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# HOUSE BILL No. 1108

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-20-10.

**Synopsis:** Approval of commercial composting facilities. Provides that a person may operate a commercial composting facility located within 1,000 feet of a residential, commercial, or public structure only if the person registers the composting facility with the department of environmental management. Establishes a procedure for the processing of an application for registration of a commercial composting facility, including a public hearing, published and written notice of the public hearing, and the review of written remonstrances received after the public hearing. Allows for the resubmission of an application if the department initially disapproves an application. Requires the operator of a commercial composting facility whose application is approved to provide advance written notice of the date operations will commence at the facility to all owners of property adjoining the facility. Provides for the renewal of the registration of a commercial composting facility.

**Effective:** July 1, 2012.

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

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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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# HOUSE BILL No. 1108



A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 13-20-10-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This chapter
- 3 applies to:
- 4 (1) composting of vegetative matter resulting from landscaping
- 5 maintenance and land clearing projects; **and**
- 6 (2) **a commercial composting facility that is or would be**
- 7 **located within one thousand (1,000) feet of a residential,**
- 8 **commercial, or public structure.**
- 9 (b) This chapter does not apply to the following:
- 10 (1) A person who conducts a composting operation at the person's
- 11 residence or farm for vegetative matter and other types of organic
- 12 material that are:
- 13 (A) generated by the person's activities; and
- 14 (B) stored, treated, or disposed of at the person's residence or
- 15 farm.
- 16 (2) A person who conducts a composting operation that processes
- 17 less than two thousand (2,000) pounds of vegetative matter during



1 a year.

2 (3) Temporary stores of vegetative matter where only an  
3 incidental amount of composting will occur before removal of the  
4 matter.

5 SECTION 2. IC 13-20-10-2 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A person may  
7 operate:

8 (1) a composting facility for vegetative matter; or

9 (2) a commercial composting facility described in section  
10 1(a)(2) of this chapter;

11 only if the person registers the composting facility with the department.

12 SECTION 3. IC 13-20-10-3.1 IS ADDED TO THE INDIANA  
13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2012]: Sec. 3.1. (a) This section applies only  
15 to a commercial composting facility described in section 1(a)(2) of  
16 this chapter.

17 (b) To register a commercial composting facility, a person must  
18 submit to the department an application that contains the  
19 following:

20 (1) A legal description and topographic map of the site on  
21 which the commercial composting facility will be located.

22 (2) A description of the commercial composting facility that  
23 indicates the area to be served by the composting operation.

24 (3) An estimate of the volume of materials that will be  
25 processed annually by the commercial composting facility.

26 (4) Any additional information that the solid waste  
27 management board requires by rule.

28 A person may amend and resubmit an application that is  
29 disapproved by the department. The department may require an  
30 applicant to submit additional information.

31 (c) The department shall establish a process for the review and  
32 approval or disapproval of an application to register a commercial  
33 composting facility. The process must include:

34 (1) conducting a public hearing in the county where the  
35 facility will operate;

36 (2) providing notice under subsection (d) not later than thirty  
37 (30) days before the scheduled public hearing;

38 (3) reviewing written remonstrances received not more than  
39 thirty (30) days after the public hearing; and

40 (4) maintaining a public record of all testimony received  
41 during the hearing and remonstrance period.

42 (d) The department shall provide notice of a public hearing to

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1 be conducted under subsection (c) in a newspaper of countywide  
 2 circulation in the county in which the commercial composting  
 3 facility is proposed to be located. The notice must include:  
 4 (1) the date, time, and place of the public hearing;  
 5 (2) the subject matter of the public hearing;  
 6 (3) the name, business address, and federal identification  
 7 number (if any) of the owner and operator of the proposed  
 8 commercial composting facility; and  
 9 (4) a statement that indicates:  
 10 (A) the proposed types of materials to be processed at the  
 11 commercial composting facility; and  
 12 (B) the areas or states of origination of the materials.

13 The department shall also provide written notice of the public  
 14 hearing by certified mail to all owners of property adjoining the  
 15 location of the proposed commercial composting facility.

16 (e) A person whose application to register a commercial  
 17 composting facility is approved by the department must give  
 18 written notice of the date operations will commence at the facility  
 19 to all owners of property adjoining the facility not later than thirty  
 20 (30) days before the facility commences operation.

21 SECTION 4. IC 13-20-10-8 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. A registration under  
 23 this chapter:

24 (1) expires five (5) years after the date the composting facility for  
 25 vegetative matter **or commercial composting facility** is  
 26 registered; and  
 27 (2) may be renewed by the person who registered the composting  
 28 facility if the person applies to the department.

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