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# HOUSE BILL No. 1112

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2-16.7; IC 13-15-4-1; IC 13-18-12-2.5.

**Synopsis:** Land application of industrial waste products. Requires the commissioner of the department of environmental management (department) to approve or deny an application for a permit: (1) concerning the land application of a material; or (2) for marketing and distribution of a biosolid or an industrial waste product; within 180 days after receiving the application. Requires the department and the environmental rulemaking boards to allow a person to use industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute under certain circumstances. Requires the department to allow the use of industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute on the same basis as other materials under the rules concerning land application and marketing and distribution permits. Prohibits the department from: (1) discriminating against the use of industrial waste products on the basis that the industrial waste products lack biological carbon or other materials; (2) imposing requirements beyond criteria found in the water pollution control board rules concerning land application of biosolid and industrial waste products; (3) requiring that the finished soil amendment, soil substitute, or material to be land applied must be of a particular economic value; or (4) requiring that an industrial waste product or the finished soil amendment, soil substitute, or material to be land applied satisfies the department's risk integrated system of closures nonrule policy document or any other standards other than criteria found in rules adopted by the water pollution control board concerning land application of biosolids, industrial waste products, and pollutant-bearing water.

**Effective:** July 1, 2011.

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January 6, 2011, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1112



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 13-11-2-16.7 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2011]: **Sec. 16.7. "Beneficial use", for**  
4 **purposes of IC 13-18-12-2.5, means the use of a solid waste for**  
5 **fertilizing or soil conditioning purposes to provide:**

- 6 (1) **nutrients, including micronutrients, for growing plants or**  
7 **crops;**
- 8 (2) **organic matter;**
- 9 (3) **pH adjustment capabilities; or**
- 10 (4) **other benefits to soil or crops.**

11 SECTION 2. IC 13-15-4-1, AS AMENDED BY P.L.78-2009,  
12 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2011]: Sec. 1. (a) Except as provided in sections 2, 3, and 6  
14 of this chapter, the commissioner shall approve or deny an application  
15 filed with the department after July 1, 1995, within the following  
16 number of days:

- 17 (1) Three hundred sixty-five (365) days for an application



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- 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.
- (2) Except as provided in IC 13-18-3-2.1, 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.
- (3) Except as provided in IC 13-18-3-2.1, one hundred eighty (180) days for an application concerning the following:
- (A) A new solid waste processing or recycling facility.
  - (B) A minor new National Pollutant Discharge Elimination System individual permit.
  - (C) A permit concerning the land application of ~~wastewater~~ **a material.**
  - (D) A permit for marketing and distribution of a biosolid or an industrial waste product.**
- (4) Except as provided in IC 13-18-3-2.1, 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 solid waste landfill or 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).

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- 1 (C) Registration of an air pollution facility.
- 2 (8) Sixty (60) days for an application concerning the following:
- 3 (A) A Class 1 modification under 40 CFR 270.42 requiring
- 4 prior written approval, to a hazardous waste:
- 5 (i) landfill;
- 6 (ii) incinerator;
- 7 (iii) treatment facility; or
- 8 (iv) storage facility.
- 9 (B) Any other permit not specifically described in this section
- 10 for which the application fee exceeds forty-nine dollars (\$49)
- 11 and for which a time frame has not been established under
- 12 section 3 of this chapter.

13 (b) When a person holding a valid permit concerning an activity of  
 14 a continuing nature has made a timely and sufficient application for a  
 15 renewal permit under the rules of one (1) of the boards, the  
 16 commissioner shall approve or deny the application on or before the  
 17 expiration date stated in the permit for which renewal is sought.

18 SECTION 3. IC 13-18-12-2.5 IS ADDED TO THE INDIANA  
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2011]: **Sec. 2.5. (a) The department and the**  
 21 **boards shall allow a person to use industrial waste products in a**  
 22 **land application operation or as ingredients in a soil amendment**  
 23 **or soil substitute if:**

- 24 (1) the industrial waste products are not hazardous wastes;
- 25 (2) the finished soil amendment, soil substitute, or material to
- 26 be land applied satisfies the criteria in 327 IAC 6.1-4; and
- 27 (3) the finished soil amendment, soil substitute, or material to
- 28 be land applied has a beneficial use.

- 29 (b) The department:
- 30 (1) shall allow the use of industrial waste products:
- 31 (A) in a land application operation; or
- 32 (B) as ingredients in a soil amendment or soil substitute;
- 33 on the same basis as other materials under the rules
- 34 concerning land application and marketing and distribution
- 35 permits; and
- 36 (2) may not:
- 37 (A) discriminate against the use of industrial waste
- 38 products on the basis that the industrial waste products
- 39 lack biological carbon or other materials;
- 40 (B) impose requirements beyond criteria in 327 IAC 6.1-4;
- 41 (C) require that the finished soil amendment, soil
- 42 substitute, or material to be land applied must be of a

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1 particular economic value; or  
2 (D) require that an industrial waste product or the finished  
3 soil amendment, soil substitute, or material to be land  
4 applied satisfies:  
5 (i) the department's risk integrated system of closures  
6 nonrule policy document; or  
7 (ii) any other standards other than criteria in 327  
8 IAC 6.1.

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