
SENATE BILL No. 131

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2; IC 13-13-7; IC 13-14-1; IC 13-18-12; IC 13-19-1-2; IC 13-20; IC 13-20.5; IC 13-25-3; IC 13-27-2-8; IC 13-27.5; IC 13-28-3.

Synopsis: Environmental matters. Includes in the definition of "environmental defect", for purposes of the responsible property transfer law: (1) a commission, omission, activity, or condition for which a restrictive covenant is required or in effect under state environmental law; and (2) a condition that is the subject of a voluntary remediation that received a certificate of completion from the department of environmental management (department) if a restrictive covenant remains in effect for the condition. Defines "program year" as a calendar year for certain electronic waste programs. Defines "passenger tire equivalent" as a unit of waste tire material that weighs 20 pounds. Includes tire disposal as a "waste tire processing operation". Removes certain requirements for a septage management vehicle identification. Requires the solid waste management board to adopt certain rules under rulemaking procedures. 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. Replaces the term "recycling facility" with "solid waste processing facility". 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
(Continued next page)

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Effective: July 1, 2012.

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



Digest Continued

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 environmental law provisions pertaining to: (1) waste exchange; (2) the compliance advisory panel as a committee of the environmental quality service council; (3) solid and hazardous waste materials exchange; (4) waste incineration; and (5) waste tires. Establishes the compliance advisory panel as an entity separate from the environmental quality service council and specifies the duties and membership of the panel.

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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.

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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



- 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 13-11-2-70 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 70. (a) "Environmental
- 18 defect", for purposes of IC 13-25-3, means an environmentally related
- 19 commission, omission, activity, or condition that meets at least one (1)
- 20 of the following conditions:
- 21 (1) Constitutes a material violation of an environmental:
- 22 (A) statute;
- 23 (B) regulation; or
- 24 (C) ordinance.
- 25 (2) Would require remedial activity under an environmental:
- 26 (A) statute;
- 27 (B) regulation; or
- 28 (C) ordinance.
- 29 (3) Presents a substantial endangerment to at least one (1) of the
- 30 following:
- 31 (A) The public health.
- 32 (B) The public welfare.
- 33 (C) The environment.
- 34 (4) Would have a material, adverse effect on the market value of
- 35 the property or of an abutting property.
- 36 (5) Would prevent or materially interfere with another party's
- 37 ability to obtain a permit or license that is required under an
- 38 environmental:
- 39 (A) statute;
- 40 (B) regulation; or
- 41 (C) ordinance;
- 42 to operate the property or a facility or process on the property.

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1 **(6) Requires the execution of a restrictive covenant under this**
 2 **title, or for which an executed restrictive covenant under this**
 3 **title remains in effect.**

4 (b) The term:

5 **(1) except as provided in subdivision (2),** does not include a
 6 condition that is the subject of a voluntary remediation that
 7 received a certificate of completion from the department under
 8 IC 13-25-5-16; **and**

9 **(2) includes a condition that is the subject of a voluntary**
 10 **remediation that received a certificate of completion from the**
 11 **department under IC 13-25-5-16 if a restrictive covenant**
 12 **remains in effect for the condition after the certificate of**
 13 **completion is received from the department.**

14 SECTION 5. IC 13-11-2-72 IS AMENDED TO READ AS
 15 FOLLOWS: Sec. 72. "Environmental wastes", for purposes of
 16 IC 13-27, ~~and IC 13-27.5~~; means all environmental pollutants, wastes,
 17 discharges, and emissions, regardless of:

18 (1) whether or how they are regulated; and

19 (2) whether they are released to the general environment or the
 20 workplace environment.

21 SECTION 6. IC 13-11-2-110 IS REPEALED [EFFECTIVE JULY
 22 1, 2012]. Sec. 110. "Institute", for purposes of IC 13-27 and IC 13-27.5,
 23 refers to the Indiana clean manufacturing technology and safe materials
 24 institute.

25 SECTION 7. IC 13-11-2-126, AS AMENDED BY P.L.178-2009,
 26 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2012]: Sec. 126. (a) "Manufacturer", for purposes of
 28 IC 13-20-16, means a person who is engaged in the business of making
 29 lead acid batteries:

30 (1) in Indiana; or

31 (2) for sale in Indiana.

32 **(b) "Manufacturer", for purposes of IC 13-27.5, means a**
 33 **manufacturer in Indiana operating under standard industrial**
 34 **classification codes twenty (20) through thirty-nine (39) in the Standard**
 35 **Industrial Classification Manual of the United States Office of**
 36 **Management and Budget.**

37 **(c) (b) "Manufacturer", for purposes of sections 179.9, 180.1, 195.7,**
 38 **and 245.4 of this chapter and IC 13-20.5, means a person that:**

39 (1) manufactures video display devices to be sold under the
 40 person's own brand or a brand the person licenses as identified by
 41 the person's own brand label or the brand label the person
 42 licenses;

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

7 SECTION 8. IC 13-11-2-127 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 127. "Mass balance
 9 calculation", for purposes of IC 13-27, ~~and IC 13-27.5~~, means a
 10 determination of the annual quantities of each toxic material that is:

- 11 (1) transported to;
- 12 (2) produced at;
- 13 (3) used at;
- 14 (4) accumulated or stored at;
- 15 (5) released from; or
- 16 (6) transported from;

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

22 SECTION 9. IC 13-11-2-131 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 131. "Multimedia", for
 24 purposes of IC 13-27, ~~and IC 13-27.5~~, refers to:

- 25 (1) air;
- 26 (2) water;
- 27 (3) land; and
- 28 (4) workplace environmental;

29 media into which pollutants and wastes are emitted, released,
 30 discharged, or disposed.

31 SECTION 10. IC 13-11-2-151.6, AS ADDED BY P.L.12-2005,
 32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2012]: Sec. 151.6. "Panel", for purposes of ~~IC 13-13-7~~
 34 **IC 13-28-3**, refers to the compliance advisory panel established by
 35 ~~IC 13-13-7-2~~ **IC 13-28-3-7**.

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

41 SECTION 12. IC 13-11-2-172.1, AS ADDED BY P.L.178-2009,
 42 SECTION 16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 172.1. "Program year", for purposes of this
 2 chapter and IC 13-20.5, means the period:

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

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

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

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

18 SECTION 14. IC 13-11-2-246 IS REPEALED [EFFECTIVE JULY
 19 1, 2012]. Sec. 246. "Waste exchange", for purposes of ~~IC 13-27~~ and
 20 ~~IC 13-27.5~~; means a method of end-of-pipe management of
 21 environmental wastes that involves the transfer of environmental
 22 wastes between:

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

26 for recovery or to serve a productive purpose.

27 SECTION 15. IC 13-11-2-249.5 IS REPEALED [EFFECTIVE
 28 JULY 1, 2012]. Sec. 249.5. "Waste shifting", for purposes of
 29 ~~IC 13-27.5~~; means the transfer of an environmental waste from one (1)
 30 environmental medium to:

- 31 (1) another environmental medium;
 32 (2) the workplace environment; or
 33 (3) a product.

34 SECTION 16. IC 13-11-2-250.5 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 250.5. "Waste tire
 36 processing operation", for purposes of IC 13-20-13 and **IC 13-20-14**,
 37 means an operation that processes waste tires by cutting, shredding, or
 38 grinding. The term does not include a retail operation that cuts or
 39 shreds waste tires generated by the retail operation.

40 SECTION 17. IC 13-11-2-251 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 251. "Waste tire
 42 storage site", for purposes of IC 13-20-13 and IC 13-20-14, means:

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1 (1) a site at which at least one thousand (1,000) ~~waste tires~~
 2 **passenger tire equivalents** are accumulated outdoors or within
 3 a structure that is not completely enclosed; or

4 (2) a site at which at least two thousand (2,000) ~~waste tires~~
 5 **passenger tire equivalents** are accumulated indoors within a
 6 completely enclosed structure.

7 SECTION 18. IC 13-11-2-252 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 252. "Waste tire
 9 transporter", for purposes of IC 13-20-14, means a person who engages
 10 in the business of:

11 (1) accepting waste tires; ~~from retailers;~~ and

12 (2) transporting the waste tires to one (1) or more other locations.

13 SECTION 19. IC 13-13-7-2 IS REPEALED [EFFECTIVE JULY 1,
 14 2012]. ~~Sec. 2: The compliance advisory panel is established as a~~
 15 ~~committee of the council.~~

16 SECTION 20. IC 13-13-7-3, AS ADDED BY P.L.12-2005,
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2012]: Sec. 3. ~~(a) The council consists of seventeen (17)~~
 19 ~~voting members and one (1) nonvoting member. The panel consists of~~
 20 ~~seven (7) voting members.~~

21 ~~(b) (a) The appointed members of the council and the panel are~~
 22 ~~appointed as follows:~~

23 (1) The president pro tempore of the senate shall appoint **the**
 24 **members of a senate standing committee.**

25 ~~(A) to serve as members of both the council and the panel; two (2)~~
 26 ~~members of the senate who:~~

27 ~~(i) are not affiliated with the same political party; and~~

28 ~~(ii) are owners of, or have an interest in, small business~~
 29 ~~stationary sources; and~~

30 ~~(B) to serve as members of the council; two (2) other members~~
 31 ~~of the senate who are not affiliated with the same political~~
 32 ~~party.~~

33 (2) The speaker of the house of representatives shall appoint **the**
 34 **members of a house of representatives standing committee.**

35 ~~(A) to serve as members of both the council and the panel; two (2)~~
 36 ~~members of the house of representatives who:~~

37 ~~(i) are not affiliated with the same political party; and~~

38 ~~(ii) are owners of, or have an interest in, small business~~
 39 ~~stationary sources; and~~

40 ~~(B) to serve as members of the council; two (2) other members~~
 41 ~~of the house of representatives who are not affiliated with the~~
 42 ~~same political party.~~

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1 (3) The governor shall appoint as members individuals who are
2 not members of the general assembly as follows:

3 (A) To the council, two (2) individuals to represent business
4 and industry, not more than one (1) of whom may be affiliated
5 with the same political party.

6 (B) To the council, two (2) individuals to represent local
7 government, not more than one (1) of whom may be a solid
8 waste management district director and not more than one (1)
9 of whom may be affiliated with the same political party.

10 (C) To the council, subject to clause (F), Two (2) individuals
11 to represent environmental interests, not more than one (1) of
12 whom may be a solid waste management district director and
13 not more than one (1) of whom may be affiliated with the same
14 political party.

15 (D) To the council, two (2) individuals to represent the
16 following interests:

17 (i) One (1) representative of semipublic permittees.

18 (ii) One (1) representative of agriculture.

19 (E) To both the council and the panel, one (1) individual to
20 represent the public who is not:

21 (i) an owner of a small business stationary source; or

22 (ii) a representative of owners of small business stationary
23 sources.

24 (F) To the panel to represent the public, one (1) individual
25 appointed to the council under clause (C) who is not:

26 (i) an owner of a small business stationary source; or

27 (ii) a representative of owners of small business stationary
28 sources.

29 **The president pro tempore of the senate and the speaker of the**
30 **house of representatives shall determine which standing committee**
31 **of the senate and the house of representatives, respectively, has**
32 **subject matter jurisdiction that most closely relates to the council.**

33 (e) (b) The commissioner or commissioner's designee serves as a
34 nonvoting member of the council. and as a member of the panel.

35 SECTION 21. IC 13-13-7-5, AS ADDED BY P.L.12-2005,
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2012]: Sec. 5. (a) If a vacancy occurs among the members of
38 the council, or panel, the appointing authority of the member whose
39 position is vacant shall fill the vacancy by appointment.

40 (b) Except as provided in subsection (e), If the appointing authority
41 does not fill a vacancy within sixty (60) days after the date the vacancy
42 occurs, the vacancy shall be filled by appointment by the chairman of

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1 the legislative council.

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

4 SECTION 22. IC 13-13-7-6, AS ADDED BY P.L.12-2005,
5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2012]: Sec. 6. The chairman of the legislative council shall
7 designate

8 (1) a legislative member of the council to be the chair of the
9 council. and

10 (2) a legislative member of the panel to be the chair of the panel.

11 SECTION 23. IC 13-13-7-8 IS REPEALED [EFFECTIVE JULY 1,
12 2012]. Sec. 8: The chair of the panel shall call for the panel to meet at
13 least one (1) time during a calendar year. A meeting of the panel during
14 the calendar year may be held only on a date on which the council
15 meets:

16 SECTION 24. IC 13-13-7-10 IS REPEALED [EFFECTIVE JULY
17 1, 2012]. Sec. 10: The panel:

18 (1) shall carry out the duties established under Section 507 of the
19 federal Clean Air Act (42 U.S.C. 7661f); and

20 (2) is not required to submit an annual report to the legislative
21 council.

22 SECTION 25. IC 13-13-7-12, AS ADDED BY P.L.12-2005,
23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2012]: Sec. 12. The legislative services agency shall provide
25 staff support to the council. and panel:

26 SECTION 26. IC 13-13-7-13, AS ADDED BY P.L.12-2005,
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2012]: Sec. 13. Except as provided in section 10(2) of this
29 chapter, The council and the panel shall operate under the rules of the
30 legislative council.

31 SECTION 27. IC 13-14-1-1 IS REPEALED [EFFECTIVE JULY 1,
32 2012]. Sec. 1: (a) Subject to subsection (c); the department shall
33 establish a solid and hazardous waste materials exchange to provide for
34 the exchange of information between interested persons concerning the
35 following:

36 (1) Particular quantities of solid waste and hazardous waste
37 available in Indiana for recovery.

38 (2) Persons interested in acquiring certain types of solid waste or
39 hazardous waste for purposes of recovery.

40 (3) Methods for the treatment and recovery of solid waste and
41 hazardous waste in Indiana.

42 (b) The solid and hazardous waste materials exchange created under

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1 subsection (a) may be operated under one (1) or more reciprocity
2 agreements allowing for the exchange of information described in
3 subsection (a) for similar information from programs operated in other
4 states:

- 5 (c) The department may contract with a private organization for:
- 6 (1) the establishment;
- 7 (2) the operation; or
- 8 (3) both the establishment and the operation;

9 of the solid and hazardous waste materials exchange.

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

13 SECTION 28. IC 13-14-1-16 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2012]: **Sec. 16. The clean manufacturing
16 technology board established by IC 13-27.5 (repealed) is abolished.
17 All powers, duties, assets, and liabilities of the clean manufacturing
18 technology board are transferred to the department.**

19 SECTION 29. IC 13-18-12-2, AS AMENDED BY P.L.159-2011,
20 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2012]: Sec. 2. (a) A person may not transport, treat, store, or
22 dispose of septage in violation of this chapter.

23 (b) A person may not engage in:

- 24 (1) the cleaning of sewage disposal systems; or
- 25 (2) the transportation, treatment, storage, or disposal of septage;

26 without a septage management permit unless the person is exempted
27 under section 7 of this chapter.

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

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

34 (e) The department may issue a septage management permit that
35 incorporates issuance of a septage management vehicle identification
36 number and approval of a land application site.

37 (f) (d) The department may issue new and renewal permits
38 identification numbers, and approvals under this chapter for a period
39 the department determines appropriate. However, the period may not
40 exceed three (3) years.

41 SECTION 30. IC 13-18-12-4, AS AMENDED BY P.L.159-2011,
42 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 4. (a) The board shall, in accordance with
2 ~~IC 13-14-8~~ **IC 13-14-9**, adopt rules to establish the following:

- 3 (1) Standards for the following:
 - 4 (A) The issuance of septage management permits under
 - 5 section 3 of this chapter.
 - 6 (B) Transportation, storage, and treatment of septage, and
 - 7 disposal of septage, including land application.
- 8 ~~(2) Issuance of identification numbers for all vehicles used in~~
- 9 ~~septage management services.~~
- 10 ~~(3) (2) Procedures and standards for approval of sites for land~~
- 11 ~~application of septage.~~

12 (b) The board may designate a county or city health agency as the
13 board's agent to approve land application sites in accordance with rules
14 adopted under this section.

15 SECTION 31. IC 13-18-12-5, AS AMENDED BY P.L.159-2011,
16 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2012]: Sec. 5. (a) Subject to subsections (b) and (c), the board
18 may adopt a fee schedule for the issuance of:

- 19 (1) septage management permits; **and**
 - 20 ~~(2) septage management vehicle identification numbers; and~~
 - 21 ~~(3) (2) land application site approvals;~~
- 22 under this chapter.

23 (b) A permit fee may not exceed one hundred dollars (\$100) per
24 year.

25 (c) A ~~vehicle identification number~~ or land application approval fee
26 may not exceed thirty dollars (\$30) per year per vehicle or site.

27 (d) Whenever the board designates a county or city health agency as
28 the board's agent to approve land application sites under this chapter,
29 the county or city health agency shall collect and retain the land
30 application approval fee.

31 SECTION 32. IC 13-18-12-6.5, AS AMENDED BY P.L.114-2008,
32 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2012]: Sec. 6.5. In addition to any other authority in this title,
34 the commissioner or a designated staff member may, under IC 4-21.5,
35 revoke or modify a permit a ~~vehicle identification number~~, or an
36 approval issued under this chapter for any of the following reasons:

- 37 (1) Violation of a requirement of this chapter, rules adopted under
- 38 this chapter, a permit, ~~an identification number~~, or an approval.
- 39 (2) Failure to disclose all relevant facts.
- 40 (3) A misrepresentation made in obtaining the permit
- 41 ~~identification number~~, or approval.
- 42 (4) Failing to meet the qualifications for a permit ~~an identification~~

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1 ~~number~~, or an approval or failing to comply with the requirements
2 of the water pollution control laws or rules adopted by the board.
3 (5) Changes in circumstances relating to the permit ~~identification~~
4 ~~number~~, or approval that require either a temporary or permanent
5 reduction in the discharge of contaminants.

6 SECTION 33. IC 13-18-12-7, AS AMENDED BY P.L.159-2011,
7 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2012]: Sec. 7. This chapter does not require a person to obtain
9 a permit ~~or vehicle identification number~~ under this chapter if the
10 person is:

- 11 (1) engaged in:
12 (A) servicing or maintaining publicly owned wastewater
13 treatment facilities; or
14 (B) transportation of wastewater from a publicly owned
15 wastewater treatment facility;
16 as long as the wastewater at that facility has been fully treated and
17 is stabilized;
18 (2) transporting septage from the point of its removal to another
19 location on the same site or tract owned by the same person,
20 although disposal of the septage must be done in accordance with
21 this chapter; or
22 (3) a homeowner who cleans and services the sewage disposal
23 system serving only the homeowner's residence, although
24 transportation and disposal of septage, including land application,
25 must be done in compliance with this chapter.

26 SECTION 34. IC 13-19-1-2 IS REPEALED [EFFECTIVE JULY 1,
27 2012]. Sec. 2. ~~The goal of the state is to reduce the amount of solid~~
28 ~~waste incinerated and disposed of in landfills in Indiana by:~~

- 29 (1) ~~thirty-five percent (35%) before January 1, 1996; and~~
30 (2) ~~fifty percent (50%) before January 1, 2001;~~
31 ~~through the application and encouragement of solid waste source~~
32 ~~reduction, recycling, and other alternatives to incineration and landfill~~
33 ~~disposal.~~

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

40 SECTION 36. IC 13-20-8-2 IS REPEALED [EFFECTIVE JULY 1,
41 2012]. Sec. 2. ~~The rules adopted by the board under this chapter must~~
42 ~~establish requirements for applications for incinerator permits to be~~

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1 issued under this chapter. The rules must require that an application
2 include the following:

- 3 (1) An engineering description of the following:
 - 4 (A) The proposed incinerator.
 - 5 (B) All related solid waste processing and pollution control
6 equipment.
- 7 (2) A description of the operating characteristics of the proposed
8 incinerator.
- 9 (3) A narrative comparing the emissions of the proposed
10 incinerator with those of other proven and operating incinerator
11 designs.
- 12 (4) A description of control and air monitoring instrumentation
13 for the proposed incinerator.
- 14 (5) A description of safety, testing, and maintenance procedures
15 for the proposed incinerator, including:
 - 16 (A) emergency shutdown if a system malfunctions;
 - 17 (B) a maintenance schedule; and
 - 18 (C) emissions testing and reporting.
- 19 (6) A pre-operational emissions test plan for the proposed
20 incinerator, including methods of stack sampling and analysis, to
21 establish that the incinerator meets regulatory emission standards.

22 SECTION 37. IC 13-20-8-3 IS REPEALED [EFFECTIVE JULY 1,
23 2012]. Sec. 3: The rules adopted by the board under this chapter
24 concerning the operation of incinerators must require compliance with
25 applicable air pollution control standards and must include the
26 following provisions:

- 27 (1) Control levels for acid gas, sulfur dioxide, oxides of nitrogen,
28 hydrocarbons, particulates, and other contaminants for which
29 control levels are established by the air pollution control board or
30 the solid waste management board.
- 31 (2) Requirements for the sampling and analysis of incineration
32 residues.
- 33 (3) Pre-operational requirements.
- 34 (4) Requirements for operational safeguards to ensure exclusion
35 from the incinerator of any hazardous wastes subject to regulation
36 under IC 13-22.

37 SECTION 38. IC 13-20-8-4 IS REPEALED [EFFECTIVE JULY 1,
38 2012]. Sec. 4: The rules concerning the operation of incinerators must
39 allow a reasonable period of time for temporary operation of an
40 incinerator and associated equipment for the following:

- 41 (1) Post-construction adjustment and testing.
- 42 (2) Performing the pre-operational emissions test required under

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1 ~~section 5 of this chapter.~~

2 SECTION 39. IC 13-20-8-6 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A permit issued

4 under this chapter for the operation of an incinerator must include:

5 (1) a provision requiring the permit holder to notify the

6 department and appropriate local government officials of:

7 (A) any release of a contaminant in a quantity exceeding a

8 control level ~~established under section 3 of this chapter; in a~~

9 **permit issued under IC 13-17;**

10 (B) any violation of operating requirements established in the

11 permit;

12 (C) any unscheduled shutdown of the incinerator or associated

13 equipment; or

14 (D) any damage to the incinerator or associated equipment that

15 could, if unrepaired, result in a release of a contaminant in a

16 quantity exceeding a control level ~~established under section 3~~

17 **of this chapter; in a permit issued under IC 13-17;** and

18 (2) a provision requiring that the notification be given not later

19 than twenty-four (24) hours after the permit holder learns of the

20 release, violation, shutdown, or damage.

21 SECTION 40. IC 13-20-8-8 IS REPEALED [EFFECTIVE JULY 1,

22 2012]. Sec. 8. ~~A permit is not required under this chapter for the~~

23 ~~incineration of a solid waste in an incinerator operated as a hazardous~~

24 ~~waste facility under IC 13-22 if the permit issued for the incinerator~~

25 ~~under IC 13-22 authorizes the incineration of the solid waste in the~~

26 ~~incinerator.~~

27 SECTION 41. IC 13-20-13-1 IS AMENDED TO READ AS

28 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a) As used in this**

29 **chapter, "passenger tire equivalent" means a unit of waste tire**

30 **material weighing twenty (20) pounds, whether the waste tire**

31 **material is comprised of one (1) or more whole tires or one (1) or**

32 **more altered tires.**

33 **(b)** The provisions of this chapter concerning waste tire storage site

34 and waste tire processing operation certificates of registration do not

35 apply to the following:

36 (1) A facility operated as a **recycling solid waste processing**

37 **facility** under a valid permit issued by the commissioner.

38 (2) ~~A site at which waste tires are stored under a recycling~~

39 ~~program approved by the commissioner.~~

40 (3) **(2)** The site of a facility that is used to retread tires at which

41 fewer than five thousand (5,000) waste tires are present indoors

42 within a completely enclosed structure.

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- 1 ~~(3)~~ **(3)** A vehicle or container in which waste tires are stored for
- 2 less than thirty (30) days.
- 3 ~~(4)~~ **(4)** A vehicle that is properly licensed, capable of legally
- 4 transporting waste tires, and in which waste tires are completely
- 5 enclosed.
- 6 **(5) A waste tire amnesty day sponsored by a local**
- 7 **government.**

8 SECTION 42. IC 13-20-13-5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A person that obtains
 10 a certificate of registration under section 3 of this chapter must do the
 11 following:

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

31 SECTION 43. IC 13-20-13-12 IS REPEALED [EFFECTIVE JULY
 32 1, 2012]. ~~Sec. 12: A waste tire that is stored at a facility that:~~

- 33 ~~(1) does not process waste tires; or~~
- 34 ~~(2) processes waste tires by cutting or shredding the waste tires;~~
- 35 ~~is not solid waste if the facility is registered under this chapter and the~~
- 36 ~~waste tires are stored in accordance with this chapter and rules adopted~~
- 37 ~~under this chapter.~~

38 SECTION 44. IC 13-20-13-8, AS AMENDED BY P.L.204-2007,
 39 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2012]: Sec. 8. (a) Except as provided in subsection (d)(2),
 41 (d)(3), (d)(6), and (d)(7), the waste tire management fund is established
 42 for the following purposes:

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- 1 (1) The department may use not more than thirty-five percent
- 2 (35%) of the money deposited in the fund each year for:
- 3 (A) the removal and disposal of waste tires from sites where
- 4 the waste tires have been disposed of improperly; and
- 5 (B) operating the waste tire education program under section
- 6 15 of this chapter.
- 7 (2) The department may use the remaining money deposited in
- 8 the fund each year to:
- 9 (A) provide grants and loans under section 9(b) of this chapter
- 10 to entities involved in waste tire management activities; and
- 11 (B) pay the expenses of administering the programs described
- 12 in:
- 13 (i) subdivision (1)(B); and
- 14 (ii) clause (A).
- 15 (b) The expenses of administering the fund shall be paid from
- 16 money in the fund.
- 17 (c) Money in the fund at the end of a state fiscal year does not revert
- 18 to the state general fund.
- 19 (d) Sources of money for the fund are the following:
- 20 (1) Fees paid under section 4(a)(6) of this chapter and
- 21 ~~IC 13-20-14-5(e)~~; **IC 13-20-14-5(c)**.
- 22 (2) Fees collected under section 7 of this chapter. All money
- 23 deposited in the fund under this subdivision may be used by the
- 24 department for waste reduction, recycling, removal, or
- 25 remediation projects.
- 26 (3) Costs and damages recovered from a person or other entity
- 27 under section 14 of this chapter or IC 13-20-14-8. All money
- 28 deposited in the fund under this subdivision may be used by the
- 29 department for removal and remediation projects.
- 30 (4) Fees established by the general assembly for the purposes of
- 31 this chapter.
- 32 (5) Appropriations made by the general assembly.
- 33 (6) Gifts and donations intended for deposit in the fund. A gift or
- 34 donation deposited in the fund under this subdivision may be
- 35 specified to be entirely for the use of the department.
- 36 (7) Civil penalties collected under IC 13-30-4 for violations of:
- 37 (A) this chapter;
- 38 (B) IC 13-20-14; and
- 39 (C) rules adopted under section 11 of this chapter and
- 40 IC 13-20-14-6.
- 41 All money deposited in the fund under this subdivision may be
- 42 used by the department for eligible projects.

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1 SECTION 45. IC 13-20-14-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A source of waste
 3 tires shall dispose of waste tires in the source's possession by one (1)
 4 or more of the following means:

5 (1) Delivery to a wholesaler or to an agent of a wholesaler.

6 (2) Delivery to a manufacturer of tires.

7 (3) Delivery to a facility that **retreads tires**.

8 (A) ~~recycles tires; or~~

9 (B) ~~collects tires for delivery to a recycling facility.~~

10 (4) Delivery to a permitted final disposal facility regulated under
 11 environmental management laws.

12 (5) Delivery to a **registered** waste tire storage site.

13 (6) Delivery to a facility ~~operated as a registered~~ waste tire
 14 cutting facility under a permit issued by the commissioner.
 15 **processing operation.**

16 (7) ~~Delivery to Collection by~~ a registered waste tire transporter.
 17 ~~or a person who operates a municipal waste collection and~~
 18 ~~transportation vehicle licensed under IC 13-20-4.~~

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

21 SECTION 46. IC 13-20-14-5 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. ~~(a) This section does~~
 23 ~~not apply to a person who operates a municipal waste collection and~~
 24 ~~transportation vehicle licensed under IC 13-20-4.~~

25 ~~(b)~~ (a) A person may not act as a waste tire transporter unless the
 26 person is registered with the department as a waste tire transporter. To
 27 apply for a certificate of registration as a waste tire transporter, a
 28 person must submit the following to the department:

29 (1) The person's name.

30 (2) The address of the person's principal office.

31 (3) The addresses of any offices maintained by the person in
 32 Indiana.

33 (4) Evidence of financial assurance, maintained in accordance
 34 with rules adopted under section 6 of this chapter, in the amount
 35 of at least ten thousand dollars (\$10,000). The financial assurance
 36 must be in the form of:

37 (A) a bond for performance, executed by a corporate surety
 38 licensed to do business in Indiana;

39 (B) a negotiable certificate of deposit; or

40 (C) a negotiable letter of credit;

41 payable to the department and conditional upon faithful
 42 performance of the requirements of this chapter and the

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- 1 registration.
- 2 ~~(e)~~ **(b)** The rules adopted under section 6 of this chapter must adopt
- 3 a manifest form and require a waste tire transporter to prepare and
- 4 carry a manifest based upon that form each time a waste tire transporter
- 5 transports waste tires. The format and wording of the form must require
- 6 a waste tire transporter to enter information in each manifest indicating
- 7 the source and number of waste tires to be transported and the
- 8 destination to which the waste tires are transported.
- 9 ~~(d)~~ **(c)** ~~Until the rules prescribing a manifest form are adopted under~~
- 10 ~~subsection (e); a waste tire transporter may use a manifest form~~
- 11 ~~designed by the waste tire transporter. A form designed and used under~~
- 12 ~~this subsection must meet the format and wording requirements set~~
- 13 ~~forth in subsection (e).~~
- 14 ~~(e)~~ **(c)** A person who acts as a waste tire transporter in Indiana shall
- 15 pay an annual registration fee of twenty-five dollars (\$25) that shall be
- 16 deposited in the waste tire management fund and appropriated to the
- 17 department for the department's use in providing for the removal and
- 18 disposal of waste tires from sites where the waste tires have been
- 19 disposed of improperly.
- 20 ~~(f)~~ **(d)** A waste tire transporter shall do the following:
- 21 (1) Retain a copy of a manifest described under this section for at
- 22 least one (1) year.
- 23 (2) Make a copy of a manifest described under this section
- 24 available to the department upon request.
- 25 (3) Report annually to the department the number of ~~waste tires~~
- 26 **passenger tire equivalents** transported by the waste tire
- 27 transporter.
- 28 (4) Maintain financial assurance acceptable to the department in
- 29 accordance with subsection ~~(b)(4)~~: **(a)(4)**.
- 30 ~~(g)~~ **(e)** The commissioner may include in a certificate of registration
- 31 issued under this chapter conditions that ensure compliance with:
- 32 (1) this chapter; and
- 33 (2) rules adopted by the board under this chapter;
- 34 including a compliance schedule.
- 35 ~~(h)~~ **(f)** The department may deny an application to register under
- 36 this chapter if:
- 37 (1) the application is incomplete;
- 38 (2) the applicant has failed to comply with the requirements of:
- 39 (A) this chapter;
- 40 (B) IC 13-20-13; or
- 41 (C) a rule adopted by the board under section 6 of this chapter
- 42 or under IC 13-20-13-11; or

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1 (3) an enforcement action is pending against the applicant.
 2 SECTION 47. IC 13-20-14-5.3 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.3. A person that is the
 4 source of more than twelve (12) waste tires per year, **or the equivalent**
 5 **in passenger tire equivalents**, including tire retailers, auto salvagers,
 6 and sellers of used tires, shall:
 7 (1) retain a copy of manifests received from a waste tire
 8 transporter under section 5 of this chapter for at least one (1) year;
 9 and
 10 (2) make a copy of the manifests available to the department upon
 11 request.
 12 SECTION 48. IC 13-20-14-6 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The solid waste
 14 management board shall adopt rules under IC 4-22-2 and ~~IC 13-14-8~~
 15 **IC 13-14-9** to implement this chapter.
 16 SECTION 49. IC 13-20.5-1-1, AS ADDED BY P.L.178-2009,
 17 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2012]: Sec. 1. (a) **"Program year", for purposes of this**
 19 **chapter, means a calendar year.**
 20 (b) A manufacturer of video display devices sold or offered for sale
 21 to households as of January 1, 2010, shall submit a registration to the
 22 department not later than:
 23 (1) April 1, 2010, for the program year that begins on April 1,
 24 2010; and
 25 (2) each immediately succeeding ~~April~~ **January 1** on which the
 26 manufacturer continues as a manufacturer of video display
 27 devices sold or offered for sale to households for the program year
 28 that begins on that ~~April~~ **January 1.**
 29 ~~(b)~~ (c) A manufacturer that begins to sell or offer for sale video
 30 display devices to households after 2009 and before April 1, 2010,
 31 shall submit a registration to the department not later than:
 32 (1) April 20, 2010, for the program year that begins on April 1,
 33 2010; and
 34 (2) each immediately succeeding ~~April~~ **January 1** on which the
 35 manufacturer continues as a manufacturer of video display
 36 devices sold or offered for sale to households for the program year
 37 that begins on that ~~April~~ **January 1.**
 38 ~~(c)~~ (d) A manufacturer that begins to sell or offer for sale video
 39 display devices to households after March 31, 2010, shall submit a
 40 registration to the department not later than:
 41 (1) twenty (20) days after the date the manufacturer begins to sell
 42 or offer for sale the video display devices for the program year in

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1 which the manufacturer begins to sell or offer for sale the video
2 display devices; and

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

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

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

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

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

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

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

23 (B) for which that data is available.

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

27 (6) A statement that discloses whether:

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

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

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

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

42 ~~(e)~~ **(f)** A manufacturer shall update the manufacturer's registration

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1 under this section not more than ten (10) days after the date the
 2 manufacturer changes the brand or brands of video display devices the
 3 manufacturer sells or offers for sale to households.

4 SECTION 50. IC 13-20.5-1-4, AS ADDED BY P.L.178-2009,
 5 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2012]: Sec. 4. (a) After 2009, a person may not operate as a
 7 collector of covered electronic devices from covered entities unless the
 8 person:

9 (1) has submitted to the department a completed registration form
 10 as required by 329 IAC 16-5-1; and

11 (2) otherwise complies with 329 IAC 16.

12 (b) A registration submitted under this section: ~~is:~~

13 (1) ~~is~~ effective upon receipt by the department; and

14 (2) ~~valid for one (1) year from the date the registration is~~
 15 ~~submitted to the department. must be submitted not later than~~
 16 **November 1 for the next program year.**

17 SECTION 51. IC 13-20.5-1-5, AS ADDED BY P.L.178-2009,
 18 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2012]: Sec. 5. (a) After 2009, a person may not recycle
 20 covered electronic devices generated by covered entities unless the
 21 person:

22 (1) has submitted to the department a completed registration form
 23 as required by 329 IAC 16-5-1; and

24 (2) otherwise complies with 329 IAC 16.

25 (b) A registered recycler may conduct recycling activities that are
 26 consistent with this article.

27 (c) A registration submitted under this section is:

28 (1) effective upon receipt by the department; and

29 (2) ~~valid for one (1) year from the date the registration is~~
 30 ~~submitted to the department. must be submitted not later than~~
 31 **November 1 for the next program year.**

32 SECTION 52. IC 13-20.5-2-1, AS ADDED BY P.L.178-2009,
 33 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (g), a
 35 manufacturer that registers under IC 13-20.5-1 shall pay to the
 36 department at the time of registration an annual registration fee. The
 37 registration fee applies for the program year for which the registration
 38 is submitted to the department. The department shall deposit the fee in
 39 the electronic waste fund established by section 3 of this chapter.

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

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1 five hundred dollars (\$2,500).

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

9 (1) The amount of the fee determined under subsection (d).

10 (2) The method of calculation of the fee.

11 (3) The due date of the fee.

12 (4) The opportunity to petition under section 2 of this chapter.

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

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

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

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

30 STEP THREE: Subtract the number of pounds determined in
31 STEP TWO from the number of pounds determined in STEP
32 ONE.

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

36 (A) Forty cents (\$0.40) per pound for manufacturers that
37 recycle less than fifty percent (50%) of the number of pounds
38 determined in STEP ONE.

39 (B) Thirty cents (\$0.30) per pound for manufacturers that
40 recycle at least fifty percent (50%) but less than ninety percent
41 (90%) of the number of pounds determined in STEP ONE.

42 (C) Twenty cents (\$0.20) per pound for manufacturers that

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1 recycle at least ninety percent (90%) of the number of pounds
2 determined in STEP ONE.

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

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

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

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

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

20 (B) recycled in Indiana.

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

33 (1) in that program year; and

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

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

39 SECTION 53. IC 13-20.5-3-1, AS ADDED BY P.L.178-2009,
40 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2012]: Sec. 1. (a) Not later than June 1 of 2011 and of each
42 immediately succeeding year, a manufacturer shall report to the

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1 department an estimate of the total weight in pounds of its video
 2 display devices sold to households during the program year that ends
 3 on the immediately preceding ~~March~~ **December** 31 based on national
 4 sales data. A manufacturer shall submit with an estimate under this
 5 subsection a description of how the information or estimate was
 6 calculated.

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

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

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

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

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

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

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

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

28 SECTION 54. IC 13-20.5-3-2, AS ADDED BY P.L.178-2009,
 29 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]: Sec. 2. Before April 1, 2011, and ~~before~~ **not later than**
 31 each April 1 thereafter, a recycler of covered electronic devices shall
 32 do the following:

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

35 (A) recycled by the recycler; and

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

37 during the immediately preceding calendar year.

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

40 ~~(2)~~ **(3) Certify that the recycler has complied with IC 13-20.5-5
 41 and 329 IAC 16.**

42 SECTION 55. IC 13-20.5-3-3, AS ADDED BY P.L.178-2009,

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1 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]: Sec. 3. Before April 1, 2011, and ~~before~~ **not later than**
3 each April 1 thereafter, a collector shall submit to the department a
4 report that contains for the immediately preceding calendar year:

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

9 SECTION 56. IC 13-20.5-4-1, AS ADDED BY P.L.178-2009,
10 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2012]: Sec. 1. A manufacturer shall in each of the
12 manufacturer's program years recycle or arrange for the collection and
13 recycling from covered entities of an amount of covered electronic
14 devices equal to at least sixty percent (60%) of the total weight of the
15 manufacturer's video display devices sold to households as reported in
16 the manufacturer's registration for the program year under
17 ~~IC 13-20.5-1-1(d)(4)~~. **IC 13-20.5-1-1(e)(4)**.

18 SECTION 57. IC 13-25-3-1 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) In response to an
20 inquiry from a person in connection with this chapter, the department
21 shall provide information that is in the department's possession
22 concerning whether a property meets any of the descriptions set forth
23 in IC 13-11-2-174 **or IC 13-11-2-193.5**.

24 (b) Neither:

- 25 (1) the state;
26 (2) the department; nor
27 (3) an employee of the department who answers an inquiry under
28 this section;

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

31 SECTION 58. IC 13-25-3-7.5, AS ADDED BY P.L.15-2006,
32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2012]: Sec. 7.5. The department shall prescribe the form of a
34 disclosure document to be completed and delivered by a transferor of
35 property under this chapter. The form must elicit at least the following
36 information:

- 37 (1) Property identification, including address, legal description,
38 and property characteristics.
39 (2) The nature of the transfer, including identities of the transferor
40 and transferee.
41 (3) Environmental information, including:
42 (A) regulatory information during the transferor's ownership;



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- 1 and
- 2 (B) site information under other ownership or operation; and
- 3 **(C) any environmental defects.**
- 4 (4) Certification by the transferor that the information submitted
- 5 on the disclosure document is true and accurate to the best of the
- 6 transferor’s knowledge and belief.
- 7 (5) Certification by the transferee that the disclosure document
- 8 was delivered with all elements completed.

9 SECTION 59. IC 13-25-3-9 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) If a disclosure
 11 document recorded under section 8(a)(1) of this chapter reports the
 12 existence of an environmental defect on a property, a person who has
 13 a financial interest in the property may record, in the same county
 14 recorder's office in which the disclosure document is recorded, a
 15 document that reports that the environmental defect has been
 16 eliminated from the property, **including the elimination of a**
 17 **restrictive covenant.**

18 (b) A professional engineer registered under IC 25-31-1 who does
 19 not have a financial interest in the property must certify a document
 20 filed under this section.

21 SECTION 60. IC 13-27-2-8 IS REPEALED [EFFECTIVE JULY 1,
 22 2012]. ~~Sec. 8. The commissioner and the clean manufacturing~~
 23 ~~technology board established by IC 13-27-5-1 shall coordinate their~~
 24 ~~efforts in the implementation of the grants program under~~
 25 ~~IC 13-27-2-10 and the pilot projects under IC 13-27-2-11.~~

26 SECTION 61. IC 13-27-2-10 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The
 28 commissioner may award grants to support and sustain pollution
 29 prevention, including clean manufacturing through reductions in the
 30 use of toxic materials in production and commerce.

31 (b) Subject to subsection (a), the commissioner may award grants
 32 for any purpose the commissioner considers appropriate, including the
 33 following:

- 34 (1) Grants to nonprofit organizations to establish free or low cost
- 35 technical assistance programs. ~~to supplement the activities of the~~
- 36 ~~Indiana clean manufacturing and safe materials institute~~
- 37 ~~established under IC 13-27-5-2.~~
- 38 (2) Grants to assist:
 - 39 (A) trade associations that represent manufacturers;
 - 40 (B) business organizations;
 - 41 (C) labor organizations; and
 - 42 (D) educational institutions;

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1 in developing training materials and making those training
 2 materials available to workers for in-plant use that will foster
 3 clean manufacturing.

4 (3) Grants to assist:

- 5 (A) industry;
- 6 (B) business organizations;
- 7 (C) educational institutions;
- 8 (D) labor organizations; and
- 9 (E) local units of government;

10 in establishing programs or materials to train and assist personnel
 11 in developing methods to measure and plan for pollution
 12 prevention.

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

- 16 (A) environmental auditors;
- 17 (B) engineers; and
- 18 (C) industrial hygienists;

19 to identify, evaluate, and implement pollution prevention
 20 measures and alternatives in audits, plans, and programs.

21 (5) Grants to any organization for generic research and
 22 development, pilot tests, and demonstration projects that:

- 23 (A) involve commonly used manufacturing processes or
 24 materials; and
- 25 (B) will produce results that will be of use to manufacturers
 26 other than manufacturers that may be involved in the research
 27 and development, pilot tests, or demonstration projects.

28 (c) The commissioner may require that a grantee provide matching
 29 money for a grant awarded under this section.

30 (d) Grant money awarded under this section may not be spent for
 31 capital improvements or equipment.

32 (e) The money for grants awarded under this section must come
 33 from money appropriated to the department for the purposes of this
 34 section.

35 ~~(f) The commissioner shall consult with the Indiana clean
 36 manufacturing and safe materials institute established by IC 13-27.5-2
 37 in the implementation of this section:~~

38 SECTION 62. IC 13-27-2-11 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. ~~(a)~~ The division
 40 shall sponsor pilot projects to develop and demonstrate innovative
 41 techniques for clean manufacturing. The results of pilot projects
 42 sponsored under this section shall be made available for use by the

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1 public. However, information about a pilot project that is considered
 2 proprietary by a manufacturer involved in the pilot project may not be
 3 disclosed to the public.

4 ~~(b) The division shall consult with the Indiana clean manufacturing
 5 and safe materials institute established by IC 13-27.5-2 in the
 6 implementation of this section:~~

7 SECTION 63. IC 13-27-7-2 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Guidance
 9 documents, technical assistance manuals, and policies developed or
 10 used in implementing programs under this article are not binding on
 11 participating businesses.

12 (b) Subject to subsection (e), the air pollution control board, the
 13 water pollution control board, the solid waste management board, or
 14 the department may not do the following:

15 (1) Subject to IC 13-14-1-11.5, incorporate documents, manuals,
 16 or policies developed under this article into rules adopted under
 17 IC 4-22-2.

18 (2) Adopt rules under IC 4-22-2 requiring business
 19 implementation of pollution prevention practices or of clean
 20 manufacturing by means of any of the following:

21 (A) Permit conditions.

22 (B) Enforcement actions.

23 (C) Other department actions.

24 (c) Subsection (b) only applies to pollution prevention as defined in
 25 this title.

26 (d) Subsection (b) does not apply to authority granted under federal
 27 law to implement pollution prevention as defined under any of the
 28 following:

29 (1) Federally delegated air, water, solid waste, and other
 30 programs.

31 (2) Guidance documents developed to implement programs
 32 described in subdivision (1).

33 (3) Programs established under IC 13-20-3, IC 13-20-22, or
 34 IC 13-21.

35 (e) ~~The department shall do the following:~~

36 ~~(1) present pollution prevention as an option to businesses in any
 37 of the following:~~

38 ~~(A) (1) Permit conditions.~~

39 ~~(B) (2) Enforcement actions.~~

40 ~~(C) (3) Other department actions.~~

41 ~~(2) Direct manufacturers to the clean manufacturing technology
 42 and safe materials institute for technical assistance in clean~~

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1 ~~manufacturing.~~
2 SECTION 64. IC 13-27.5 IS REPEALED [EFFECTIVE JULY 1,
3 2012]. (Clean Manufacturing Technology and Safe Materials).
4 SECTION 65. IC 13-28-3-2, AS AMENDED BY P.L.12-2005,
5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2012]: Sec. 2. (a) The assistance program established under
7 this chapter shall do the following:
8 (1) Designate an individual to serve as a liaison and ombudsman
9 to the regulated community to assist the regulated community
10 with specific regulatory or permit matters pending with the
11 department.
12 (2) Provide assistance to new and existing businesses and small
13 municipalities in identifying:
14 (A) applicable environmental rules and regulations; and
15 (B) permit requirements;
16 that apply to new and existing businesses and small
17 municipalities.
18 (3) Develop and distribute educational materials regarding:
19 (A) environmental requirements;
20 (B) compliance methods;
21 (C) voluntary environmental audits;
22 (D) pollution control technologies; and
23 (E) other compliance issues;
24 including standardized forms and procedures for completing
25 permit applications.
26 (4) Provide public outreach and training sessions in cooperation
27 with representatives of the business and municipal communities
28 regarding existing and future state and federal environmental
29 requirements.
30 (5) Develop and operate a clearinghouse to respond to inquiries
31 from businesses and municipalities concerning applicable
32 environmental rules, regulations, and requirements.
33 (6) Provide technical assistance concerning pollution control
34 techniques to local and state governmental entities and businesses
35 and distribute educational materials regarding pollution
36 prevention developed by the pollution prevention division
37 established by IC 13-27-2-1.
38 (7) Provide administrative and technical support for the
39 compliance advisory panel established by ~~IC 13-13-7-2.~~ **section**
40 **7 of this chapter.**
41 (8) Conduct other activities as required to:
42 (A) improve regulatory compliance; and

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1 (B) promote cooperation and assistance in meeting
2 environmental requirements.

3 (b) The assistance program may establish limited onsite assistance
4 to provide compliance information to a small business or small
5 municipality, subject to the confidentiality provisions of section 4 of
6 this chapter. The assistance program may use money from the
7 environmental management special fund to implement this subsection.
8 The assistance program may limit the number of inspections per year
9 and restrict onsite assistance to specific programs.

10 SECTION 66. IC 13-28-3-7 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2012]: **Sec. 7. (a) The compliance advisory panel is established to**
13 **carry out the duties prescribed under Section 507 of the federal**
14 **Clean Air Act (42 U.S.C. 7661f). The panel consists of seven (7)**
15 **members appointed as follows:**

16 (1) **Two (2) members appointed by the governor who are not**
17 **owners or representatives of owners of small business**
18 **stationary sources, to represent the public.**

19 (2) **Four (4) members of the general assembly who are owners**
20 **of or who have an interest in small business stationary**
21 **sources, including:**

22 (A) **two (2) members appointed by the president pro**
23 **tempore of the senate with the advice of the minority**
24 **leader of the senate; and**

25 (B) **two (2) members appointed by the speaker of the house**
26 **of representatives with the advice of the minority leader of**
27 **the house of representatives.**

28 (3) **One (1) member appointed by the commissioner.**

29 (b) **The following restrictions apply to political party**
30 **membership of panel members appointed under subsection (a):**

31 (1) **The two (2) members of the senate appointed to the panel**
32 **may not be members of the same political party.**

33 (2) **The two (2) members of the house of representatives**
34 **appointed to the panel may not be members of the same**
35 **political party.**

36 (c) **The terms of the members of the panel are as follows:**

37 (1) **Except as provided in subdivision (3), the term of a**
38 **member appointed by the senate or house of representatives**
39 **expires upon the expiration of the term the member is serving**
40 **in the senate or house of representatives when the member is**
41 **appointed to the panel.**

42 (2) **Except as provided in subdivision (3), the term of a**

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1 member appointed by the governor or the commissioner is
 2 four (4) years.
 3 (3) The term of a member who is a member of the senate or
 4 house of representatives continues until the member's
 5 successor on the panel is appointed.
 6 (d) A vacancy on the panel for a position under subsection (a)
 7 shall be filled through appointment by the appointing authority.
 8 An appointment under this subsection is for the remainder of the
 9 unexpired term.
 10 (e) Per diem and expenses for members of the panel are as
 11 follows:
 12 (1) A member of the panel appointed under subsection (a)(1)
 13 who is not a state employee is entitled to receive:
 14 (A) the minimum salary per diem provided by
 15 IC 4-10-11-2.1(b); and
 16 (B) reimbursement for traveling expenses and other
 17 expenses actually incurred in connection with the
 18 member's duties, as provided in the state policies and
 19 procedures established by the Indiana department of
 20 administration and approved by the budget agency.
 21 (2) A member of the panel appointed under subsection (a)(2)
 22 is entitled to receive the same per diem, mileage, and travel
 23 allowances paid to a member of the general assembly serving
 24 on an interim study committee established by the legislative
 25 council.
 26 (3) A member of the panel appointed under subsection (a)(3)
 27 serves on the panel without additional compensation.
 28 (f) The chairman of the legislative council shall appoint a
 29 legislative member of the compliance advisory panel to serve as
 30 chairman of the panel. The individual appointed under this
 31 subsection serves at the pleasure of the chairman of the legislative
 32 council.

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