

## **IC 13-13-7**

### **Chapter 7. Environmental Quality Service Council and Compliance Advisory Panel**

#### **IC 13-13-7-1**

##### **Environmental quality service council established**

Sec. 1. The environmental quality service council is established.  
*As added by P.L.12-2005, SEC.3.*

#### **IC 13-13-7-2**

##### **Compliance advisory panel**

Sec. 2. The compliance advisory panel is established as a committee of the council.  
*As added by P.L.12-2005, SEC.3.*

#### **IC 13-13-7-3**

##### **Environmental quality service council and compliance advisory panel membership and appointments**

Sec. 3. (a) The council consists of seventeen (17) voting members and one (1) nonvoting member. The panel consists of seven (7) voting members.

(b) The appointed members of the council and the panel are appointed as follows:

- (1) The president pro tempore of the senate shall appoint:
  - (A) to serve as members of both the council and the panel, two (2) members of the senate who:
    - (i) are not affiliated with the same political party; and
    - (ii) are owners of, or have an interest in, small business stationary sources; and
  - (B) to serve as members of the council, two (2) other members of the senate who are not affiliated with the same political party.
- (2) The speaker of the house of representatives shall appoint:
  - (A) to serve as members of both the council and the panel, two (2) members of the house of representatives who:
    - (i) are not affiliated with the same political party; and
    - (ii) are owners of, or have an interest in, small business stationary sources; and
  - (B) to serve as members of the council, two (2) other members of the house of representatives who are not affiliated with the same political party.
- (3) The governor shall appoint as members individuals who are not members of the general assembly as follows:
  - (A) To the council, two (2) individuals to represent business and industry, not more than one (1) of whom may be affiliated with the same political party.
  - (B) To the council, two (2) individuals to represent local government, not more than one (1) of whom may be a solid waste management district director and not more than one (1) of whom may be affiliated with the same political party.

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

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

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

(ii) One (1) representative of agriculture.

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

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

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

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

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

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

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

*As added by P.L.12-2005, SEC.3.*

#### **IC 13-13-7-4**

##### **Appointment duration**

Sec. 4. An appointment under section 3 of this chapter is valid for two (2) years after the date of the appointment. However, a member shall serve until a new appointment is made.

*As added by P.L.12-2005, SEC.3.*

#### **IC 13-13-7-5**

##### **Vacancies**

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.

*As added by P.L.12-2005, SEC.3.*

#### **IC 13-13-7-6**

##### **Designation of chairs**

Sec. 6. The chairman of the legislative council shall designate:

(1) a legislative member of the council to be the chair of the council; and

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

*As added by P.L.12-2005, SEC.3.*

#### **IC 13-13-7-7**

##### **Environmental quality service council meetings and committees**

Sec. 7. The chair of the council shall call for the council to meet at least one (1) time during a calendar year. The chair may designate committees of the council to meet between council meetings and report back to the full council.

*As added by P.L.12-2005, SEC.3.*

#### **IC 13-13-7-8**

##### **Compliance advisory panel meetings**

Sec. 8. The chair of the panel shall call for the panel to meet at least one (1) time during a calendar year. A meeting of the panel during the calendar year may be held only on a date on which the council meets.

*As added by P.L.12-2005, SEC.3.*

#### **IC 13-13-7-9 Version a**

##### **Environmental quality service council duties**

*Note: This version of section amended by P.L.159-2011, SEC.13. See also following version of this section amended by P.L.62-2011, SEC.1.*

Sec. 9. The council shall do the following:

(1) Study:

(A) issues designated by the legislative council;

(B) in 2011, each program administered by the department for which the program's annual cost of administration exceeds the annual revenue generated by the program and evaluate whether to recommend measures to reduce or eliminate the excess cost; and

(C) the following in 2012:

(i) The effectiveness of the electronic waste provisions of IC 13-20.5.

(ii) Appropriate guidelines for the Indiana recycling market development board for determining under IC 13-20.5-2-2 whether a manufacturer has made good faith progress to achieve substantial compliance with IC 13-20.5.

(2) Advise the commissioner on policy issues decided on by the council.

(3) Review the mission and goals of the department and evaluate the implementation of the mission.

(4) Serve as a council of the general assembly to evaluate:

(A) resources and structural capabilities of the department to meet the department's priorities; and

(B) program requirements and resource requirements for the department.

(5) Serve as a forum for citizens, the regulated community, and legislators to discuss broad policy directions.

(6) Submit a final report to the legislative council, in an electronic format under IC 5-14-6, that contains at least the following:

- (A) An outline of activities of the council.
- (B) Recommendations for department action.
- (C) Recommendations for legislative action.

*As added by P.L.12-2005, SEC.3. Amended by P.L.178-2009, SEC.26; P.L.159-2011, SEC.13.*

### **IC 13-13-7-9 Version b**

#### **Environmental quality service council duties**

*Note: This version of section amended by P.L.62-2011, SEC.1. See also preceding version of this section amended by P.L.159-2011, SEC.13.*

Sec. 9. The council shall do the following:

- (1) Study:
  - (A) issues designated by the legislative council; and
  - (B) the following in 2012:
    - (i) The effectiveness of the electronic waste provisions of IC 13-20.5.
    - (ii) Appropriate guidelines for the Indiana recycling market development board for determining under IC 13-20.5-2-2 whether a manufacturer has made good faith progress to achieve substantial compliance with IC 13-20.5.
- (2) Advise the commissioner on policy issues decided on by the council.
- (3) Review the mission and goals of the department and evaluate the implementation of the mission.
- (4) Serve as a council of the general assembly to evaluate:
  - (A) resources and structural capabilities of the department to meet the department's priorities; and
  - (B) program requirements and resource requirements for the department.
- (5) Serve as a forum for citizens, the regulated community, and legislators to discuss broad policy directions.
- (6) Review and discuss various topics related to the Great Lakes and the Great Lakes watershed, including:
  - (A) the availability of federal funds for projects related to water quality, supply, and protection;
  - (B) the extent of water consumption and use from the Great Lakes, including the Great Lakes watershed;
  - (C) levels of water pollution and the sources affecting water quality of the Great Lakes, including the Great Lakes watershed;
  - (D) the impact of water quality and supply issues on recreational activities and natural habitats;
  - (E) the impact of invasive species on the Great Lakes and the Great Lakes watershed ecosystem;
  - (F) current laws and regulations affecting the Great Lakes,

- including the Great Lakes—St. Lawrence River Basin Water Resources Compact (IC 14-25-15);
  - (G) current laws, regulations, and infrastructure conditions affecting shipping in the Great Lakes; and
  - (H) other matters relevant to the condition of the Great Lakes and the Great Lakes Watershed.
- (7) Submit a final report to the legislative council, in an electronic format under IC 5-14-6, that contains at least the following:
- (A) An outline of activities of the council.
  - (B) Recommendations for department action.
  - (C) Recommendations for legislative action.

*As added by P.L.12-2005, SEC.3. Amended by P.L.178-2009, SEC.26; P.L.62-2011, SEC.1.*

### **IC 13-13-7-10**

#### **Compliance advisory panel duties; no annual report**

Sec. 10. The panel:

- (1) shall carry out the duties established under Section 507 of the federal Clean Air Act (42 U.S.C. 7661f); and
- (2) is not required to submit an annual report to the legislative council.

*As added by P.L.12-2005, SEC.3.*

### **IC 13-13-7-11**

#### **Department of environmental management commissioner's report**

Sec. 11. The commissioner shall report to the council each month concerning the following:

- (1) Permitting programs and technical assistance.
- (2) Proposed rules and rulemaking in progress.
- (3) The financial status of the department.
- (4) Additional matters requested by the council.

*As added by P.L.12-2005, SEC.3.*

### **IC 13-13-7-12**

#### **Staffing by legislative services agency**

Sec. 12. The legislative services agency shall provide staff support to the council and panel.

*As added by P.L.12-2005, SEC.3.*

### **IC 13-13-7-13**

#### **Operation under legislative council rules**

Sec. 13. Except as provided in section 10(2) of this chapter, the council and the panel shall operate under the rules of the legislative council.

*As added by P.L.12-2005, SEC.3.*