

HOUSE BILL No. 1451

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-17-3-4.5.

Synopsis: Mint distilling operations. Specifies that a mint distilling operation is considered a farming operation for purposes of Indiana Administrative Code rules concerning the air pollution control board.

Effective: January 1, 2011 (retroactive).

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January 18, 2011, read first time and referred to Committee on Agriculture and Rural Development.

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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 *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. 1451



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 13-17-3-4.5, AS ADDED BY P.L.16-2009,
- 2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JANUARY 1, 2011 (RETROACTIVE)]: Sec. 4.5. (a) A reference in
- 4 this section to a provision of the Indiana Administrative Code or Code
- 5 of Federal Regulations includes a reference to a successor provision.
- 6 (b) As used in this section, "construction" has the meaning set forth
- 7 in 326 IAC 1-2-21.
- 8 (c) As used in this section, "modification" has the meaning set forth
- 9 in 326 IAC 1-2-42.
- 10 (d) As used in this section, "operation" has the meaning set forth in
- 11 326 IAC 2-1.1-1(11).
- 12 (e) As used in this section, "process" has the meaning set forth in
- 13 326 IAC 2-1.1-1(17).
- 14 (f) As used in this section, "regulated pollutant" has the meaning set
- 15 forth in 326 IAC 1-2-66.
- 16 (g) If a rule of the air pollution control board lists emission units,
- 17 operations, or processes of which construction or modification are



1 exempt from the requirement to obtain a registration, permit,
2 modification approval, or permit revision, the air pollution control
3 board may not condition the exemption on whether the potential to emit
4 any regulated pollutant from the construction or modification exceeds
5 an emission threshold establishing the requirement to obtain a
6 registration, permit, modification approval, or permit revision under
7 326 IAC 2.

- 8 (h) This section does not apply to construction or modification:
 - 9 (1) subject to federal prevention of significant deterioration
 - 10 requirements as set out in 326 IAC 2-2 and 40 CFR 52.21;
 - 11 (2) subject to nonattainment new source review requirements as
 - 12 set out in 326 IAC 2-3;
 - 13 (3) at a source that has an operation permit issued under 326
 - 14 IAC 2-7, where the construction or modification would be
 - 15 considered a Title I modification under 40 CFR Part 70; or
 - 16 (4) that would result in the source needing to make a transition to
 - 17 an operating permit issued under 326 IAC 2-6.1, 326 IAC 2-7, or
 - 18 326 IAC 2-8.

19 **(i) A mint distilling operation is considered a farming operation**
20 **as that term is defined in 326 IAC 1-2-28.**

21 SECTION 2. An emergency is declared for this act.

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