



February 24, 2012

**ENGROSSED
SENATE BILL No. 131**

DIGEST OF SB 131 (Updated February 22, 2012 5:02 pm - DI 69)

Citations Affected: IC 13-11; IC 13-14; IC 13-18; IC 13-19; IC 13-20; IC 13-20.5; IC 13-21; IC 13-25; IC 13-27; IC 13-27.5; noncode.

Synopsis: Environmental matters. Defines "program year" as a calendar year for certain electronic waste programs. Establishes program year dates for certain recycling goals. Requires the department to include restrictive covenants on a property transfer disclosure form. Includes tire disposal as a "waste tire processing operation". Removes certain requirements for a septage management vehicle identification. Allows the department of environmental management (department) to issue a septage management permit that incorporates approval of a land application site. Establishes certain waste source reduction goals. Requires the holder of an incinerator permit to notify the department and appropriate local government officials about certain contaminant effects from incineration exceeding control levels of an air pollution control permit. Exempts a manufacturer of tires that keeps 5,000 waste tires or less in an enclosed structure from certain registration provisions. Exempts a person that obtains a certificate of registration from having to obtain a solid waste processing facility permit: (1) for
(Continued next page)

Effective: Upon passage; July 1, 2012.

Gard, Charbonneau, Tallian

(HOUSE SPONSOR — WOLKINS)

January 4, 2012, read first time and referred to Committee on Energy and Environmental Affairs.

January 23, 2012, amended, reported favorably — Do Pass.

January 26, 2012, read second time, ordered engrossed.

January 27, 2012, engrossed.

January 31, 2012, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 9, 2012, read first time and referred to Committee on Environmental Affairs.

February 23, 2012, amended, reported — Do Pass.

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activities covered under the registration; or (2) if the person stores or processes waste tires in a facility according to certain regulations. Excludes a waste tire amnesty day sponsored by a local government from certain registration requirements. Allows disposal of waste tires by: (1) delivery to a facility that retreads tires; (2) delivery to a facility that is registered as a storage site or processing operation; or (3) collection by a registered transporter. Provides that waste tire transporters may not design their own manifest form. Requires from a recycler a list of collectors from which the recycler received covered electronic devices. Requires the department to: (1) provide information on a property's restrictive covenants; and (2) include environmental defects on a property transfer disclosure form. Abolishes the clean manufacturing technology board. Repeals provisions pertaining to: (1) waste exchange; (2) solid and hazardous waste materials exchange; (3) waste incineration; and (4) waste tires. Requires the department to provide solid waste management districts with a curriculum model that includes educational core principles concerning: (1) the reuse, recycling, and collection of mercury; and (2) the reuse, recycling, collection, and proper disposal of solid waste. Provides that solid waste management districts must implement educational programs that meet the minimum standards established by the department in the curriculum model. Provides that, in 2015 and every fifth year thereafter, the legislative council must require an interim study committee or a statutory study committee to: (1) assess solid waste management districts; and (2) determine whether any changes should be made to the statutes governing districts. Specifies additional information that a solid waste management district must include in the annual report prepared by the district and provided to the department, the department of local government finance, and the legislative council. Requires a solid waste management district to publish the report on an Internet web site maintained by the district or on the Internet web sites maintained by the counties that are members of the district. Requires the commission on state tax and financing policy to study issues related to the financing of solid waste management districts during the 2012 interim. Requires the environmental quality service council to study issues concerning the powers of solid waste management districts to: (1) establish and issue permits that are not specifically authorized by a statute; and (2) impose and collect fees that are not specifically authorized by a statute; during the 2012 interim.

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February 24, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 131

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 13-11-2-17, AS AMENDED BY P.L.159-2011,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 17. (a) "Board", except as provided in subsections
4 (b) through ~~(h)~~; (g), refers to:
5 (1) the air pollution control board;
6 (2) the water pollution control board; or
7 (3) the solid waste management board.
8 (b) "Board", for purposes of IC 13-17, refers to the air pollution
9 control board.
10 (c) "Board", for purposes of IC 13-18, refers to the water pollution
11 control board.
12 (d) "Board", for purposes of:
13 (1) IC 13-19;
14 (2) IC 13-20;
15 (3) IC 13-22;
16 (4) IC 13-23, except IC 13-23-11;
17 (5) IC 13-24; and

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- 1 (6) IC 13-25;
 2 refers to the solid waste management board.
- 3 (e) "Board", for purposes of IC 13-21, refers to the board of
 4 directors of a solid waste management district.
- 5 (f) "Board", for purposes of IC 13-23-11, refers to the underground
 6 storage tank financial assurance board.
- 7 (g) "Board", for purposes of IC 13-26, refers to the board of trustees
 8 of a regional water, sewage, or solid waste district.
- 9 ~~(h) "Board", for purposes of IC 13-27 and IC 13-27.5, refers to the~~
 10 ~~clean manufacturing technology board.~~
- 11 SECTION 2. IC 13-11-2-27.6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 27.6. (a) "Clean
 13 manufacturing", for purposes of IC 13-12 **and** IC 13-27, **and**
 14 ~~IC 13-27.5~~; means the employment by a manufacturer of a practice
 15 that:
- 16 (1) reduces the manufacturing use of toxic materials; or
 17 (2) reduces the environmental and health hazards associated with
 18 an environmental waste without diluting or concentrating the
 19 waste before the:
- 20 (A) recycling;
 21 (B) release;
 22 (C) handling;
 23 (D) storage;
 24 (E) transport;
 25 (F) treatment; or
 26 (G) disposal;
 27 of the waste.
- 28 (b) The term includes changes in production technology, materials,
 29 processes, operations, or procedures.
- 30 (c) The term does not include the following:
- 31 (1) A practice that is applied to an environmental waste after the
 32 waste:
- 33 (A) is generated or comes into existence; or
 34 (B) exits a production unit or operation.
- 35 (2) Waste burning in:
 36 (A) industrial furnaces;
 37 (B) boilers;
 38 (C) smelters; or
 39 (D) cement kilns;
 40 for purposes of energy recovery.
- 41 (3) Waste shifting.
 42 (4) Offsite recycling.

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- 1 (5) Onsite recycling, including the following:
 2 (A) Inprocess recycling.
 3 (B) Inline recycling.
 4 (C) Out-of-process recycling.
 5 (D) Closed loop recycling.
 6 (E) Any other onsite recycling method.
 7 (6) Any other method of end-of-pipe management of
 8 environmental wastes, including the following:
 9 (A) Waste exchange.
 10 (B) The incorporation or embedding of regulated
 11 environmental wastes into products or byproducts.
 12 SECTION 3. IC 13-11-2-54 IS REPEALED [EFFECTIVE JULY 1,
 13 2012]. Sec. 54. "Director", for purposes of IC 13-27.5, refers to the
 14 director of the Indiana clean manufacturing technology and safe
 15 materials institute.
 16 SECTION 4. IC 13-11-2-72 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 72. "Environmental
 18 wastes", for purposes of IC 13-27, and ~~IC 13-27.5~~, means all
 19 environmental pollutants, wastes, discharges, and emissions, regardless
 20 of:
 21 (1) whether or how they are regulated; and
 22 (2) whether they are released to the general environment or the
 23 workplace environment.
 24 SECTION 5. IC 13-11-2-110 IS REPEALED [EFFECTIVE JULY
 25 1, 2012]. Sec. 110. "Institute", for purposes of IC 13-27 and ~~IC 13-27.5~~,
 26 refers to the Indiana clean manufacturing technology and safe materials
 27 institute.
 28 SECTION 6. IC 13-11-2-126, AS AMENDED BY P.L.178-2009,
 29 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]: Sec. 126. (a) "Manufacturer", for purposes of
 31 IC 13-20-16, means a person who is engaged in the business of making
 32 lead acid batteries:
 33 (1) in Indiana; or
 34 (2) for sale in Indiana.
 35 (b) "Manufacturer", for purposes of ~~IC 13-27.5~~, means a
 36 manufacturer in Indiana operating under standard industrial
 37 classification codes twenty (20) through thirty-nine (39) in the Standard
 38 Industrial Classification Manual of the United States Office of
 39 Management and Budget.
 40 (c) (b) "Manufacturer", for purposes of sections 179.9, 180.1, 195.7,
 41 and 245.4 of this chapter and IC 13-20.5, means a person that:
 42 (1) manufactures video display devices to be sold under the

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- 1 person's own brand or a brand the person licenses as identified by
 2 the person's own brand label or the brand label the person
 3 licenses;
 4 (2) sells video display devices manufactured by others under the
 5 person's own brand or a brand the person licenses as identified by
 6 the person's own brand label or the brand label the person
 7 licenses; or
 8 (3) assumes the responsibilities and obligations of a manufacturer
 9 under IC 13-20.5.

10 SECTION 7. IC 13-11-2-127 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 127. "Mass balance
 12 calculation", for purposes of IC 13-27, ~~and IC 13-27.5~~, means a
 13 determination of the annual quantities of each toxic material that is:

- 14 (1) transported to;
 15 (2) produced at;
 16 (3) used at;
 17 (4) accumulated or stored at;
 18 (5) released from; or
 19 (6) transported from;

20 a business or manufacturing facility as a waste or pollutant, as a
 21 commercial product or byproduct, in a commercial product or
 22 byproduct, or as a component of a commercial product or byproduct,
 23 based upon an analysis of each process or operation at the business or
 24 manufacturing facility.

25 SECTION 8. IC 13-11-2-131 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 131. "Multimedia", for
 27 purposes of IC 13-27, ~~and IC 13-27.5~~, refers to:

- 28 (1) air;
 29 (2) water;
 30 (3) land; and
 31 (4) workplace environmental;

32 media into which pollutants and wastes are emitted, released,
 33 discharged, or disposed.

34 SECTION 9. IC 13-11-2-154.5 IS ADDED TO THE INDIANA
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2012]: **Sec. 154.5. "Passenger tire**
 37 **equivalent"**, for purposes of this chapter and IC 13-20-13, has the
 38 **meaning set forth in IC 13-20-13-1.**

39 SECTION 10. IC 13-11-2-172.1, AS ADDED BY P.L.178-2009,
 40 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2012]: Sec. 172.1. "Program year", for purposes of ~~this~~
 42 ~~chapter and IC 13-20.5, means the period:~~

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- (1) beginning April 1 in a year; and
 (2) ending March 31 of the following year.

has the meaning set forth in IC 13-20.5-1-1.

SECTION 11. IC 13-11-2-195.7, AS ADDED BY P.L.178-2009, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 195.7. (a) "Sale" or "sell", for purposes of sections ~~126(e)~~ **126(b)** and 194(c) of this chapter and IC 13-20.5, means a transfer for consideration of title or of the right to use by a:

- (1) lease or sales contract, including transactions conducted through sales outlets, catalogs, or the Internet or any other similar electronic means either inside or outside Indiana; and
 (2) person that conducts the transaction and controls the delivery of a video display device to a consumer in Indiana.

(b) The term does not include a manufacturer's or distributor's wholesale transaction with a distributor or retailer.

SECTION 12. IC 13-11-2-233 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 233. "Toxic material", for purposes of IC 13-27, ~~and IC 13-27.5~~, means any of the following:

- (1) A chemical substance in a gaseous, liquid, or solid state that meets the definition of hazardous substance in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601(14)).
 (2) A mixture of substances described in subdivision (1).
 (3) An element, a substance, a compound, or a mixture designated by the commissioner as a toxic or hazardous substance.
 (4) A mixture of substances containing a substance described in subdivision (1).

SECTION 13. IC 13-11-2-246 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 246. "Waste exchange", for purposes of ~~IC 13-27 and IC 13-27.5~~, means a method of end-of-pipe management of environmental wastes that involves the transfer of environmental wastes between:

- (1) businesses;
 (2) manufacturers; or
 (3) facilities owned by the same business or manufacturer;

for recovery or to serve a productive purpose.

SECTION 14. IC 13-11-2-249.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 249.5. "Waste shifting", for purposes of ~~IC 13-27.5~~, means the transfer of an environmental waste from one (1) environmental medium to:

- (1) another environmental medium;
 (2) the workplace environment; or

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- 1 (3) a product.
- 2 SECTION 15. IC 13-11-2-250.5 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 250.5. "Waste tire
- 4 processing operation", for purposes of IC 13-20-13 **and IC 13-20-14**,
- 5 means an operation that processes waste tires by cutting, shredding, or
- 6 grinding. The term does not include a retail operation that cuts or
- 7 shreds waste tires generated by the retail operation.
- 8 SECTION 16. IC 13-11-2-251 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 251. "Waste tire
- 10 storage site", for purposes of IC 13-20-13 and IC 13-20-14, means:
- 11 (1) a site at which at least one thousand (1,000) **waste tires**
- 12 **passenger tire equivalents** are accumulated outdoors or within
- 13 a structure that is not completely enclosed; or
- 14 (2) a site at which at least two thousand (2,000) **waste tires**
- 15 **passenger tire equivalents** are accumulated indoors within a
- 16 completely enclosed structure.
- 17 SECTION 17. IC 13-11-2-252 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 252. "Waste tire
- 19 transporter", for purposes of IC 13-20-14, means a person who engages
- 20 in the business of:
- 21 (1) accepting waste tires; ~~from retailers;~~ and
- 22 (2) transporting the waste tires to one (1) or more other locations.
- 23 SECTION 18. IC 13-14-1-1 IS REPEALED [EFFECTIVE JULY 1,
- 24 2012]. Sec. 1. (a) Subject to subsection (c), the department shall
- 25 establish a solid and hazardous waste materials exchange to provide for
- 26 the exchange of information between interested persons concerning the
- 27 following:
- 28 (1) Particular quantities of solid waste and hazardous waste
- 29 available in Indiana for recovery;
- 30 (2) Persons interested in acquiring certain types of solid waste or
- 31 hazardous waste for purposes of recovery;
- 32 (3) Methods for the treatment and recovery of solid waste and
- 33 hazardous waste in Indiana.
- 34 (b) The solid and hazardous waste materials exchange created under
- 35 subsection (a) may be operated under one (1) or more reciprocity
- 36 agreements allowing for the exchange of information described in
- 37 subsection (a) for similar information from programs operated in other
- 38 states.
- 39 (c) The department may contract with a private organization for:
- 40 (1) the establishment;
- 41 (2) the operation; or
- 42 (3) both the establishment and the operation;



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1 of the solid and hazardous waste materials exchange.

2 (d) The solid waste management board may adopt rules under
3 IC 4-22-2 concerning the establishment and operation of the solid and
4 hazardous waste materials exchange.

5 SECTION 19. IC 13-14-1-16 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2012]: **Sec. 16. The clean manufacturing
8 technology board established by IC 13-27.5 (repealed) is abolished.
9 All powers, duties, assets, and liabilities of the clean manufacturing
10 technology board are transferred to the department.**

11 SECTION 20. IC 13-18-12-2, AS AMENDED BY P.L.159-2011,
12 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2012]: Sec. 2. (a) A person may not transport, treat, store, or
14 dispose of septage in violation of this chapter.

15 (b) A person may not engage in:

16 (1) the cleaning of sewage disposal systems; or

17 (2) the transportation, treatment, storage, or disposal of septage;
18 without a septage management permit unless the person is exempted
19 under section 7 of this chapter.

20 (c) A person may not operate a vehicle for the transportation of
21 septage without a septage management vehicle identification number
22 issued under this chapter.

23 (d) (c) A person may not dispose of septage by land application
24 without first obtaining approval of the land application site under this
25 chapter.

26 (e) (d) The department may issue a septage management permit that
27 incorporates issuance of a septage management vehicle identification
28 number and approval of a land application site.

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

33 SECTION 21. IC 13-18-12-4, AS AMENDED BY P.L.159-2011,
34 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2012]: Sec. 4. (a) The board shall, in accordance with
36 IC 13-14-8 IC 13-14-9, adopt rules to establish the following:

37 (1) Standards for the following:

38 (A) The issuance of septage management permits under
39 section 3 of this chapter.

40 (B) Transportation, storage, and treatment of septage, and
41 disposal of septage, including land application.

42 (2) Issuance of identification numbers for all vehicles used in

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1 ~~sewage management services:~~
2 (3) (2) Procedures and standards for approval of sites for land
3 application of sewage.
4 (b) The board may designate a county or city health agency as the
5 board's agent to approve land application sites in accordance with rules
6 adopted under this section.
7 SECTION 22. IC 13-18-12-5, AS AMENDED BY P.L.159-2011,
8 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2012]: Sec. 5. (a) Subject to subsections (b) and (c), the board
10 may adopt a fee schedule for the issuance of:
11 (1) sewage management permits; **and**
12 (2) ~~sewage management vehicle identification numbers;~~ **and**
13 (3) (2) land application site approvals;
14 under this chapter.
15 (b) A permit fee may not exceed one hundred dollars (\$100) per
16 year.
17 (c) A ~~vehicle identification number~~ or land application approval fee
18 may not exceed thirty dollars (\$30) per year per ~~vehicle~~ or site.
19 (d) Whenever the board designates a county or city health agency as
20 the board's agent to approve land application sites under this chapter,
21 the county or city health agency shall collect and retain the land
22 application approval fee.
23 SECTION 23. IC 13-18-12-6.5, AS AMENDED BY P.L.114-2008,
24 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2012]: Sec. 6.5. In addition to any other authority in this title,
26 the commissioner or a designated staff member may, under IC 4-21.5,
27 revoke or modify a permit a ~~vehicle identification number~~, or an
28 approval issued under this chapter for any of the following reasons:
29 (1) Violation of a requirement of this chapter, rules adopted under
30 this chapter, a permit, ~~an identification number~~, or an approval.
31 (2) Failure to disclose all relevant facts.
32 (3) A misrepresentation made in obtaining the permit
33 ~~identification number~~, or approval.
34 (4) Failing to meet the qualifications for a permit ~~an identification~~
35 ~~number~~, or an approval or failing to comply with the requirements
36 of the water pollution control laws or rules adopted by the board.
37 (5) Changes in circumstances relating to the permit ~~identification~~
38 ~~number~~, or approval that require either a temporary or permanent
39 reduction in the discharge of contaminants.
40 SECTION 24. IC 13-18-12-7, AS AMENDED BY P.L.159-2011,
41 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2012]: Sec. 7. This chapter does not require a person to obtain

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1 a permit ~~or vehicle identification number~~ under this chapter if the
 2 person is:

3 (1) engaged in:

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

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

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

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

14 (3) a homeowner who cleans and services the sewage disposal
 15 system serving only the homeowner's residence, although
 16 transportation and disposal of septage, including land application,
 17 must be done in compliance with this chapter.

18 SECTION 25. IC 13-19-1-2 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The goal of the state
 20 is to ~~reduce the amount of solid waste incinerated and disposed of in~~
 21 ~~landfills in Indiana by:~~

22 (1) ~~thirty-five percent (35%) before January 1, 1996; and~~

23 (2) ~~fifty percent (50%) before January 1, 2001;~~

24 ~~through the application and encouragement of solid waste source~~
 25 ~~reduction, recycling, and other alternatives to incineration and landfill~~
 26 ~~disposal. **encourage solid waste source reduction, recycling, and**~~
 27 ~~**other alternatives to conserve environmental resources. The**~~
 28 ~~**department shall produce an annual report on the state of the**~~
 29 ~~**environment.**~~

30 SECTION 26. IC 13-20-8-1 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The solid waste
 32 management board shall adopt rules under IC 4-22-2 ~~and IC 13-14-9~~
 33 to regulate the construction and operation of incinerators under
 34 IC 13-14-8. The rules must incorporate by reference pertinent rules
 35 adopted by the air pollution control board.

36 SECTION 27. IC 13-20-8-2 IS REPEALED [EFFECTIVE JULY 1,
 37 2012]. ~~Sec. 2: The rules adopted by the board under this chapter must~~
 38 ~~establish requirements for applications for incinerator permits to be~~
 39 ~~issued under this chapter. The rules must require that an application~~
 40 ~~include the following:~~

41 (1) ~~An engineering description of the following:~~

42 (A) ~~The proposed incinerator:~~

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- 1 (B) All related solid waste processing and pollution control
 2 equipment.
 3 (2) A description of the operating characteristics of the proposed
 4 incinerator.
 5 (3) A narrative comparing the emissions of the proposed
 6 incinerator with those of other proven and operating incinerator
 7 designs.
 8 (4) A description of control and air monitoring instrumentation
 9 for the proposed incinerator.
 10 (5) A description of safety, testing, and maintenance procedures
 11 for the proposed incinerator, including:
 12 (A) emergency shutdown if a system malfunctions;
 13 (B) a maintenance schedule; and
 14 (C) emissions testing and reporting.
 15 (6) A pre-operational emissions test plan for the proposed
 16 incinerator, including methods of stack sampling and analysis, to
 17 establish that the incinerator meets regulatory emission standards.
 18 SECTION 28. IC 13-20-8-3 IS REPEALED [EFFECTIVE JULY 1,
 19 2012]. Sec. 3: The rules adopted by the board under this chapter
 20 concerning the operation of incinerators must require compliance with
 21 applicable air pollution control standards and must include the
 22 following provisions:
 23 (1) Control levels for acid gas, sulfur dioxide, oxides of nitrogen,
 24 hydrocarbons, particulates, and other contaminants for which
 25 control levels are established by the air pollution control board or
 26 the solid waste management board.
 27 (2) Requirements for the sampling and analysis of incineration
 28 residues.
 29 (3) Pre-operational requirements.
 30 (4) Requirements for operational safeguards to ensure exclusion
 31 from the incinerator of any hazardous wastes subject to regulation
 32 under IC 13-22.
 33 SECTION 29. IC 13-20-8-4 IS REPEALED [EFFECTIVE JULY 1,
 34 2012]. Sec. 4: The rules concerning the operation of incinerators must
 35 allow a reasonable period of time for temporary operation of an
 36 incinerator and associated equipment for the following:
 37 (1) Post-construction adjustment and testing.
 38 (2) Performing the pre-operational emissions test required under
 39 section 5 of this chapter.
 40 SECTION 30. IC 13-20-8-6 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A permit issued
 42 under this chapter for the operation of an incinerator must include:

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- 1 (1) a provision requiring the permit holder to notify the
- 2 department and appropriate local government officials of:
- 3 (A) any release of a contaminant in a quantity exceeding a
- 4 control level ~~established under section 3 of this chapter; in a~~
- 5 **permit issued under IC 13-17;**
- 6 (B) any violation of operating requirements established in the
- 7 permit;
- 8 (C) any unscheduled shutdown of the incinerator or associated
- 9 equipment; or
- 10 (D) any damage to the incinerator or associated equipment that
- 11 could, if unrepaired, result in a release of a contaminant in a
- 12 quantity exceeding a control level ~~established under section 3~~
- 13 ~~of this chapter; in a permit issued under IC 13-17;~~ and
- 14 (2) a provision requiring that the notification be given not later
- 15 than twenty-four (24) hours after the permit holder learns of the
- 16 release, violation, shutdown, or damage.

17 SECTION 31. IC 13-20-8-8 IS REPEALED [EFFECTIVE JULY 1,
 18 2012]. ~~Sec. 8. A permit is not required under this chapter for the~~
 19 ~~incineration of a solid waste in an incinerator operated as a hazardous~~
 20 ~~waste facility under IC 13-22 if the permit issued for the incinerator~~
 21 ~~under IC 13-22 authorizes the incineration of the solid waste in the~~
 22 ~~incinerator.~~

23 SECTION 32. IC 13-20-13-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) **As used in this**
 25 **chapter, "passenger tire equivalent" means a unit of waste tire**
 26 **material weighing twenty (20) pounds, whether the waste tire**
 27 **material is comprised of one (1) or more whole tires or one (1) or**
 28 **more altered tires.**

29 (b) The provisions of this chapter concerning waste tire storage site
 30 and waste tire processing operation certificates of registration do not
 31 apply to the following:

- 32 (1) A facility operated as a ~~recycling~~ **solid waste processing**
- 33 **facility** under a valid permit issued by the commissioner.
- 34 (2) ~~A site at which waste tires are stored under a recycling~~
- 35 ~~program approved by the commissioner.~~
- 36 (3) ~~The site of a facility that is used to retread tires at which~~
- 37 ~~fewer than five thousand (5,000) waste tires are present indoors~~
- 38 ~~within a completely enclosed structure.~~
- 39 (4) ~~A vehicle or container in which waste tires are stored for~~
- 40 ~~less than thirty (30) days.~~
- 41 (5) ~~A vehicle that is properly licensed, capable of legally~~
- 42 ~~transporting waste tires, and in which waste tires are completely~~

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- enclosed.
- (5) A waste tire amnesty day sponsored by a local government.**
- (6) A facility that:**
 - (A) manufactures tires; and**
 - (B) keeps five thousand (5,000) or fewer waste tires indoors in an enclosed structure.**

SECTION 33. IC 13-20-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A person that obtains a certificate of registration under section 3 of this chapter must do the following:

- (1) Report annually to the department on the following:
 - (A) The number of ~~waste tires~~ **passenger tire equivalents** received at the waste tire storage site or by the waste tire processing operation.
 - (B) The number and manner of disposal of the ~~waste tires~~ **passenger tire equivalents.**
- (2) Maintain contingency plans to protect public health and the environment.
- (3) If the person operates a waste tire storage site, maintain financial assurance acceptable to the department necessary for waste tire removal, in an amount specified in rules adopted by the board under section 11(b)(3) of this chapter.
- (4) Maintain a copy of the certificate of registration at the site.
- (5) Comply with applicable rules and requirements established by the fire prevention and building safety commission for indoor waste tire storage sites.
- (6) Retain a copy of manifests received from a waste tire transporter under IC 13-20-14 for at least one (1) year and make a copy of the manifests available to the department upon request.

SECTION 34. IC 13-20-13-8, AS AMENDED BY P.L.204-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Except as provided in subsection (d)(2), (d)(3), (d)(6), and (d)(7), the waste tire management fund is established for the following purposes:

- (1) The department may use not more than thirty-five percent (35%) of the money deposited in the fund each year for:
 - (A) the removal and disposal of waste tires from sites where the waste tires have been disposed of improperly; and
 - (B) operating the waste tire education program under section 15 of this chapter.
- (2) The department may use the remaining money deposited in

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1 the fund each year to:

2 (A) provide grants and loans under section 9(b) of this chapter

3 to entities involved in waste tire management activities; and

4 (B) pay the expenses of administering the programs described

5 in:

6 (i) subdivision (1)(B); and

7 (ii) clause (A).

8 (b) The expenses of administering the fund shall be paid from

9 money in the fund.

10 (c) Money in the fund at the end of a state fiscal year does not revert

11 to the state general fund.

12 (d) Sources of money for the fund are the following:

13 (1) Fees paid under section 4(a)(6) of this chapter and

14 ~~IC 13-20-14-5(c)~~: **IC 13-20-14-5(c)**.

15 (2) Fees collected under section 7 of this chapter. All money

16 deposited in the fund under this subdivision may be used by the

17 department for waste reduction, recycling, removal, or

18 remediation projects.

19 (3) Costs and damages recovered from a person or other entity

20 under section 14 of this chapter or IC 13-20-14-8. All money

21 deposited in the fund under this subdivision may be used by the

22 department for removal and remediation projects.

23 (4) Fees established by the general assembly for the purposes of

24 this chapter.

25 (5) Appropriations made by the general assembly.

26 (6) Gifts and donations intended for deposit in the fund. A gift or

27 donation deposited in the fund under this subdivision may be

28 specified to be entirely for the use of the department.

29 (7) Civil penalties collected under IC 13-30-4 for violations of:

30 (A) this chapter;

31 (B) IC 13-20-14; and

32 (C) rules adopted under section 11 of this chapter and

33 IC 13-20-14-6.

34 All money deposited in the fund under this subdivision may be

35 used by the department for eligible projects.

36 SECTION 35. IC 13-20-13-12 IS AMENDED TO READ AS

37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. ~~A waste tire that is~~

38 ~~stored at a facility that:~~

39 ~~(1) does not process waste tires; or~~

40 ~~(2) processes waste tires by cutting or shredding the waste tires;~~

41 ~~is not solid waste if the facility is registered under this chapter and the~~

42 ~~waste tires are stored in accordance with this chapter and rules adopted~~

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1 under this chapter. **A person that obtains a certificate of registration**
 2 **under this chapter is not required to obtain a solid waste**
 3 **processing facility permit referred to in section 1 of this chapter:**

4 **(1) for activities covered under the registration, including the:**

- 5 **(A) baling;**
 6 **(B) transferring;**
 7 **(C) cutting; or**
 8 **(D) shredding;**

9 **of waste tires; or**

10 **(2) if the person stores or processes waste tires in a facility in**
 11 **accordance with this chapter and the rules adopted under this**
 12 **chapter.**

13 SECTION 36. IC 13-20-14-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A source of waste
 15 tires shall dispose of waste tires in the source's possession by one (1)
 16 or more of the following means:

- 17 (1) Delivery to a wholesaler or to an agent of a wholesaler.
 18 (2) Delivery to a manufacturer of tires.
 19 (3) Delivery to a facility that **retreads tires.**
 20 ~~(A) recycles tires; or~~
 21 ~~(B) collects tires for delivery to a recycling facility.~~
 22 (4) Delivery to a permitted final disposal facility regulated under
 23 environmental management laws.
 24 (5) Delivery to a **registered** waste tire storage site.
 25 (6) Delivery to a facility **operated as a registered** waste tire
 26 **cutting facility under a permit issued by the commissioner.**
 27 **processing operation.**
 28 ~~(7) Delivery to Collection by a registered waste tire transporter.~~
 29 ~~or a person who operates a municipal waste collection and~~
 30 ~~transportation vehicle licensed under IC 13-20-4.~~

31 (b) A person referred to in subsection (a) is not required to accept
 32 waste tires from a source of waste tires.

33 SECTION 37. IC 13-20-14-5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. ~~(a) This section does~~
 35 ~~not apply to a person who operates a municipal waste collection and~~
 36 ~~transportation vehicle licensed under IC 13-20-4.~~

37 ~~(b) (a)~~ A person may not act as a waste tire transporter, **as defined**
 38 **in IC 13-11-2-252**, unless the person is registered with the department
 39 as a waste tire transporter. To apply for a certificate of registration as
 40 a waste tire transporter, a person must submit the following to the
 41 department:

- 42 (1) The person's name.

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- 1 (2) The address of the person's principal office.
 2 (3) The addresses of any offices maintained by the person in
 3 Indiana.
 4 (4) Evidence of financial assurance, maintained in accordance
 5 with rules adopted under section 6 of this chapter, in the amount
 6 of at least ten thousand dollars (\$10,000). The financial assurance
 7 must be in the form of:
 8 (A) a bond for performance, executed by a corporate surety
 9 licensed to do business in Indiana;
 10 (B) a negotiable certificate of deposit; or
 11 (C) a negotiable letter of credit;
 12 payable to the department and conditional upon faithful
 13 performance of the requirements of this chapter and the
 14 registration.
 15 ~~(e)~~ (b) The rules adopted under section 6 of this chapter must adopt
 16 a manifest form and require a waste tire transporter to prepare and
 17 carry a manifest based upon that form each time a waste tire transporter
 18 transports waste tires. The format and wording of the form must require
 19 a waste tire transporter to enter information in each manifest indicating
 20 the source and number of waste tires to be transported and the
 21 destination to which the waste tires are transported.
 22 ~~(d)~~ Until the rules prescribing a manifest form are adopted under
 23 subsection (e), a waste tire transporter may use a manifest form
 24 designed by the waste tire transporter. A form designed and used under
 25 this subsection must meet the format and wording requirements set
 26 forth in subsection (e).
 27 ~~(e)~~ (c) A person who acts as a waste tire transporter in Indiana shall
 28 pay an annual registration fee of twenty-five dollars (\$25) that shall be
 29 deposited in the waste tire management fund and appropriated to the
 30 department for the department's use in providing for the removal and
 31 disposal of waste tires from sites where the waste tires have been
 32 disposed of improperly.
 33 ~~(f)~~ (d) A waste tire transporter shall do the following:
 34 (1) Retain a copy of a manifest described under this section for at
 35 least one (1) year.
 36 (2) Make a copy of a manifest described under this section
 37 available to the department upon request.
 38 (3) Report annually to the department the number of ~~waste tires~~
 39 **passenger tire equivalents** transported by the waste tire
 40 transporter.
 41 (4) Maintain financial assurance acceptable to the department in
 42 accordance with subsection ~~(b)(4)~~. **(a)(4)**.

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1 (g) (e) The commissioner may include in a certificate of registration
 2 issued under this chapter conditions that ensure compliance with:

- 3 (1) this chapter; and
 - 4 (2) rules adopted by the board under this chapter;
- 5 including a compliance schedule.

6 (h) (f) The department may deny an application to register under
 7 this chapter if:

- 8 (1) the application is incomplete;
- 9 (2) the applicant has failed to comply with the requirements of:
 - 10 (A) this chapter;
 - 11 (B) IC 13-20-13; or
 - 12 (C) a rule adopted by the board under section 6 of this chapter
 - 13 or under IC 13-20-13-11; or
 - 14 (3) an enforcement action is pending against the applicant.

15 SECTION 38. IC 13-20-14-5.3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.3. A person that is the
 17 source of more than twelve (12) waste tires per year, **or the equivalent**
 18 **in passenger tire equivalents**, including tire retailers, auto salvagers,
 19 and sellers of used tires, shall:

- 20 (1) retain a copy of manifests received from a waste tire
 21 transporter under section 5 of this chapter for at least one (1) year;
 22 and
- 23 (2) make a copy of the manifests available to the department upon
 24 request.

25 SECTION 39. IC 13-20-14-6 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The solid waste
 27 management board shall adopt rules under IC 4-22-2 and ~~IC 13-14-8~~
 28 **IC 13-14-9** to implement this chapter.

29 SECTION 40. IC 13-20-17.5-6 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The ~~department,~~
 31 ~~and districts in cooperation and with the support of the department,~~
 32 shall implement ~~education~~ **educational** programs to provide
 33 information to the public concerning:

- 34 (1) the reuse and recycling of mercury in:
 - 35 (A) mercury commodities; and
 - 36 (B) mercury-added products; and
- 37 (2) collection programs available to the public for:
 - 38 (A) mercury commodities; and
 - 39 (B) mercury-added products.

40 (b) **The department, with assistance from districts and other**
 41 **appropriate persons, shall develop and provide districts with a**
 42 **curriculum model that includes educational core principles**

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1 **concerning the reuse, recycling, and collection of mercury. The**
 2 **districts shall implement educational programs that meet the**
 3 **minimum standards established by the department in the**
 4 **curriculum model.**

5 ~~(b)~~ **(c)** Units, in cooperation and with the support of the department,
 6 may implement ~~education~~ **educational** programs to provide
 7 information to the public concerning:

- 8 (1) the reuse and recycling of mercury in:
 9 (A) mercury commodities; and
 10 (B) mercury-added products; and
 11 (2) collection programs available to the public for:
 12 (A) mercury commodities; and
 13 (B) mercury-added products.

14 SECTION 41. IC 13-20.5-1-1, AS ADDED BY P.L.178-2009,
 15 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2012]: Sec. 1. (a) **"Program year", for purposes of this**
 17 **chapter, means a calendar year.**

18 **(b)** A manufacturer of video display devices sold or offered for sale
 19 to households as of January 1, 2010, shall submit a registration to the
 20 department not later than:

- 21 (1) April 1, 2010, for the program year that begins on April 1,
 22 2010; and
 23 (2) each immediately succeeding ~~April~~ **January 1** on which the
 24 manufacturer continues as a manufacturer of video display
 25 devices sold or offered for sale to households for the program year
 26 that begins on that ~~April~~ **January 1**.

27 ~~(b)~~ **(c)** A manufacturer that begins to sell or offer for sale video
 28 display devices to households after 2009 and before April 1, 2010,
 29 shall submit a registration to the department not later than:

- 30 (1) April 20, 2010, for the program year that begins on April 1,
 31 2010; and
 32 (2) each immediately succeeding ~~April~~ **January 1** on which the
 33 manufacturer continues as a manufacturer of video display
 34 devices sold or offered for sale to households for the program year
 35 that begins on that ~~April~~ **January 1**.

36 ~~(c)~~ **(d)** A manufacturer that begins to sell or offer for sale video
 37 display devices to households after March 31, 2010, shall submit a
 38 registration to the department not later than:

- 39 (1) twenty (20) days after the date the manufacturer begins to sell
 40 or offer for sale the video display devices for the program year in
 41 which the manufacturer begins to sell or offer for sale the video
 42 display devices; and

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1 (2) each immediately succeeding ~~April~~ **January 1** on which the
 2 manufacturer continues as a manufacturer of video display
 3 devices sold or offered for sale to households for the program year
 4 that begins on that ~~April~~ **January 1**.

5 ~~(d)~~ **(e)** A registration submitted under this section must include the
 6 following:

7 (1) A list of the brands of video display devices offered for sale in
 8 Indiana by the manufacturer, regardless of whether the
 9 manufacturer owns or licenses the brand.

10 (2) The name, address, and contact information of a person
 11 responsible for ensuring compliance with this article. The
 12 department shall post the contact information provided by each
 13 manufacturer on an Internet web site.

14 (3) A certification that the manufacturer or the manufacturer's
 15 agent has complied and will continue to comply with the
 16 requirements of this article.

17 (4) An estimate based on national sales data of the total weight in
 18 pounds of the manufacturer's video display devices sold to
 19 households during the most recent twelve (12) months:

20 (A) that precede the date of registration; and

21 (B) for which that data is available.

22 (5) A demonstration of how the manufacturer plans in the
 23 program year for which the registration is submitted to meet the
 24 recycling goal stated in IC 13-20.5-4-1.

25 (6) A statement that discloses whether:

26 (A) any video display devices sold by the manufacturer to
 27 households exceed the maximum concentration values
 28 established:

29 (i) for lead, mercury, cadmium, hexavalent chromium,
 30 polybrominated biphenyls (pbbs), and polybrominated
 31 diphenyl ethers (pbdes); and

32 (ii) under the directive restricting the use of certain
 33 hazardous substances in electrical and electronic equipment
 34 (RoHS Directive) 2002/95/EC of the European Parliament
 35 and Council, as amended; or

36 (B) the manufacturer has received an exemption from any of
 37 the maximum concentration values under the RoHS Directive
 38 that has been approved and published by the European
 39 Commission.

40 ~~(e)~~ **(f)** A manufacturer shall update the manufacturer's registration
 41 under this section not more than ten (10) days after the date the
 42 manufacturer changes the brand or brands of video display devices the

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1 manufacturer sells or offers for sale to households.
2 SECTION 42. IC 13-20.5-1-4, AS ADDED BY P.L.178-2009,
3 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2012]: Sec. 4. (a) After 2009, a person may not operate as a
5 collector of covered electronic devices from covered entities unless the
6 person:

- 7 (1) has submitted to the department a completed registration form
- 8 as required by 329 IAC 16-5-1; and
- 9 (2) otherwise complies with 329 IAC 16.
- 10 (b) A registration submitted under this section: ~~is:~~
- 11 (1) ~~is~~ effective upon receipt by the department; and
- 12 (2) ~~valid for one (1) year from the date the registration is~~
- 13 ~~submitted to the department. must be submitted not later than~~
- 14 **November 1 for the next program year.**

15 SECTION 43. IC 13-20.5-1-5, AS ADDED BY P.L.178-2009,
16 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2012]: Sec. 5. (a) After 2009, a person may not recycle
18 covered electronic devices generated by covered entities unless the
19 person:

- 20 (1) has submitted to the department a completed registration form
- 21 as required by 329 IAC 16-5-1; and
- 22 (2) otherwise complies with 329 IAC 16.
- 23 (b) A registered recycler may conduct recycling activities that are
- 24 consistent with this article.
- 25 (c) A registration submitted under this section: ~~is:~~
- 26 (1) ~~is~~ effective upon receipt by the department; and
- 27 (2) ~~valid for one (1) year from the date the registration is~~
- 28 ~~submitted to the department. must be submitted not later than~~
- 29 **November 1 for the next program year.**

30 SECTION 44. IC 13-20.5-2-1, AS ADDED BY P.L.178-2009,
31 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (g), a
33 manufacturer that registers under IC 13-20.5-1 shall pay to the
34 department at the time of registration an annual registration fee. The
35 registration fee applies for the program year for which the registration
36 is submitted to the department. The department shall deposit the fee in
37 the electronic waste fund established by section 3 of this chapter.

38 (b) The registration fee for the initial program year to which the fee
39 applies under subsection (a) is five thousand dollars (\$5,000). For each
40 program year thereafter, the registration fee is equal to two thousand
41 five hundred dollars (\$2,500).

42 (c) In addition to the registration fee under subsection (a), a

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1 manufacturer that registers under IC 13-20.5-1 and fails to meet the
2 recycling goal under IC 13-20.5-4-1 is subject to a variable recycling
3 fee for each program year that ends on March 31 of 2013 or **December**
4 **31** of a later year. Not later than September 1, the department shall
5 provide a statement to each manufacturer liable for the variable
6 recycling fee that states at least the following:

- 7 (1) The amount of the fee determined under subsection (d).
- 8 (2) The method of calculation of the fee.
- 9 (3) The due date of the fee.
- 10 (4) The opportunity to petition under section 2 of this chapter.

11 The department shall deposit the fee in the Indiana recycling promotion
12 and assistance fund established by IC 4-23-5.5-14.

13 (d) The amount of the variable recycling fee, if applicable, is the
14 amount determined in STEP FOUR of the following formula:

15 STEP ONE: Multiply the number of pounds of the manufacturer's
16 video display devices sold to households during the immediately
17 preceding program year, as reported in the manufacturer's
18 registration for the program year under ~~IC 13-20.5-1-1(d)(4)~~,
19 **IC 13-20.5-1-1(e)(4)**, by the proportion of sales of video display
20 devices required to be recycled under IC 13-20.5-4-1.

21 STEP TWO: Subject to subsection (e), add the number of pounds
22 of covered electronic devices recycled by the manufacturer from
23 covered entities during the immediately preceding program year,
24 as reported to the department under IC 13-20.5-3-1(b), to the
25 number of recycling credits the manufacturer elects to use to
26 calculate the variable recycling fee, as reported to the department
27 under IC 13-20.5-3-1(c)(2).

28 STEP THREE: Subtract the number of pounds determined in
29 STEP TWO from the number of pounds determined in STEP
30 ONE.

31 STEP FOUR: Multiply the greater of zero (0) or the number of
32 pounds determined in STEP THREE by the per pound cost of
33 recycling established as follows:

- 34 (A) Forty cents (\$0.40) per pound for manufacturers that
35 recycle less than fifty percent (50%) of the number of pounds
36 determined in STEP ONE.
- 37 (B) Thirty cents (\$0.30) per pound for manufacturers that
38 recycle at least fifty percent (50%) but less than ninety percent
39 (90%) of the number of pounds determined in STEP ONE.
- 40 (C) Twenty cents (\$0.20) per pound for manufacturers that
41 recycle at least ninety percent (90%) of the number of pounds
42 determined in STEP ONE.

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1 (e) The following apply to the number of pounds of covered
2 electronic devices recycled by the manufacturer from covered entities
3 during the immediately preceding program year for purposes of
4 subsection (d), STEP TWO:

5 (1) Except as provided in subdivision (3), the number is
6 multiplied by one and one-tenth (1.1) to the extent that the
7 covered electronic devices were recycled in Indiana.

8 (2) Except as provided in subdivision (3), the number is
9 multiplied by one and five-tenths (1.5) to the extent that the
10 covered electronic devices were recycled from covered entities
11 not located in a metropolitan statistical area, as defined by the
12 federal Office of Management and Budget.

13 (3) The number is multiplied by one and six-tenths (1.6) to the
14 extent that the covered electronic devices were:

15 (A) recycled from covered entities not located in a
16 metropolitan statistical area, as defined by the federal Office
17 of Management and Budget; and

18 (B) recycled in Indiana.

19 (f) A manufacturer may retain recycling credits to be added, in
20 whole or in part, to the actual number of pounds of covered electronic
21 devices recycled by the manufacturer from covered entities during the
22 immediately preceding program year, as reported to the department
23 under IC 13-20.5-3-1(b), during any of the three (3) immediately
24 succeeding program years. A manufacturer may sell all or any part of
25 its recycling credits to another manufacturer, at a price negotiated by
26 the parties, and the other manufacturer may use the credits in the same
27 manner. For purposes of this subsection, the recycling credits for the
28 program year that begins April 1, 2010, are determined taking into
29 account covered electronic devices that the manufacturer recycled, or
30 arranged to have collected and recycled, both:

31 (1) in that program year; and

32 (2) after June 30, 2009, and before April 1, 2010.

33 (g) A manufacturer may not be charged a registration fee or a
34 variable recycling fee for any year in which the combined number of
35 video display devices produced by the manufacturer for sale to
36 households is less than one hundred (100).

37 SECTION 45. IC 13-20.5-3-1, AS ADDED BY P.L.178-2009,
38 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2012]: Sec. 1. (a) Not later than June 1 of 2011 and of each
40 immediately succeeding year, a manufacturer shall report to the
41 department an estimate of the total weight in pounds of its video
42 display devices sold to households during the program year that ends

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1 on the immediately preceding ~~March~~ **December** 31 based on national
 2 sales data. A manufacturer shall submit with an estimate under this
 3 subsection a description of how the information or estimate was
 4 calculated.

5 (b) Not later than June 1 of 2011 and of each immediately
 6 succeeding year, a manufacturer shall report to the department the total
 7 weight in pounds of covered electronic devices the manufacturer:

8 (1) collected from eligible entities and recycled; or

9 (2) arranged to have collected from eligible entities and recycled;
 10 during the program year that ends on the immediately preceding ~~March~~
 11 **December** 31.

12 (c) Not later than June 1 of 2011 and of each immediately
 13 succeeding year, a manufacturer shall report the following to the
 14 department:

15 (1) The number of recycling credits the manufacturer has
 16 purchased and sold during the program year that ends on the
 17 immediately preceding ~~March~~ **December** 31.

18 (2) The number of recycling credits possessed by the
 19 manufacturer that the manufacturer intends to use in the
 20 calculation of its variable recycling fee under IC 13-20.5-2-1.

21 (3) The number of recycling credits the manufacturer retains at
 22 the beginning of the current program year.

23 (4) The amount in pounds of covered electronic devices the
 24 manufacturer arranged for a recycler to collect and recycle that
 25 were not converted to recycling credits.

26 SECTION 46. IC 13-20.5-3-2, AS ADDED BY P.L.178-2009,
 27 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2012]: Sec. 2. Before April 1, 2011, and ~~before~~ **not later than**
 29 each April 1 thereafter, a recycler of covered electronic devices shall
 30 do the following:

31 (1) Report to the department separately the total weight in pounds
 32 of covered electronic devices:

33 (A) recycled by the recycler; and

34 (B) taken by the recycler for final disposal;

35 during the immediately preceding calendar year.

36 **(2) Submit to the department a list of all collectors from
 37 whom the recycler received covered electronic devices.**

38 ~~(2)~~ **(3)** Certify that the recycler has complied with IC 13-20.5-5
 39 and 329 IAC 16.

40 SECTION 47. IC 13-20.5-3-3, AS ADDED BY P.L.178-2009,
 41 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2012]: Sec. 3. Before April 1, 2011, and ~~before~~ **not later than**

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1 each April 1 thereafter, a collector shall submit to the department a
 2 report that contains for the immediately preceding calendar year:

- 3 (1) the total weight in pounds of covered electronic devices
 4 collected in Indiana by the collector; and
 5 (2) a list of all recyclers to whom the collector delivered covered
 6 electronic devices.

7 SECTION 48. IC 13-20.5-4-1, AS ADDED BY P.L.178-2009,
 8 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2012]: Sec. 1. A manufacturer shall in each of the
 10 manufacturer's program years recycle or arrange for the collection and
 11 recycling from covered entities of an amount of covered electronic
 12 devices equal to at least sixty percent (60%) of the total weight of the
 13 manufacturer's video display devices sold to households as reported in
 14 the manufacturer's registration for the program year under
 15 ~~IC 13-20.5-1-1(d)(4)~~. **IC 13-20.5-1-1(e)(4)**.

16 SECTION 49. IC 13-20.5-7-10, AS ADDED BY P.L.159-2011,
 17 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2012]: Sec. 10. (a) Solid waste management districts shall
 19 conduct educational programs ~~under IC 13-21-3-12~~ to provide
 20 information to the public concerning:

- 21 (1) reuse and recycling of electronic waste;
 22 (2) collection programs available to the public for the disposal of
 23 electronic waste; and
 24 (3) proper disposal of electronic waste.

25 **(b) The department, with assistance from solid waste**
 26 **management districts and other appropriate persons, shall provide**
 27 **solid waste management districts with a curriculum model that**
 28 **includes educational core principles concerning the reuse,**
 29 **recycling, collection, and proper disposal of solid waste. Solid waste**
 30 **management districts shall implement educational programs that**
 31 **meet the minimum standards established by the department in the**
 32 **curriculum model.**

33 SECTION 50. IC 13-21-1-4 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2012]: Sec. 4. (a) **In 2015 and every fifth year thereafter, the**
 36 **legislative council shall require an interim study committee or a**
 37 **statutory study committee to:**

- 38 (1) **assess solid waste management districts; and**
 39 (2) **determine whether any changes should be made to the**
 40 **statutes governing solid waste management districts.**

41 **(b) An interim study committee or a statutory study committee**
 42 **that assesses solid waste management districts under subsection (a)**



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1 shall issue a final report, in an electronic format under IC 5-14-6,
2 to the legislative council containing the committee's findings and
3 recommendations, including any recommended legislation, not
4 later than November 1 of the year in which an assessment is
5 conducted.

6 SECTION 51. IC 13-21-3-12, AS AMENDED BY P.L.159-2011,
7 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2012]: Sec. 12. Except as provided in section 14.5 of this
9 chapter, the powers of a district include the following:

10 (1) The power to develop and implement a district solid waste
11 management plan under IC 13-21-5.

12 (2) The power to impose district fees on the final disposal of solid
13 waste within the district under IC 13-21-13.

14 (3) The power to receive and disburse money, if the primary
15 purpose of activities undertaken under this subdivision is to carry
16 out the provisions of this article.

17 (4) The power to sue and be sued.

18 (5) The power to plan, design, construct, finance, manage, own,
19 lease, operate, and maintain facilities for solid waste
20 management.

21 (6) The power to enter with any person into a contract or an
22 agreement that is necessary or incidental to the management of
23 solid waste. Contracts or agreements that may be entered into
24 under this subdivision include those for the following:

25 (A) The design, construction, operation, financing, ownership,
26 or maintenance of facilities by the district or any other person.

27 (B) The managing or disposal of solid waste.

28 (C) The sale or other disposition of materials or products
29 generated by a facility.

30 Notwithstanding any other statute, the maximum term of a
31 contract or an agreement described in this subdivision may not
32 exceed forty (40) years.

33 (7) The power to enter into agreements for the leasing of facilities
34 in accordance with IC 36-1-10 or IC 36-9-30.

35 (8) The power to purchase, lease, or otherwise acquire real or
36 personal property for the management or disposal of solid waste.

37 (9) The power to sell or lease any facility or part of a facility to
38 any person.

39 (10) The power to make and contract for plans, surveys, studies,
40 and investigations necessary for the management or disposal of
41 solid waste.

42 (11) The power to enter upon property to make surveys,

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- 1 soundings, borings, and examinations.
- 2 (12) The power to:
- 3 (A) accept gifts, grants, loans of money, other property, or
- 4 services from any source, public or private; and
- 5 (B) comply with the terms of the gift, grant, or loan.
- 6 (13) The power to levy a tax within the district to pay costs of
- 7 operation in connection with solid waste management, subject to
- 8 the following:
- 9 (A) Regular budget and tax levy procedures.
- 10 (B) Section 16 of this chapter.
- 11 However, except as provided in sections 15 and 15.5 of this
- 12 chapter, a property tax rate imposed under this article may not
- 13 exceed eight and thirty-three hundredths cents (\$0.0833) on each
- 14 one hundred dollars (\$100) of assessed valuation of property in
- 15 the district.
- 16 (14) The power to borrow in anticipation of taxes.
- 17 (15) The power to hire the personnel necessary for the
- 18 management or disposal of solid waste in accordance with an
- 19 approved budget and to contract for professional services.
- 20 (16) The power to otherwise do all things necessary for the:
- 21 (A) reduction, management, and disposal of solid waste; and
- 22 (B) recovery of waste products from the solid waste stream;
- 23 if the primary purpose of activities undertaken under this
- 24 subdivision is to carry out the provisions of this article.
- 25 (17) The power to adopt resolutions that have the force of law.
- 26 However, a resolution is not effective in a municipality unless the
- 27 municipality adopts the language of the resolution by ordinance
- 28 or resolution.
- 29 (18) The power to do the following:
- 30 (A) Implement a household hazardous waste and conditionally
- 31 exempt small quantity generator (as described in 40 CFR
- 32 261.5(a)) collection and disposal project.
- 33 (B) Apply for a household hazardous waste collection and
- 34 disposal project grant under IC 13-20-20 and carry out all
- 35 commitments contained in a grant application.
- 36 (C) Establish and maintain a program of self-insurance for a
- 37 household hazardous waste and conditionally exempt small
- 38 quantity generator (as described in 40 CFR 261.5(a))
- 39 collection and disposal project, so that at the end of the
- 40 district's fiscal year the unused and unencumbered balance of
- 41 appropriated money reverts to the district's general fund only
- 42 if the district's board specifically provides by resolution to

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- 1 discontinue the self-insurance fund.
- 2 (D) Apply for a household hazardous waste project grant as
- 3 described in IC 13-20-22-2 and carry out all commitments
- 4 contained in a grant application.
- 5 (19) The power to enter into an interlocal cooperation agreement
- 6 under IC 36-1-7 to obtain:
- 7 (A) fiscal;
- 8 (B) administrative;
- 9 (C) managerial; or
- 10 (D) operational;
- 11 services from a county or municipality.
- 12 (20) The power to compensate advisory committee members for
- 13 attending meetings at a rate determined by the board.
- 14 (21) The power to reimburse board and advisory committee
- 15 members for travel and related expenses at a rate determined by
- 16 the board.
- 17 (22) The power to pay a fee from district money to:
- 18 (A) in a joint district, the county or counties in which a final
- 19 disposal facility is located; or
- 20 (B) a county that:
- 21 (i) was part of a joint district;
- 22 (ii) has withdrawn from the joint district as of January 1,
- 23 2008; and
- 24 (iii) has established its own district in which a final disposal
- 25 facility is located.
- 26 (23) The power to make grants or loans of:
- 27 (A) money;
- 28 (B) property; or
- 29 (C) services;
- 30 to public or private recycling programs, composting programs, or
- 31 any other programs that reuse any component of the waste stream
- 32 as a material component of another product, if the primary
- 33 purpose of activities undertaken under this subdivision is to carry
- 34 out the provisions of this article.
- 35 (24) The power to establish by resolution a nonreverting capital
- 36 fund. A district's board may appropriate money in the fund for:
- 37 (A) equipping;
- 38 (B) expanding;
- 39 (C) modifying; or
- 40 (D) remodeling;
- 41 an existing facility. Expenditures from a capital fund established
- 42 under this subdivision must further the goals and objectives

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1 contained in a district's solid waste management plan. Not more
 2 than five percent (5%) of the district's total annual budget for the
 3 year may be transferred to the capital fund that year. The balance
 4 in the capital fund may not exceed twenty-five percent (25%) of
 5 the district's total annual budget. If a district's board determines
 6 by resolution that a part of a capital fund will not be needed to
 7 further the goals and objectives contained in the district's solid
 8 waste management plan, that part of the capital fund may be
 9 transferred to the district's general fund, to be used to offset
 10 tipping fees, property tax revenues, or both tipping fees and
 11 property tax revenues.

12 (25) The power to conduct promotional or educational programs
 13 that include giving awards and incentives that further:

14 (A) the district's solid waste management plan; and

15 (B) **the objectives of minimum educational standards**
 16 **established by the department of environmental**
 17 **management.**

18 (26) The power to conduct educational programs under
 19 IC 13-20-17.5 to provide information to the public concerning:

20 (A) the reuse and recycling of mercury in:

21 (i) mercury commodities; and

22 (ii) mercury-added products; and

23 (B) collection programs available to the public for:

24 (i) mercury commodities; and

25 (ii) mercury-added products.

26 (27) The power to implement mercury collection programs under
 27 IC 13-20-17.5 for the public and small businesses.

28 (28) The power to conduct educational programs under
 29 IC 13-20.5 to provide information to the public concerning:

30 (A) reuse and recycling of electronic waste;

31 (B) collection programs available to the public for the disposal
 32 of electronic waste; and

33 (C) proper disposal of electronic waste.

34 SECTION 52. IC 13-21-3-13.5 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. (a) ~~This section~~
 36 ~~does not apply to the following:~~

37 ~~(1) A nonreverting capital fund established under section 12(24)~~
 38 ~~of this chapter.~~

39 ~~(2) A fund established under IC 13-21-7-8.~~

40 ~~(3) The waste management district bond fund established under~~
 41 ~~IC 13-21-7-10.~~

42 ~~(4) A fund established to secure the payment of principal and~~

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1 interest under IC 13-21-12-1(12):

2 ~~(b)~~ At the end of each year the district shall prepare, **on a form**
3 **designed by the department of local government finance**, a report
4 **that is accessible through the computer gateway administered by**
5 **the office of technology established by IC 4-13.1-2-1** and that
6 provides the following information:

7 (1) For each fund that contains district money:

8 (A) the cash balance at the end of the year;

9 (B) a list of all encumbrances on the fund that the district is
10 legally obligated to pay;

11 (C) a copy of documentation that supports each encumbrance
12 listed in clause (B);

13 (D) the fund balance obtained by subtracting the amount under
14 clause (B) from the amount under clause (A); ~~and~~

15 (E) the total expenditures from the fund for the year; **and**

16 **(F) any other financial information required by the**
17 **department.**

18 (2) The total of all fund balances calculated under subdivision
19 (1)(D).

20 (3) The total of all fund expenditures reported under subdivision
21 (1)(E).

22 **(4) Any programmatic information required by the**
23 **department.**

24 **(5) The total amount of expenditures by the district for the**
25 **year.**

26 **(6) The per capita expenditures by the district for the year.**

27 **(7) The amount of expenditures by the district for the year for**
28 **personnel costs.**

29 **(8) The amount of expenditures by the district for the year for**
30 **program costs (excluding personnel costs).**

31 **(9) The total amount of solid waste (in tons) disposed of in the**
32 **district for the year for which the district is directly**
33 **responsible.**

34 **(10) The total amount of recycling (in tons) carried out in the**
35 **district in the year for which the district is directly**
36 **responsible.**

37 ~~(c)~~ **(b)** The district shall provide the report ~~developed~~ **prepared**
38 under subsection ~~(b)~~ **(a)**:

39 **(1) to the department and to the department of local government**
40 **finance in a format prescribed by the department; and the**
41 **environmental quality service**

42 **(2) to the legislative council in an electronic format under**

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IC 5-14-6;
by February 1 of the year following the year for which the report is made.

(c) The district shall publish the annual report prepared under subsection (a) on an Internet web site maintained by the district or on the Internet web sites maintained by the counties that are members of the district.

SECTION 53. IC 13-25-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) In response to an inquiry from a person in connection with this chapter, the department shall provide information that is in the department's possession concerning whether a property meets any of the descriptions set forth in IC 13-11-2-174 or **IC 13-11-2-193.5.**

- (b) Neither:
 - (1) the state;
 - (2) the department; nor
 - (3) an employee of the department who answers an inquiry under this section;

is liable in a civil action on the grounds that information provided under this section was incomplete or erroneous.

SECTION 54. IC 13-25-3-7.5, AS ADDED BY P.L.15-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.5. The department shall prescribe the form of a disclosure document to be completed and delivered by a transferor of property under this chapter. The form must elicit at least the following information:

- (1) Property identification, including address, legal description, and property characteristics.
- (2) The nature of the transfer, including identities of the transferor and transferee.
- (3) Environmental information, including:
 - (A) regulatory information during the transferor's ownership;
 - and**
 - (B) site information under other ownership or operation;
 - (C) any environmental defects; and**
 - (D) any existing restrictive covenants, as defined in IC 13-11-2-193.5.**
- (4) Certification by the transferor that the information submitted on the disclosure document is true and accurate to the best of the transferor's knowledge and belief.
- (5) Certification by the transferee that the disclosure document was delivered with all elements completed.

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1 SECTION 55. IC 13-27-2-8 IS REPEALED [EFFECTIVE JULY 1,
2 2012]. ~~Sec. 8: The commissioner and the clean manufacturing
3 technology board established by IC 13-27.5-1 shall coordinate their
4 efforts in the implementation of the grants program under
5 IC 13-27-2-10 and the pilot projects under IC 13-27-2-11.~~

6 SECTION 56. IC 13-27-2-10 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The
8 commissioner may award grants to support and sustain pollution
9 prevention, including clean manufacturing through reductions in the
10 use of toxic materials in production and commerce.

11 (b) Subject to subsection (a), the commissioner may award grants
12 for any purpose the commissioner considers appropriate, including the
13 following:

14 (1) Grants to nonprofit organizations to establish free or low cost
15 technical assistance programs. ~~to supplement the activities of the
16 Indiana clean manufacturing and safe materials institute
17 established under IC 13-27.5-2.~~

18 (2) Grants to assist:

- 19 (A) trade associations that represent manufacturers;
- 20 (B) business organizations;
- 21 (C) labor organizations; and
- 22 (D) educational institutions;

23 in developing training materials and making those training
24 materials available to workers for in-plant use that will foster
25 clean manufacturing.

26 (3) Grants to assist:

- 27 (A) industry;
- 28 (B) business organizations;
- 29 (C) educational institutions;
- 30 (D) labor organizations; and
- 31 (E) local units of government;

32 in establishing programs or materials to train and assist personnel
33 in developing methods to measure and plan for pollution
34 prevention.

35 (4) Grants to assist industry or business organizations, local units
36 of government, and educational institutions in creating programs
37 to train and certify:

- 38 (A) environmental auditors;
- 39 (B) engineers; and
- 40 (C) industrial hygienists;

41 to identify, evaluate, and implement pollution prevention
42 measures and alternatives in audits, plans, and programs.

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1 (5) Grants to any organization for generic research and
 2 development, pilot tests, and demonstration projects that:
 3 (A) involve commonly used manufacturing processes or
 4 materials; and
 5 (B) will produce results that will be of use to manufacturers
 6 other than manufacturers that may be involved in the research
 7 and development, pilot tests, or demonstration projects.
 8 (c) The commissioner may require that a grantee provide matching
 9 money for a grant awarded under this section.
 10 (d) Grant money awarded under this section may not be spent for
 11 capital improvements or equipment.
 12 (e) The money for grants awarded under this section must come
 13 from money appropriated to the department for the purposes of this
 14 section.
 15 ~~(f) The commissioner shall consult with the Indiana clean
 16 manufacturing and safe materials institute established by IC 13-27.5-2
 17 in the implementation of this section.~~
 18 SECTION 57. IC 13-27-2-11 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. ~~(a)~~ The division
 20 shall sponsor pilot projects to develop and demonstrate innovative
 21 techniques for clean manufacturing. The results of pilot projects
 22 sponsored under this section shall be made available for use by the
 23 public. However, information about a pilot project that is considered
 24 proprietary by a manufacturer involved in the pilot project may not be
 25 disclosed to the public.
 26 ~~(b) The division shall consult with the Indiana clean manufacturing
 27 and safe materials institute established by IC 13-27.5-2 in the
 28 implementation of this section.~~
 29 SECTION 58. IC 13-27-7-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Guidance
 31 documents, technical assistance manuals, and policies developed or
 32 used in implementing programs under this article are not binding on
 33 participating businesses.
 34 (b) Subject to subsection (e), the air pollution control board, the
 35 water pollution control board, the solid waste management board, or
 36 the department may not do the following:
 37 (1) Subject to IC 13-14-1-11.5, incorporate documents, manuals,
 38 or policies developed under this article into rules adopted under
 39 IC 4-22-2.
 40 (2) Adopt rules under IC 4-22-2 requiring business
 41 implementation of pollution prevention practices or of clean
 42 manufacturing by means of any of the following:

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- 1 (A) Permit conditions.
- 2 (B) Enforcement actions.
- 3 (C) Other department actions.
- 4 (c) Subsection (b) only applies to pollution prevention as defined in
- 5 this title.
- 6 (d) Subsection (b) does not apply to authority granted under federal
- 7 law to implement pollution prevention as defined under any of the
- 8 following:
- 9 (1) Federally delegated air, water, solid waste, and other
- 10 programs.
- 11 (2) Guidance documents developed to implement programs
- 12 described in subdivision (1).
- 13 (3) Programs established under IC 13-20-3, IC 13-20-22, or
- 14 IC 13-21.
- 15 (e) The department shall ~~do the following~~:
- 16 ~~(1)~~ present pollution prevention as an option to businesses in any
- 17 of the following:
- 18 ~~(A)~~ (1) Permit conditions.
- 19 ~~(B)~~ (2) Enforcement actions.
- 20 ~~(C)~~ (3) Other department actions.
- 21 ~~(2) Direct manufacturers to the clean manufacturing technology~~
- 22 ~~and safe materials institute for technical assistance in clean~~
- 23 ~~manufacturing.~~
- 24 SECTION 59. IC 13-27.5 IS REPEALED [EFFECTIVE JULY 1,
- 25 2012]. (Clean Manufacturing Technology and Safe Materials).
- 26 SECTION 60. [EFFECTIVE UPON PASSAGE] **(a) The**
- 27 **commission on state tax and financing policy established under**
- 28 **IC 2-5-3 shall, during the interim in 2012 between sessions of the**
- 29 **general assembly, study issues related to the financing of solid**
- 30 **waste management districts, including:**
- 31 **(1) property tax levies allowed under IC 13-21 and related**
- 32 **statutes under IC 6-1.1;**
- 33 **(2) district final disposal fees set forth in IC 13-21-13;**
- 34 **(3) district solid waste management fees set forth in**
- 35 **IC 13-21-14; and**
- 36 **(4) any other funding sources that are available to and used**
- 37 **by districts.**
- 38 **(b) The environmental quality service council established under**
- 39 **IC 13-13-7-1 shall, during the interim in 2012 between sessions of**
- 40 **the general assembly, study issues concerning the powers of solid**
- 41 **waste management districts to:**
- 42 **(1) establish and issue permits; and**

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1 **(2) impose and collect fees;**
2 **that are not specifically authorized by a statute.**
3 **(c) This SECTION expires January 1, 2013.**
4 **SECTION 61. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 131, 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, line 12, delete ""Clean" and insert ""Clean".

Page 3, delete lines 16 through 42.

Page 4, delete lines 1 through 13.

Page 5, line 42, delete "16" and insert "16,".

Page 6, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 13. IC 13-11-2-195.7, AS ADDED BY P.L.178-2009, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 195.7. (a) "Sale" or "sell", for purposes of sections ~~126(e)~~ **126(b)** and 194(c) of this chapter and IC 13-20.5, means a transfer for consideration of title or of the right to use by a:

- (1) lease or sales contract, including transactions conducted through sales outlets, catalogs, or the Internet or any other similar electronic means either inside or outside Indiana; and
- (2) person that conducts the transaction and controls the delivery of a video display device to a consumer in Indiana.

(b) The term does not include a manufacturer's or distributor's wholesale transaction with a distributor or retailer."

Page 8, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 21. IC 13-13-7-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 5: (a) If a vacancy occurs among the members of the council or panel, the appointing authority of the member whose position is vacant shall fill the vacancy by appointment.

(b) Except as provided in subsection (c), if the appointing authority does not fill a vacancy within sixty (60) days after the date the vacancy occurs, the vacancy shall be filled by appointment by the chairman of the legislative council.

(c) Subsection (b) does not apply to a member of the council who is also a member of the panel."

Page 9, delete lines 1 through 3.

Page 10, line 34, after "(c)" insert "(d)".

Page 10, line 34, reset in roman "The department may issue a septage management permit that".

Page 10, line 35, reset in roman "incorporates".

Page 10, line 36, reset in roman "approval of a land application

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site."

Page 10, line 37, delete "(d)" and insert "(e)".

Page 11, line 26, strike "vehicle or".

Page 12, between lines 25 and 26, begin a new paragraph and insert:
 "SECTION 34. IC 13-19-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The goal of the state is to ~~reduce the amount of solid waste incinerated and disposed of in landfills in Indiana by:~~

(1) ~~thirty-five percent (35%) before January 1, 1996; and~~

(2) ~~fifty percent (50%) before January 1, 2001;~~

~~through the application and encouragement of solid waste source reduction, recycling, and other alternatives to incineration and landfill disposal.~~ **encourage solid waste source reduction, recycling, and other alternatives to conserve environmental resources. The department shall produce an annual report on the state of the environment."**

Page 12, delete lines 26 through 33.

Page 15, between lines 7 and 8, begin a new line block indented and insert:

"(6) A facility that:

(A) manufactures tires; and

(B) keeps five thousand (5,000) or fewer waste tires indoors in an enclosed structure."

Page 15, delete lines 31 through 37.

Page 16, after line 42, begin a new paragraph and insert:

"SECTION 43. IC 13-20-13-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. ~~A waste tire that is stored at a facility that:~~

~~(1) does not process waste tires; or~~

~~(2) processes waste tires by cutting or shredding the waste tires; is not solid waste if the facility is registered under this chapter and the waste tires are stored in accordance with this chapter and rules adopted under this chapter.~~ **A person that obtains a certificate of registration under this chapter is not required to obtain a solid waste processing facility permit referred to in section 2 of this chapter:**

(1) for activities covered under the registration, including the:

(A) baling;

(B) transferring;

(C) cutting; or

(D) shredding;

of waste tires; or

(2) if the person stores or processes waste tires in a facility in

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accordance with this chapter and the rules adopted under this chapter."

Page 17, line 25, after "transporter" insert ", as defined in IC 13-11-2-252,".

Page 21, line 27, after "section" insert ":".

Page 21, line 27, strike "is:".

Page 21, line 28, after "(1)" insert "is".

Page 22, line 5, reset in roman "March".

Page 22, line 5, delete "December".

Page 22, line 6, before "of" insert "**December 31**".

Page 26, line 2, delete "and".

Page 26, line 3, delete "defects." and insert "**defects; and**".

Page 26, between lines 3 and 4, begin a new line double block indented and insert:

"(D) any existing restrictive covenants, as defined in IC 13-11-2-193.5."

Page 26, delete lines 9 through 20.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 131 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 131, 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:

Page 3, line 17, delete ":" and insert "[EFFECTIVE JULY 1, 2012]:".

Page 4, delete lines 33 through 37.

Page 6, delete lines 27 through 42.

Delete pages 7 through 8.

Page 9, delete line 1.

Page 16, line 24, delete "2" and insert "1".

Page 19, between lines 7 and 8, begin a new paragraph and insert:
"SECTION 40. IC 13-20-17.5-6 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) ~~The department, and districts in cooperation and with the support of the department,~~ shall implement ~~education~~ **educational** programs to provide information to the public concerning:

- (1) the reuse and recycling of mercury in:
 - (A) mercury commodities; and
 - (B) mercury-added products; and
- (2) collection programs available to the public for:
 - (A) mercury commodities; and
 - (B) mercury-added products.

(b) The department, with assistance from districts and other appropriate persons, shall develop and provide districts with a curriculum model that includes educational core principles concerning the reuse, recycling, and collection of mercury. The districts shall implement educational programs that meet the minimum standards established by the department in the curriculum model.

~~(b)~~ **(c)** Units, in cooperation and with the support of the department, may implement ~~education~~ **educational** programs to provide information to the public concerning:

- (1) the reuse and recycling of mercury in:
 - (A) mercury commodities; and
 - (B) mercury-added products; and
- (2) collection programs available to the public for:
 - (A) mercury commodities; and
 - (B) mercury-added products."

Page 25, between lines 9 and 10, begin a new paragraph and insert: "SECTION 41. IC 13-20.5-7-10, AS ADDED BY P.L.159-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. **(a)** Solid waste management districts shall conduct educational programs ~~under IC 13-21-3-12~~ to provide information to the public concerning:

- (1) reuse and recycling of electronic waste;
- (2) collection programs available to the public for the disposal of electronic waste; and
- (3) proper disposal of electronic waste.

(b) The department, with assistance from solid waste management districts and other appropriate persons, shall provide solid waste management districts with a curriculum model that includes educational core principles concerning the reuse, recycling, collection, and proper disposal of solid waste. Solid waste management districts shall implement educational programs that



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meet the minimum standards established by the department in the curriculum model.

SECTION 50. IC 13-21-1-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4. (a) In 2015 and every fifth year thereafter, the legislative council shall require an interim study committee or a statutory study committee to:**

- (1) assess solid waste management districts; and**
- (2) determine whether any changes should be made to the statutes governing solid waste management districts.**

(b) An interim study committee or a statutory study committee that assesses solid waste management districts under subsection (a) shall issue a final report, in an electronic format under IC 5-14-6, to the legislative council containing the committee's findings and recommendations, including any recommended legislation, not later than November 1 of the year in which an assessment is conducted.

SECTION 51. IC 13-21-3-12, AS AMENDED BY P.L.159-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:**

- (1) The power to develop and implement a district solid waste management plan under IC 13-21-5.**
- (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.**
- (3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.**
- (4) The power to sue and be sued.**
- (5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.**
- (6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:**
 - (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.**
 - (B) The managing or disposal of solid waste.**
 - (C) The sale or other disposition of materials or products generated by a facility.**

Notwithstanding any other statute, the maximum term of a

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contract or an agreement described in this subdivision may not exceed forty (40) years.

(7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.

(8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.

(9) The power to sell or lease any facility or part of a facility to any person.

(10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

(A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$0.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream; if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally

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exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

- (A) fiscal;
- (B) administrative;
- (C) managerial; or
- (D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) The power to pay a fee from district money to:

- (A) in a joint district, the county or counties in which a final disposal facility is located; or
- (B) a county that:
 - (i) was part of a joint district;
 - (ii) has withdrawn from the joint district as of January 1, 2008; and
 - (iii) has established its own district in which a final disposal facility is located.

(23) The power to make grants or loans of:

- (A) money;
- (B) property; or
- (C) services;

to public or private recycling programs, composting programs, or

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any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further:

- (A) the district's solid waste management plan; **and**
- (B) **the objectives of minimum educational standards established by the department of environmental management.**

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

- (A) the reuse and recycling of mercury in:
 - (i) mercury commodities; and
 - (ii) mercury-added products; and
- (B) collection programs available to the public for:
 - (i) mercury commodities; and
 - (ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses.

(28) The power to conduct educational programs under IC 13-20.5 to provide information to the public concerning:

- (A) reuse and recycling of electronic waste;

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(B) collection programs available to the public for the disposal of electronic waste; and

(C) proper disposal of electronic waste.

SECTION 52. IC 13-21-3-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. (a) ~~This section does not apply to the following:~~

~~(1) A nonreverting capital fund established under section 12(24) of this chapter.~~

~~(2) A fund established under IC 13-21-7-8.~~

~~(3) The waste management district bond fund established under IC 13-21-7-10.~~

~~(4) A fund established to secure the payment of principal and interest under IC 13-21-12-1(12).~~

~~(b) At the end of each year the district shall prepare, on a form designed by the department of local government finance, a report that is accessible through the computer gateway administered by the office of technology established by IC 4-13.1-2-1 and that provides the following information:~~

~~(1) For each fund that contains district money:~~

~~(A) the cash balance at the end of the year;~~

~~(B) a list of all encumbrances on the fund that the district is legally obligated to pay;~~

~~(C) a copy of documentation that supports each encumbrance listed in clause (B);~~

~~(D) the fund balance obtained by subtracting the amount under clause (B) from the amount under clause (A); and~~

~~(E) the total expenditures from the fund for the year; and~~

~~(F) any other financial information required by the department.~~

~~(2) The total of all fund balances calculated under subdivision (1)(D).~~

~~(3) The total of all fund expenditures reported under subdivision (1)(E).~~

~~(4) Any programmatic information required by the department.~~

~~(5) The total amount of expenditures by the district for the year.~~

~~(6) The per capita expenditures by the district for the year.~~

~~(7) The amount of expenditures by the district for the year for personnel costs.~~

~~(8) The amount of expenditures by the district for the year for program costs (excluding personnel costs).~~

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(9) The total amount of solid waste (in tons) disposed of in the district for the year for which the district is directly responsible.

(10) The total amount of recycling (in tons) carried out in the district in the year for which the district is directly responsible.

~~(c)~~ **(b)** The district shall provide the report ~~developed~~ prepared under subsection ~~(b)~~ **(a)**:

(1) to the department and to the department of local government finance in a format prescribed by the department; and the environmental quality service

(2) to the legislative council in an electronic format under IC 5-14-6;

by February 1 of the year following the year for which the report is made.

(c) The district shall publish the annual report prepared under subsection (a) on an Internet web site maintained by the district or on the Internet web sites maintained by the counties that are members of the district."

Page 28, delete lines 28 through 42, begin a new paragraph and insert:

"SECTION 60. [EFFECTIVE UPON PASSAGE] (a) The commission on state tax and financing policy established under IC 2-5-3 shall, during the interim in 2012 between sessions of the general assembly, study issues related to the financing of solid waste management districts, including:

(1) property tax levies allowed under IC 13-21 and related statutes under IC 6-1.1;

(2) district final disposal fees set forth in IC 13-21-13;

(3) district solid waste management fees set forth in IC 13-21-14; and

(4) any other funding sources that are available to and used by districts.

(b) The environmental quality service council established under IC 13-13-7-1 shall, during the interim in 2012 between sessions of the general assembly, study issues concerning the powers of solid waste management districts to:

(1) establish and issue permits; and

(2) impose and collect fees;

that are not specifically authorized by a statute.

(c) This SECTION expires January 1, 2013.

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SECTION 61. An emergency is declared for this act."

Delete pages 29 through 31.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 131 as printed January 24, 2012.)

WOLKINS, Chair

Committee Vote: yeas 10, nays 0.

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