. The board may
10 amend 326 IAC 2-6 to allow the department to request hazardous air
11 pollutant emissions data from individual sources for the purpose of site
12 specific studies of hazardous air pollutant:

- 13 (1) emissions; and
14 (2) impacts.

15 (d) The board may amend 326 IAC 2-6 or adopt new rules to
16 establish a general requirement for sources to report hazardous air
17 pollutant emissions (as defined by 42 U.S.C. 7412(b)). However, the
18 rules amended or adopted by the board under this subsection may not
19 require sources to report hazardous air pollutant emissions before
20 January 1, 2004.

21 **(e) For purposes of rules adopted by the board, a reference to**
22 **"chemical process plants" does not include an ethanol production**
23 **operation that:**

- 24 **(1) produces ethanol by natural fermentation after July 2,**
25 **2007; and**
26 **(2) is included in the North American Industry Classification**
27 **System (NAICS) code:**
28 **(A) 325193 (Ethyl Alcohol Manufacturing); or**
29 **(B) 312140 (Distilleries);**

- 1 **as described in 72 FR 24059 et seq. (May 1, 2007).**
- 2 **This subsection expires April 1, 2012."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to SB 433 as reprinted February 8, 2011.)

and when so amended that said bill do pass.

Representative Wolkins