

# HOUSE BILL No. 1424

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-20-2-11.

**Synopsis:** Solid waste landfill permits and zoning approval. Provides that a person who holds an operation permit for a solid waste landfill: (1) for which the zoning approval required for the construction and operation of the landfill was approved more than five years before the date the department of environmental management (department) issued a valid operation permit authorizing operation of the landfill; (2) for which the department issued a valid operation permit more than three years before the completion of initial construction of the landfill necessary for the landfill to accept waste for disposal; and (3) that did not lawfully accept waste for more than eight years after the date the landfill first obtained zoning approval; may begin or complete construction of the landfill only if, after at least eight years have passed since local zoning approval for the landfill was obtained, the zoning authority that has jurisdiction reviews and approves the appropriateness and legality of the zoning under the requirements of all applicable zoning laws existing at the time of the review.

**Effective:** Upon passage.

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January 18, 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. 1424



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 13-20-2-11, AS ADDED BY P.L.114-2008,  
 2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 11. (a) This section applies only:  
 4 (1) in a county that zones under IC 36-7-4; and  
 5 (2) to a facility:  
 6 (A) for which the zoning **approval** required for the  
 7 construction **and operation** of the facility was approved **more**  
 8 **than five (5) years** before ~~April 1, 1985~~; **the date the**  
 9 **department issued a valid operation permit authorizing**  
 10 **operation of the facility;**  
 11 (B) for which the department issued a valid ~~construction~~  
 12 **operation** permit under this chapter **more than three (3)**  
 13 **years** before ~~April 1, 2008~~; **the completion of initial**  
 14 **construction of the facility necessary for the facility to**  
 15 **accept waste for disposal;** and  
 16 (C) that did not **lawfully** accept waste ~~before April 1, 2008~~.  
 17 **for more than eight (8) years after the date the facility first**



1                   **obtained zoning approval.**  
 2                   (b) The person that holds the permit referred to in subsection  
 3 (a)(2)(B) may begin or complete construction of the facility referred to  
 4 in subsection (a)(2) only if, after ~~April 1, 2008~~, **at least eight (8) years**  
 5 **have passed since local zoning approval for the facility was**  
 6 **obtained**, the zoning authority that has jurisdiction reviews and  
 7 approves the:  
 8                   (1) appropriateness; and  
 9                   (2) legality;  
 10 of the zoning referred to in subsection (a)(2)(A) under the requirements  
 11 of all applicable zoning laws existing at the time of the review.  
 12                   **SECTION 2. An emergency is declared for this act.**

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