



January 24, 2012

# SENATE BILL No. 131

DIGEST OF SB 131 (Updated January 20, 2012 11:29 am - DI 118)

**Citations Affected:** IC 13-11; IC 13-13; IC 13-14; IC 13-18; IC 13-19; IC 13-20; IC 13-20.5; IC 13-25; IC 13-27; IC 13-27.5; IC 13-28.

**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. 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. Allows the department of environmental management (department) to issue a septage management permit that incorporates approval of a land application site. Requires the solid waste management board to adopt certain rules under rulemaking procedures. 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  
(Continued next page)

**Effective:** July 1, 2012.

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**Gard, Charbonneau, Tallian**

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January 4, 2012, read first time and referred to Committee on Energy and Environmental Affairs.  
January 23, 2012, amended, reported favorably — Do Pass.

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provisions. Exempts a person that obtains a certificate of registration from having to obtain a solid waste processing facility permit: (1) for activities covered under the registration; or (2) if the person stores or processes waste tires in a facility according to certain regulations. 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 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) 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 for both the council and the panel.

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January 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.

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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

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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: Sec. 72. "Environmental wastes", for purposes of  
 18 IC 13-27, and IC 13-27.5, means all environmental pollutants, wastes,  
 19 discharges, and emissions, regardless of:  
 20 (1) whether or how they are regulated; and  
 21 (2) whether they are released to the general environment or the  
 22 workplace environment.  
 23 SECTION 5. IC 13-11-2-110 IS REPEALED [EFFECTIVE JULY  
 24 1, 2012]. Sec. 110. "Institute", for purposes of IC 13-27 and IC 13-27.5,  
 25 refers to the Indiana clean manufacturing technology and safe materials  
 26 institute.  
 27 SECTION 6. IC 13-11-2-126, AS AMENDED BY P.L.178-2009,  
 28 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2012]: Sec. 126. (a) "Manufacturer", for purposes of  
 30 IC 13-20-16, means a person who is engaged in the business of making  
 31 lead acid batteries:  
 32 (1) in Indiana; or  
 33 (2) for sale in Indiana.  
 34 (b) "Manufacturer", for purposes of IC 13-27.5, means a  
 35 manufacturer in Indiana operating under standard industrial  
 36 classification codes twenty (20) through thirty-nine (39) in the Standard  
 37 Industrial Classification Manual of the United States Office of  
 38 Management and Budget.  
 39 (c) (b) "Manufacturer", for purposes of sections 179.9, 180.1, 195.7,  
 40 and 245.4 of this chapter and IC 13-20.5, means a person that:  
 41 (1) manufactures video display devices to be sold under the  
 42 person's own brand or a brand the person licenses as identified by

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

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

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

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

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

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

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

33 SECTION 9. IC 13-11-2-151.6, AS ADDED BY P.L.12-2005,  
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2012]: Sec. 151.6. "Panel", for purposes of ~~IC 13-13-7~~  
 36 **IC 13-28-3**, refers to the compliance advisory panel established by  
 37 ~~IC 13-13-7-2~~ **IC 13-28-3-7**.

38 SECTION 10. IC 13-11-2-154.5 IS ADDED TO THE INDIANA  
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2012]: **Sec. 154.5. "Passenger tire**  
 41 **equivalent"**, for purposes of this chapter and IC 13-20-13, has the  
 42 meaning set forth in IC 13-20-13-1.



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

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

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

8 SECTION 12. IC 13-11-2-195.7, AS ADDED BY P.L.178-2009,  
 9 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2012]: Sec. 195.7. (a) "Sale" or "sell", for purposes of sections  
 11 ~~126(e)~~ **126(b)** and 194(c) of this chapter and IC 13-20.5, means a  
 12 transfer for consideration of title or of the right to use by a:

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

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

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

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

32 SECTION 14. IC 13-11-2-246 IS REPEALED [EFFECTIVE JULY  
 33 1, 2012]. Sec. 246. "Waste exchange"; for purposes of ~~IC 13-27~~ and  
 34 ~~IC 13-27.5~~, means a method of end-of-pipe management of  
 35 environmental wastes that involves the transfer of environmental  
 36 wastes between:

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

40 for recovery or to serve a productive purpose.

41 SECTION 15. IC 13-11-2-249.5 IS REPEALED [EFFECTIVE  
 42 JULY 1, 2012]. Sec. 249.5. "Waste shifting"; for purposes of

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1 IC 13-27.5; means the transfer of an environmental waste from one (1)  
2 environmental medium to:

- 3 (1) another environmental medium;  
4 (2) the workplace environment; or  
5 (3) a product.

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

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

- 15 (1) a site at which at least one thousand (1,000) ~~waste tires~~  
16 **passenger tire equivalents** are accumulated outdoors or within  
17 a structure that is not completely enclosed; or  
18 (2) a site at which at least two thousand (2,000) ~~waste tires~~  
19 **passenger tire equivalents** are accumulated indoors within a  
20 completely enclosed structure.

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

- 25 (1) accepting waste tires; ~~from retailers;~~ and  
26 (2) transporting the waste tires to one (1) or more other locations.

27 SECTION 19. IC 13-13-7-2 IS REPEALED [EFFECTIVE JULY 1,  
28 2012]. ~~Sec. 2: The compliance advisory panel is established as a~~  
29 ~~committee of the council.~~

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

35 ~~(b)~~ **(a)** The appointed members of the council ~~and the panel~~ are  
36 appointed as follows:

- 37 (1) The president pro tempore of the senate shall appoint **the**  
38 **members of a senate standing committee.**  
39 ~~(A) to serve as members of both the council and the panel; two (2)~~  
40 ~~members of the senate who:~~

- 41 ~~(i) are not affiliated with the same political party; and~~  
42 ~~(ii) are owners of, or have an interest in, small business~~



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- 1 stationary sources; and  
 2 (B) to serve as members of the council; two (2) other members  
 3 of the senate who are not affiliated with the same political  
 4 party.  
 5 (2) The speaker of the house of representatives shall appoint **the**  
 6 **members of a house of representatives standing committee.**  
 7 (A) to serve as members of both the council and the panel; two  
 8 (2) members of the house of representatives who:  
 9 (i) are not affiliated with the same political party; and  
 10 (ii) are owners of, or have an interest in; small business  
 11 stationary sources; and  
 12 (B) to serve as members of the council; two (2) other members  
 13 of the house of representatives who are not affiliated with the  
 14 same political party.  
 15 (3) The governor shall appoint as members individuals who are  
 16 not members of the general assembly as follows:  
 17 (A) To the council; two (2) individuals to represent business  
 18 and industry; not more than one (1) of whom may be affiliated  
 19 with the same political party.  
 20 (B) To the council; two (2) individuals to represent local  
 21 government; not more than one (1) of whom may be a solid  
 22 waste management district director and not more than one (1)  
 23 of whom may be affiliated with the same political party.  
 24 (C) To the council; subject to clause (F); Two (2) individuals  
 25 to represent environmental interests; not more than one (1) of  
 26 whom may be a solid waste management district director and  
 27 not more than one (1) of whom may be affiliated with the same  
 28 political party.  
 29 (D) To the council; two (2) individuals to represent the  
 30 following interests:  
 31 (i) One (1) representative of semipublic permittees.  
 32 (ii) One (1) representative of agriculture.  
 33 (E) To both the council and the panel; one (1) individual to  
 34 represent the public who is not:  
 35 (i) an owner of a small business stationary source; or  
 36 (ii) a representative of owners of small business stationary  
 37 sources.  
 38 (F) To the panel to represent the public; one (1) individual  
 39 appointed to the council under clause (C) who is not:  
 40 (i) an owner of a small business stationary source; or  
 41 (ii) a representative of owners of small business stationary  
 42 sources.

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1 **The president pro tempore of the senate and the speaker of the**  
 2 **house of representatives shall determine which standing committee**  
 3 **of the senate and the house of representatives, respectively, has**  
 4 **subject matter jurisdiction that most closely relates to the council.**

5 ~~(c) (b)~~ The commissioner or commissioner's designee serves as a  
 6 nonvoting member of the council. ~~and as a member of the panel:~~

7 SECTION 21. IC 13-13-7-5 IS REPEALED [EFFECTIVE JULY 1,  
 8 2012]. Sec. 5: (a) If a vacancy occurs among the members of the  
 9 council or panel, the appointing authority of the member whose  
 10 position is vacant shall fill the vacancy by appointment:

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

15 (c) Subsection (b) does not apply to a member of the council who is  
 16 also a member of the panel:

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

21 ~~(1)~~ a legislative member of the council to be the chair of the  
 22 council. ~~and~~

23 ~~(2)~~ a legislative member of the panel to be the chair of the panel:

24 SECTION 23. IC 13-13-7-8 IS REPEALED [EFFECTIVE JULY 1,  
 25 2012]. Sec. 8: The chair of the panel shall call for the panel to meet at  
 26 least one ~~(1)~~ time during a calendar year. A meeting of the panel during  
 27 the calendar year may be held only on a date on which the council  
 28 meets:

29 SECTION 24. IC 13-13-7-10 IS REPEALED [EFFECTIVE JULY  
 30 1, 2012]. Sec. ~~10~~: The panel:

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

33 ~~(2)~~ is not required to submit an annual report to the legislative  
 34 council:

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

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



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1 legislative council.

2 SECTION 27. IC 13-14-1-1 IS REPEALED [EFFECTIVE JULY 1,  
3 2012]. Sec. 1: (a) Subject to subsection (c), the department shall  
4 establish a solid and hazardous waste materials exchange to provide for  
5 the exchange of information between interested persons concerning the  
6 following:

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

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

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

13 (b) The solid and hazardous waste materials exchange created under  
14 subsection (a) may be operated under one (1) or more reciprocity  
15 agreements allowing for the exchange of information described in  
16 subsection (a) for similar information from programs operated in other  
17 states.

18 (c) The department may contract with a private organization for:

19 (1) the establishment;

20 (2) the operation; or

21 (3) both the establishment and the operation;

22 of the solid and hazardous waste materials exchange.

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

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

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

36 (b) A person may not engage in:

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

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

41 (c) A person may not operate a vehicle for the transportation of  
42 septage without a septage management vehicle identification number



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issued under this chapter.

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

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

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

SECTION 30. IC 13-18-12-4, AS AMENDED BY P.L.159-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The board shall, in accordance with ~~IC 13-14-8~~ **IC 13-14-9**, adopt rules to establish the following:

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

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

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

- (1) septage management permits; **and**
- ~~(2) septage management vehicle identification numbers; and~~
- ~~(3)~~ (2) land application site approvals;

under this chapter.  
(b) A permit fee may not exceed one hundred dollars (\$100) per year.

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

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

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

- (1) Violation of a requirement of this chapter, rules adopted under this chapter, a permit, ~~an identification number~~, or an approval.
- (2) Failure to disclose all relevant facts.
- (3) A misrepresentation made in obtaining the permit ~~identification number~~, or approval.
- (4) Failing to meet the qualifications for a permit ~~an identification number~~, or an approval or failing to comply with the requirements of the water pollution control laws or rules adopted by the board.
- (5) Changes in circumstances relating to the permit ~~identification number~~, or approval that require either a temporary or permanent reduction in the discharge of contaminants.

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

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

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:~~

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1           (1) thirty-five percent (35%) before January 1, 1996; and  
 2           (2) fifty percent (50%) before January 1, 2001;  
 3 through the application and encouragement of solid waste source  
 4 reduction, recycling, and other alternatives to incineration and landfill  
 5 disposal: **encourage solid waste source reduction, recycling, and**  
 6 **other alternatives to conserve environmental resources. The**  
 7 **department shall produce an annual report on the state of the**  
 8 **environment.**

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

15           SECTION 36. IC 13-20-8-2 IS REPEALED [EFFECTIVE JULY 1,  
 16 2012]. Sec. 2: The rules adopted by the board under this chapter must  
 17 establish requirements for applications for incinerator permits to be  
 18 issued under this chapter. The rules must require that an application  
 19 include the following:

- 20           (1) An engineering description of the following:  
 21               (A) The proposed incinerator;  
 22               (B) All related solid waste processing and pollution control  
 23               equipment;  
 24           (2) A description of the operating characteristics of the proposed  
 25           incinerator;  
 26           (3) A narrative comparing the emissions of the proposed  
 27           incinerator with those of other proven and operating incinerator  
 28           designs;  
 29           (4) A description of control and air monitoring instrumentation  
 30           for the proposed incinerator;  
 31           (5) A description of safety, testing, and maintenance procedures  
 32           for the proposed incinerator, including:  
 33               (A) emergency shutdown if a system malfunctions;  
 34               (B) a maintenance schedule; and  
 35               (C) emissions testing and reporting;  
 36           (6) A pre-operational emissions test plan for the proposed  
 37           incinerator, including methods of stack sampling and analysis; to  
 38           establish that the incinerator meets regulatory emission standards.

39           SECTION 37. IC 13-20-8-3 IS REPEALED [EFFECTIVE JULY 1,  
 40 2012]. Sec. 3: The rules adopted by the board under this chapter  
 41 concerning the operation of incinerators must require compliance with  
 42 applicable air pollution control standards and must include the



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1 following provisions:

2 (1) Control levels for acid gas; sulfur dioxide; oxides of nitrogen;  
3 hydrocarbons; particulates; and other contaminants for which  
4 control levels are established by the air pollution control board or  
5 the solid waste management board.

6 (2) Requirements for the sampling and analysis of incineration  
7 residues.

8 (3) Pre-operational requirements:

9 (4) Requirements for operational safeguards to ensure exclusion  
10 from the incinerator of any hazardous wastes subject to regulation  
11 under IC 13-22.

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

16 (1) Post-construction adjustment and testing.

17 (2) Performing the pre-operational emissions test required under  
18 section 5 of this chapter.

19 SECTION 39. IC 13-20-8-6 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A permit issued  
21 under this chapter for the operation of an incinerator must include:

22 (1) a provision requiring the permit holder to notify the  
23 department and appropriate local government officials of:

24 (A) any release of a contaminant in a quantity exceeding a  
25 control level established under section 3 of this chapter; **in a**  
26 **permit issued under IC 13-17;**

27 (B) any violation of operating requirements established in the  
28 permit;

29 (C) any unscheduled shutdown of the incinerator or associated  
30 equipment; or

31 (D) any damage to the incinerator or associated equipment that  
32 could, if unrepaired, result in a release of a contaminant in a  
33 quantity exceeding a control level established under section 3  
34 of this chapter; **in a permit issued under IC 13-17;** and

35 (2) a provision requiring that the notification be given not later  
36 than twenty-four (24) hours after the permit holder learns of the  
37 release, violation, shutdown, or damage.

38 SECTION 40. IC 13-20-8-8 IS REPEALED [EFFECTIVE JULY 1,  
39 2012]. Sec. 8. A permit is not required under this chapter for the  
40 incineration of a solid waste in an incinerator operated as a hazardous  
41 waste facility under IC 13-22 if the permit issued for the incinerator  
42 under IC 13-22 authorizes the incineration of the solid waste in the

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incinerator.

SECTION 41. IC 13-20-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a) As used in this chapter, "passenger tire equivalent" means a unit of waste tire material weighing twenty (20) pounds, whether the waste tire material is comprised of one (1) or more whole tires or one (1) or more altered tires.**

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

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

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- 1 waste tire removal, in an amount specified in rules adopted by the
- 2 board under section 11(b)(3) of this chapter.
- 3 (4) Maintain a copy of the certificate of registration at the site.
- 4 (5) Comply with applicable rules and requirements established by
- 5 the fire prevention and building safety commission for indoor
- 6 waste tire storage sites.
- 7 (6) Retain a copy of manifests received from a waste tire
- 8 transporter under IC 13-20-14 for at least one (1) year and make
- 9 a copy of the manifests available to the department upon request.
- 10 SECTION 43. IC 13-20-13-8, AS AMENDED BY P.L.204-2007,
- 11 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2012]: Sec. 8. (a) Except as provided in subsection (d)(2),
- 13 (d)(3), (d)(6), and (d)(7), the waste tire management fund is established
- 14 for the following purposes:
- 15 (1) The department may use not more than thirty-five percent
- 16 (35%) of the money deposited in the fund each year for:
- 17 (A) the removal and disposal of waste tires from sites where
- 18 the waste tires have been disposed of improperly; and
- 19 (B) operating the waste tire education program under section
- 20 15 of this chapter.
- 21 (2) The department may use the remaining money deposited in
- 22 the fund each year to:
- 23 (A) provide grants and loans under section 9(b) of this chapter
- 24 to entities involved in waste tire management activities; and
- 25 (B) pay the expenses of administering the programs described
- 26 in:
- 27 (i) subdivision (1)(B); and
- 28 (ii) clause (A).
- 29 (b) The expenses of administering the fund shall be paid from
- 30 money in the fund.
- 31 (c) Money in the fund at the end of a state fiscal year does not revert
- 32 to the state general fund.
- 33 (d) Sources of money for the fund are the following:
- 34 (1) Fees paid under section 4(a)(6) of this chapter and
- 35 ~~IC 13-20-14-5(e)~~. **IC 13-20-14-5(c)**.
- 36 (2) Fees collected under section 7 of this chapter. All money
- 37 deposited in the fund under this subdivision may be used by the
- 38 department for waste reduction, recycling, removal, or
- 39 remediation projects.
- 40 (3) Costs and damages recovered from a person or other entity
- 41 under section 14 of this chapter or IC 13-20-14-8. All money
- 42 deposited in the fund under this subdivision may be used by the

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- 1 department for removal and remediation projects.
- 2 (4) Fees established by the general assembly for the purposes of
- 3 this chapter.
- 4 (5) Appropriations made by the general assembly.
- 5 (6) Gifts and donations intended for deposit in the fund. A gift or
- 6 donation deposited in the fund under this subdivision may be
- 7 specified to be entirely for the use of the department.
- 8 (7) Civil penalties collected under IC 13-30-4 for violations of:
- 9 (A) this chapter;
- 10 (B) IC 13-20-14; and
- 11 (C) rules adopted under section 11 of this chapter and
- 12 IC 13-20-14-6.

13 All money deposited in the fund under this subdivision may be  
 14 used by the department for eligible projects.

15 SECTION 44. IC 13-20-13-12 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. ~~A waste tire that is~~  
 17 ~~stored at a facility that:~~

- 18 ~~(1) does not process waste tires; or~~
- 19 ~~(2) processes waste tires by cutting or shredding the waste tires;~~  
 20 ~~is not solid waste if the facility is registered under this chapter and the~~  
 21 ~~waste tires are stored in accordance with this chapter and rules adopted~~  
 22 ~~under this chapter. A person that obtains a certificate of registration~~  
 23 ~~under this chapter is not required to obtain a solid waste~~  
 24 ~~processing facility permit referred to in section 2 of this chapter:~~  
 25 **(1) for activities covered under the registration, including the:**  
 26 **(A) baling;**  
 27 **(B) transferring;**  
 28 **(C) cutting; or**  
 29 **(D) shredding;**  
 30 **of waste tires; or**  
 31 **(2) if the person stores or processes waste tires in a facility in**  
 32 **accordance with this chapter and the rules adopted under this**  
 33 **chapter.**

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

- 38 (1) Delivery to a wholesaler or to an agent of a wholesaler.
- 39 (2) Delivery to a manufacturer of tires.
- 40 (3) Delivery to a facility that **retreads tires.**
- 41 ~~(A) recycles tires; or~~
- 42 ~~(B) collects tires for delivery to a recycling facility.~~

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

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

4 (6) Delivery to a facility operated as a **registered** waste tire  
5 cutting facility under a permit issued by the commissioner.  
6 **processing operation.**

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

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

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

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

21 (1) The person's name.

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

23 (3) The addresses of any offices maintained by the person in  
24 Indiana.

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

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

31 (B) a negotiable certificate of deposit; or

32 (C) a negotiable letter of credit;

33 payable to the department and conditional upon faithful  
34 performance of the requirements of this chapter and the  
35 registration.

36 ~~(e)~~ (b) The rules adopted under section 6 of this chapter must adopt  
37 a manifest form and require a waste tire transporter to prepare and  
38 carry a manifest based upon that form each time a waste tire transporter  
39 transports waste tires. The format and wording of the form must require  
40 a waste tire transporter to enter information in each manifest indicating  
41 the source and number of waste tires to be transported and the  
42 destination to which the waste tires are transported.

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1 (d) Until the rules prescribing a manifest form are adopted under  
 2 subsection (c), a waste tire transporter may use a manifest form  
 3 designed by the waste tire transporter. A form designed and used under  
 4 this subsection must meet the format and wording requirements set  
 5 forth in subsection (c).

6 (e) A person who acts as a waste tire transporter in Indiana shall  
 7 pay an annual registration fee of twenty-five dollars (\$25) that shall be  
 8 deposited in the waste tire management fund and appropriated to the  
 9 department for the department's use in providing for the removal and  
 10 disposal of waste tires from sites where the waste tires have been  
 11 disposed of improperly.

12 (f) A waste tire transporter shall do the following:

13 (1) Retain a copy of a manifest described under this section for at  
 14 least one (1) year.

15 (2) Make a copy of a manifest described under this section  
 16 available to the department upon request.

17 (3) Report annually to the department the number of ~~waste tires~~  
 18 **passenger tire equivalents** transported by the waste tire  
 19 transporter.

20 (4) Maintain financial assurance acceptable to the department in  
 21 accordance with subsection ~~(b)(4)~~: **(a)(4)**.

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

24 (1) this chapter; and

25 (2) rules adopted by the board under this chapter;

26 including a compliance schedule.

27 (h) The department may deny an application to register under  
 28 this chapter if:

29 (1) the application is incomplete;

30 (2) the applicant has failed to comply with the requirements of:

31 (A) this chapter;

32 (B) IC 13-20-13; or

33 (C) a rule adopted by the board under section 6 of this chapter  
 34 or under IC 13-20-13-11; or

35 (3) an enforcement action is pending against the applicant.

36 SECTION 47. IC 13-20-14-5.3 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.3. A person that is the  
 38 source of more than twelve (12) waste tires per year, **or the equivalent**  
 39 **in passenger tire equivalents**, including tire retailers, auto salvagers,  
 40 and sellers of used tires, shall:

41 (1) retain a copy of manifests received from a waste tire  
 42 transporter under section 5 of this chapter for at least one (1) year;

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1 and  
 2 (2) make a copy of the manifests available to the department upon  
 3 request.  
 4 SECTION 48. IC 13-20-14-6 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The solid waste  
 6 management board shall adopt rules under IC 4-22-2 and ~~IC 13-14-8~~  
 7 **IC 13-14-9** to implement this chapter.  
 8 SECTION 49. IC 13-20.5-1-1, AS ADDED BY P.L.178-2009,  
 9 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2012]: Sec. 1. (a) **"Program year", for purposes of this**  
 11 **chapter, means a calendar year.**  
 12 (b) A manufacturer of video display devices sold or offered for sale  
 13 to households as of January 1, 2010, shall submit a registration to the  
 14 department not later than:  
 15 (1) April 1, 2010, for the program year that begins on April 1,  
 16 2010; and  
 17 (2) each immediately succeeding ~~April~~ **January 1** on which the  
 18 manufacturer continues as a manufacturer of video display  
 19 devices sold or offered for sale to households for the program year  
 20 that begins on that ~~April~~ **January 1**.  
 21 (b) (c) A manufacturer that begins to sell or offer for sale video  
 22 display devices to households after 2009 and before April 1, 2010,  
 23 shall submit a registration to the department not later than:  
 24 (1) April 20, 2010, for the program year that begins on April 1,  
 25 2010; and  
 26 (2) each immediately succeeding ~~April~~ **January 1** on which the  
 27 manufacturer continues as a manufacturer of video display  
 28 devices sold or offered for sale to households for the program year  
 29 that begins on that ~~April~~ **January 1**.  
 30 (c) (d) A manufacturer that begins to sell or offer for sale video  
 31 display devices to households after March 31, 2010, shall submit a  
 32 registration to the department not later than:  
 33 (1) twenty (20) days after the date the manufacturer begins to sell  
 34 or offer for sale the video display devices for the program year in  
 35 which the manufacturer begins to sell or offer for sale the video  
 36 display devices; and  
 37 (2) each immediately succeeding ~~April~~ **January 1** on which the  
 38 manufacturer continues as a manufacturer of video display  
 39 devices sold or offered for sale to households for the program year  
 40 that begins on that ~~April~~ **January 1**.  
 41 (d) (e) A registration submitted under this section must include the  
 42 following:

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- 1 (1) A list of the brands of video display devices offered for sale in
- 2 Indiana by the manufacturer, regardless of whether the
- 3 manufacturer owns or licenses the brand.
- 4 (2) The name, address, and contact information of a person
- 5 responsible for ensuring compliance with this article. The
- 6 department shall post the contact information provided by each
- 7 manufacturer on an Internet web site.
- 8 (3) A certification that the manufacturer or the manufacturer's
- 9 agent has complied and will continue to comply with the
- 10 requirements of this article.
- 11 (4) An estimate based on national sales data of the total weight in
- 12 pounds of the manufacturer's video display devices sold to
- 13 households during the most recent twelve (12) months:
- 14 (A) that precede the date of registration; and
- 15 (B) for which that data is available.
- 16 (5) A demonstration of how the manufacturer plans in the
- 17 program year for which the registration is submitted to meet the
- 18 recycling goal stated in IC 13-20.5-4-1.
- 19 (6) A statement that discloses whether:
- 20 (A) any video display devices sold by the manufacturer to
- 21 households exceed the maximum concentration values
- 22 established:
- 23 (i) for lead, mercury, cadmium, hexavalent chromium,
- 24 polybrominated biphenyls (pbbs), and polybrominated
- 25 diphenyl ethers (pbdes); and
- 26 (ii) under the directive restricting the use of certain
- 27 hazardous substances in electrical and electronic equipment
- 28 (RoHS Directive) 2002/95/EC of the European Parliament
- 29 and Council, as amended; or
- 30 (B) the manufacturer has received an exemption from any of
- 31 the maximum concentration values under the RoHS Directive
- 32 that has been approved and published by the European
- 33 Commission.
- 34 ~~(e)~~ **(f)** A manufacturer shall update the manufacturer's registration
- 35 under this section not more than ten (10) days after the date the
- 36 manufacturer changes the brand or brands of video display devices the
- 37 manufacturer sells or offers for sale to households.
- 38 SECTION 50. IC 13-20.5-1-4, AS ADDED BY P.L.178-2009,
- 39 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2012]: Sec. 4. (a) After 2009, a person may not operate as a
- 41 collector of covered electronic devices from covered entities unless the
- 42 person:

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

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

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

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

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

36 (c) In addition to the registration fee under subsection (a), a  
 37 manufacturer that registers under IC 13-20.5-1 and fails to meet the  
 38 recycling goal under IC 13-20.5-4-1 is subject to a variable recycling  
 39 fee for each program year that ends on March 31 of 2013 or **December**  
 40 **31** of a later year. Not later than September 1, the department shall  
 41 provide a statement to each manufacturer liable for the variable  
 42 recycling fee that states at least the following:

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- 1 (1) The amount of the fee determined under subsection (d).
  - 2 (2) The method of calculation of the fee.
  - 3 (3) The due date of the fee.
  - 4 (4) The opportunity to petition under section 2 of this chapter.
- 5 The department shall deposit the fee in the Indiana recycling promotion  
6 and assistance fund established by IC 4-23-5.5-14.
- 7 (d) The amount of the variable recycling fee, if applicable, is the  
8 amount determined in STEP FOUR of the following formula:
- 9 STEP ONE: Multiply the number of pounds of the manufacturer's  
10 video display devices sold to households during the immediately  
11 preceding program year, as reported in the manufacturer's  
12 registration for the program year under ~~IC 13-20.5-1-1(d)(4)~~;  
13 **IC 13-20.5-1-1(e)(4)**, by the proportion of sales of video display  
14 devices required to be recycled under IC 13-20.5-4-1.
- 15 STEP TWO: Subject to subsection (e), add the number of pounds  
16 of covered electronic devices recycled by the manufacturer from  
17 covered entities during the immediately preceding program year,  
18 as reported to the department under IC 13-20.5-3-1(b), to the  
19 number of recycling credits the manufacturer elects to use to  
20 calculate the variable recycling fee, as reported to the department  
21 under IC 13-20.5-3-1(c)(2).
- 22 STEP THREE: Subtract the number of pounds determined in  
23 STEP TWO from the number of pounds determined in STEP  
24 ONE.
- 25 STEP FOUR: Multiply the greater of zero (0) or the number of  
26 pounds determined in STEP THREE by the per pound cost of  
27 recycling established as follows:
- 28 (A) Forty cents (\$0.40) per pound for manufacturers that  
29 recycle less than fifty percent (50%) of the number of pounds  
30 determined in STEP ONE.
  - 31 (B) Thirty cents (\$0.30) per pound for manufacturers that  
32 recycle at least fifty percent (50%) but less than ninety percent  
33 (90%) of the number of pounds determined in STEP ONE.
  - 34 (C) Twenty cents (\$0.20) per pound for manufacturers that  
35 recycle at least ninety percent (90%) of the number of pounds  
36 determined in STEP ONE.
- 37 (e) The following apply to the number of pounds of covered  
38 electronic devices recycled by the manufacturer from covered entities  
39 during the immediately preceding program year for purposes of  
40 subsection (d), STEP TWO:
- 41 (1) Except as provided in subdivision (3), the number is  
42 multiplied by one and one-tenth (1.1) to the extent that the

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1 covered electronic devices were recycled in Indiana.

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

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

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

12 (B) recycled in Indiana.

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

25 (1) in that program year; and

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

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

31 SECTION 53. IC 13-20.5-3-1, AS ADDED BY P.L.178-2009,  
32 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2012]: Sec. 1. (a) Not later than June 1 of 2011 and of each  
34 immediately succeeding year, a manufacturer shall report to the  
35 department an estimate of the total weight in pounds of its video  
36 display devices sold to households during the program year that ends  
37 on the immediately preceding ~~March~~ **December** 31 based on national  
38 sales data. A manufacturer shall submit with an estimate under this  
39 subsection a description of how the information or estimate was  
40 calculated.

41 (b) Not later than June 1 of 2011 and of each immediately  
42 succeeding year, a manufacturer shall report to the department the total

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weight in pounds of covered electronic devices the manufacturer:

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

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

- (1) The number of recycling credits the manufacturer has purchased and sold during the program year that ends on the immediately preceding ~~March~~ **December 31.**
- (2) The number of recycling credits possessed by the manufacturer that the manufacturer intends to use in the calculation of its variable recycling fee under IC 13-20.5-2-1.
- (3) The number of recycling credits the manufacturer retains at the beginning of the current program year.
- (4) The amount in pounds of covered electronic devices the manufacturer arranged for a recycler to collect and recycle that were not converted to recycling credits.

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

- (1) Report to the department separately the total weight in pounds of covered electronic devices:
  - (A) recycled by the recycler; and
  - (B) taken by the recycler for final disposal;
 during the immediately preceding calendar year.

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

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

SECTION 55. IC 13-20.5-3-3, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. Before April 1, 2011, and ~~before~~ **not later than** each April 1 thereafter, a collector shall submit to the department a report that contains for the immediately preceding calendar year:

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

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

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

16 (b) Neither:

- 17 (1) the state;  
 18 (2) the department; nor  
 19 (3) an employee of the department who answers an inquiry under  
 20 this section;

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

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

- 29 (1) Property identification, including address, legal description,  
 30 and property characteristics.  
 31 (2) The nature of the transfer, including identities of the transferor  
 32 and transferee.  
 33 (3) Environmental information, including:  
 34 (A) regulatory information during the transferor's ownership;  
 35 **and**  
 36 (B) site information under other ownership or operation;  
 37 **(C) any environmental defects; and**  
 38 **(D) any existing restrictive covenants, as defined in**  
 39 **IC 13-11-2-193.5.**  
 40 (4) Certification by the transferor that the information submitted  
 41 on the disclosure document is true and accurate to the best of the  
 42 transferor's knowledge and belief.



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1 (5) Certification by the transferee that the disclosure document  
 2 was delivered with all elements completed.  
 3 SECTION 59. IC 13-27-2-8 IS REPEALED [EFFECTIVE JULY 1,  
 4 2012]. ~~Sec. 8. The commissioner and the clean manufacturing~~  
 5 ~~technology board established by IC 13-27.5-1 shall coordinate their~~  
 6 ~~efforts in the implementation of the grants program under~~  
 7 ~~IC 13-27-2-10 and the pilot projects under IC 13-27-2-11.~~  
 8 SECTION 60. IC 13-27-2-10 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) The  
 10 commissioner may award grants to support and sustain pollution  
 11 prevention, including clean manufacturing through reductions in the  
 12 use of toxic materials in production and commerce.  
 13 (b) Subject to subsection (a), the commissioner may award grants  
 14 for any purpose the commissioner considers appropriate, including the  
 15 following:  
 16 (1) Grants to nonprofit organizations to establish free or low cost  
 17 technical assistance programs. ~~to supplement the activities of the~~  
 18 ~~Indiana clean manufacturing and safe materials institute~~  
 19 ~~established under IC 13-27.5-2.~~  
 20 (2) Grants to assist:  
 21 (A) trade associations that represent manufacturers;  
 22 (B) business organizations;  
 23 (C) labor organizations; and  
 24 (D) educational institutions;  
 25 in developing training materials and making those training  
 26 materials available to workers for in-plant use that will foster  
 27 clean manufacturing.  
 28 (3) Grants to assist:  
 29 (A) industry;  
 30 (B) business organizations;  
 31 (C) educational institutions;  
 32 (D) labor organizations; and  
 33 (E) local units of government;  
 34 in establishing programs or materials to train and assist personnel  
 35 in developing methods to measure and plan for pollution  
 36 prevention.  
 37 (4) Grants to assist industry or business organizations, local units  
 38 of government, and educational institutions in creating programs  
 39 to train and certify:  
 40 (A) environmental auditors;  
 41 (B) engineers; and  
 42 (C) industrial hygienists;

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1 to identify, evaluate, and implement pollution prevention  
 2 measures and alternatives in audits, plans, and programs.  
 3 (5) Grants to any organization for generic research and  
 4 development, pilot tests, and demonstration projects that:  
 5 (A) involve commonly used manufacturing processes or  
 6 materials; and  
 7 (B) will produce results that will be of use to manufacturers  
 8 other than manufacturers that may be involved in the research  
 9 and development, pilot tests, or demonstration projects.  
 10 (c) The commissioner may require that a grantee provide matching  
 11 money for a grant awarded under this section.  
 12 (d) Grant money awarded under this section may not be spent for  
 13 capital improvements or equipment.  
 14 (e) The money for grants awarded under this section must come  
 15 from money appropriated to the department for the purposes of this  
 16 section.  
 17 ~~(f) The commissioner shall consult with the Indiana clean~~  
 18 ~~manufacturing and safe materials institute established by IC 13-27.5-2~~  
 19 ~~in the implementation of this section.~~  
 20 SECTION 61. IC 13-27-2-11 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. ~~(a)~~ The division  
 22 shall sponsor pilot projects to develop and demonstrate innovative  
 23 techniques for clean manufacturing. The results of pilot projects  
 24 sponsored under this section shall be made available for use by the  
 25 public. However, information about a pilot project that is considered  
 26 proprietary by a manufacturer involved in the pilot project may not be  
 27 disclosed to the public.  
 28 ~~(b) The division shall consult with the Indiana clean manufacturing~~  
 29 ~~and safe materials institute established by IC 13-27.5-2 in the~~  
 30 ~~implementation of this section.~~  
 31 SECTION 62. IC 13-27-7-2 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Guidance  
 33 documents, technical assistance manuals, and policies developed or  
 34 used in implementing programs under this article are not binding on  
 35 participating businesses.  
 36 (b) Subject to subsection (e), the air pollution control board, the  
 37 water pollution control board, the solid waste management board, or  
 38 the department may not do the following:  
 39 (1) Subject to IC 13-14-1-11.5, incorporate documents, manuals,  
 40 or policies developed under this article into rules adopted under  
 41 IC 4-22-2.  
 42 (2) Adopt rules under IC 4-22-2 requiring business

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1 implementation of pollution prevention practices or of clean  
 2 manufacturing by means of any of the following:  
 3 (A) Permit conditions.  
 4 (B) Enforcement actions.  
 5 (C) Other department actions.  
 6 (c) Subsection (b) only applies to pollution prevention as defined in  
 7 this title.  
 8 (d) Subsection (b) does not apply to authority granted under federal  
 9 law to implement pollution prevention as defined under any of the  
 10 following:  
 11 (1) Federally delegated air, water, solid waste, and other  
 12 programs.  
 13 (2) Guidance documents developed to implement programs  
 14 described in subdivision (1).  
 15 (3) Programs established under IC 13-20-3, IC 13-20-22, or  
 16 IC 13-21.  
 17 (e) The department shall ~~do the following:~~  
 18 ~~(1)~~ present pollution prevention as an option to businesses in any  
 19 of the following:  
 20 ~~(A)~~ (1) Permit conditions.  
 21 ~~(B)~~ (2) Enforcement actions.  
 22 ~~(C)~~ (3) Other department actions.  
 23 ~~(2) Direct manufacturers to the clean manufacturing technology~~  
 24 ~~and safe materials institute for technical assistance in clean~~  
 25 ~~manufacturing.~~  
 26 SECTION 63. IC 13-27.5 IS REPEALED [EFFECTIVE JULY 1,  
 27 2012]. (Clean Manufacturing Technology and Safe Materials).  
 28 SECTION 64. IC 13-28-3-2, AS AMENDED BY P.L.12-2005,  
 29 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2012]: Sec. 2. (a) The assistance program established under  
 31 this chapter shall do the following:  
 32 (1) Designate an individual to serve as a liaison and ombudsman  
 33 to the regulated community to assist the regulated community  
 34 with specific regulatory or permit matters pending with the  
 35 department.  
 36 (2) Provide assistance to new and existing businesses and small  
 37 municipalities in identifying:  
 38 (A) applicable environmental rules and regulations; and  
 39 (B) permit requirements;  
 40 that apply to new and existing businesses and small  
 41 municipalities.  
 42 (3) Develop and distribute educational materials regarding:

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- 1 (A) environmental requirements;
- 2 (B) compliance methods;
- 3 (C) voluntary environmental audits;
- 4 (D) pollution control technologies; and
- 5 (E) other compliance issues;
- 6 including standardized forms and procedures for completing
- 7 permit applications.
- 8 (4) Provide public outreach and training sessions in cooperation
- 9 with representatives of the business and municipal communities
- 10 regarding existing and future state and federal environmental
- 11 requirements.
- 12 (5) Develop and operate a clearinghouse to respond to inquiries
- 13 from businesses and municipalities concerning applicable
- 14 environmental rules, regulations, and requirements.
- 15 (6) Provide technical assistance concerning pollution control
- 16 techniques to local and state governmental entities and businesses
- 17 and distribute educational materials regarding pollution
- 18 prevention developed by the pollution prevention division
- 19 established by IC 13-27-2-1.
- 20 (7) Provide administrative and technical support for the
- 21 compliance advisory panel established by ~~IC 13-13-7-2~~; **section**
- 22 **7 of this chapter.**
- 23 (8) Conduct other activities as required to:
- 24 (A) improve regulatory compliance; and
- 25 (B) promote cooperation and assistance in meeting
- 26 environmental requirements.
- 27 (b) The assistance program may establish limited onsite assistance
- 28 to provide compliance information to a small business or small
- 29 municipality, subject to the confidentiality provisions of section 4 of
- 30 this chapter. The assistance program may use money from the
- 31 environmental management special fund to implement this subsection.
- 32 The assistance program may limit the number of inspections per year
- 33 and restrict onsite assistance to specific programs.
- 34 SECTION 65. IC 13-28-3-7 IS ADDED TO THE INDIANA CODE
- 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 36 1, 2012]: **Sec. 7. (a) The compliance advisory panel is established to**
- 37 **carry out the duties prescribed under Section 507 of the federal**
- 38 **Clean Air Act (42 U.S.C. 7661f). The panel consists of seven (7)**
- 39 **members appointed as follows:**
- 40 **(1) Two (2) members appointed by the governor who are not**
- 41 **owners or representatives of owners of small business**
- 42 **stationary sources, to represent the public.**

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- 1           **(2) Four (4) members of the general assembly who are owners**
- 2           **of or who have an interest in small business stationary**
- 3           **sources, including:**
- 4               **(A) two (2) members appointed by the president pro**
- 5               **tempore of the senate with the advice of the minority**
- 6               **leader of the senate; and**
- 7               **(B) two (2) members appointed by the speaker of the house**
- 8               **of representatives with the advice of the minority leader of**
- 9               **the house of representatives.**
- 10           **(3) One (1) member appointed by the commissioner.**
- 11           **(b) The following restrictions apply to political party**
- 12           **membership of panel members appointed under subsection (a):**
- 13               **(1) The two (2) members of the senate appointed to the panel**
- 14               **may not be members of the same political party.**
- 15               **(2) The two (2) members of the house of representatives**
- 16               **appointed to the panel may not be members of the same**
- 17               **political party.**
- 18           **(c) The terms of the members of the panel are as follows:**
- 19               **(1) Except as provided in subdivision (3), the term of a**
- 20               **member appointed by the senate or house of representatives**
- 21               **expires upon the expiration of the term the member is serving**
- 22               **in the senate or house of representatives when the member is**
- 23               **appointed to the panel.**
- 24               **(2) Except as provided in subdivision (3), the term of a**
- 25               **member appointed by the governor or the commissioner is**
- 26               **four (4) years.**
- 27               **(3) The term of a member who is a member of the senate or**
- 28               **house of representatives continues until the member's**
- 29               **successor on the panel is appointed.**
- 30           **(d) A vacancy on the panel for a position under subsection (a)**
- 31           **shall be filled through appointment by the appointing authority.**
- 32           **An appointment under this subsection is for the remainder of the**
- 33           **unexpired term.**
- 34           **(e) Per diem and expenses for members of the panel are as**
- 35           **follows:**
- 36               **(1) A member of the panel appointed under subsection (a)(1)**
- 37               **who is not a state employee is entitled to receive:**
- 38                   **(A) the minimum salary per diem provided by**
- 39                   **IC 4-10-11-2.1(b); and**
- 40                   **(B) reimbursement for traveling expenses and other**
- 41                   **expenses actually incurred in connection with the**
- 42                   **member's duties, as provided in the state policies and**

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1                    procedures established by the Indiana department of  
2                    administration and approved by the budget agency.  
3                    (2) A member of the panel appointed under subsection (a)(2)  
4                    is entitled to receive the same per diem, mileage, and travel  
5                    allowances paid to a member of the general assembly serving  
6                    on an interim study committee established by the legislative  
7                    council.  
8                    (3) A member of the panel appointed under subsection (a)(3)  
9                    serves on the panel without additional compensation.  
10                  (f) The chairman of the legislative council shall appoint a  
11                  legislative member of the compliance advisory panel to serve as  
12                  chairman of the panel. The individual appointed under this  
13                  subsection serves at the pleasure of the chairman of the legislative  
14                  council.

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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.

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