

IC 13-14

**ARTICLE 14. POWERS AND DUTIES OF
DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT AND BOARDS**

IC 13-14-1

Chapter 1. Duties of Department

IC 13-14-1-1

Solid and hazardous waste materials information exchange

Sec. 1. (a) Subject to subsection (c), the department shall establish a solid and hazardous waste materials exchange to provide for the exchange of information between interested persons concerning the following:

- (1) Particular quantities of solid waste and hazardous waste available in Indiana for recovery.
- (2) Persons interested in acquiring certain types of solid waste or hazardous waste for purposes of recovery.
- (3) Methods for the treatment and recovery of solid waste and hazardous waste in Indiana.

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

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

of the solid and hazardous waste materials exchange.

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

As added by P.L.1-1996, SEC.4.

IC 13-14-1-2

Program of continuing surveillance and inspection

Sec. 2. The department shall conduct a program of continuing surveillance and inspection of the following:

- (1) Solid waste management sites.
- (2) Actual or threatened sources of environmental pollution by contamination, radiation, odor, or noise.

As added by P.L.1-1996, SEC.4.

IC 13-14-1-3

Assurance of accomplishment of programs established

Sec. 3. The department shall assure accomplishment of the comprehensive, long term programs established by the boards.

As added by P.L.1-1996, SEC.4.

IC 13-14-1-4

Compliance with standards and rules

Sec. 4. The department shall procure compliance with standards and rules adopted by the boards.

As added by P.L.1-1996, SEC.4.

IC 13-14-1-5

Public awareness and participation

Sec. 5. The department shall develop and implement a program of public awareness and participation to assure maximum citizen involvement in the evolution and continuation of the environmental programs of the state.

As added by P.L.1-1996, SEC.4.

IC 13-14-1-6

Solid waste recycling and source reduction; educational programs

Sec. 6. (a) The department shall, in cooperation with other state agencies, establish programs to educate:

- (1) students;
- (2) consumers; and
- (3) businesses;

about the benefits of solid waste recycling and source reduction.

(b) To implement the programs established under subsection (a), the department shall, subject to section 11.5 of this chapter, develop guidance documents and technical assistance programs.

As added by P.L.1-1996, SEC.4. Amended by P.L.261-1999, SEC.1.

IC 13-14-1-7

Proposed budget; preparation

Sec. 7. The commissioner shall prepare the proposed budget of the department and the boards.

As added by P.L.1-1996, SEC.4.

IC 13-14-1-8

Financing structure; proposal

Sec. 8. The commissioner may propose financing a structure to the boards.

As added by P.L.1-1996, SEC.4.

IC 13-14-1-9 Version a

Permits, licenses, orders, and variances; issuance

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 9. (a) The commissioner shall issue permits, licenses, orders, and variances as authorized by:

- (1) this title;
- (2) other statutes; and
- (3) rules of the boards.

(b) If the commissioner is notified by the department of state revenue that a person is on the most recent tax warrant list, the

commissioner may not issue a permit or license to the applicant until:

- (1) the applicant provides a statement to the commissioner from the department of state revenue indicating that the applicant's delinquent tax liability has been satisfied; or
- (2) the commissioner receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

As added by P.L.1-1996, SEC.4.

IC 13-14-1-9 Version b

Permits, licenses, orders, and variances; issuance

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 9. (a) The commissioner shall issue permits, licenses, orders, and variances as authorized by:

- (1) this title;
- (2) other statutes; and
- (3) rules of the boards.

(b) If the commissioner is notified by the department of state revenue that a person is on the most recent tax warrant list, the commissioner may not issue a permit or license to the applicant until:

- (1) the applicant provides a statement to the commissioner from the department of state revenue indicating that the applicant's tax warrant has been satisfied; or
- (2) the commissioner receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

As added by P.L.1-1996, SEC.4. Amended by P.L.172-2011, SEC.113.

IC 13-14-1-10

Programs and facilities; assistance to local units

Sec. 10. The department shall encourage and assist units of local government in developing programs and facilities for the following:

- (1) Air, water, radiation, odor, and noise pollution control.
- (2) Wastewater treatment.
- (3) Water resource development.
- (4) Solid waste management.

As added by P.L.1-1996, SEC.4.

IC 13-14-1-11

Operating policies

Sec. 11. The department shall follow the operating policies established in rules adopted by the boards.

As added by P.L.1-1996, SEC.4.

IC 13-14-1-11.5

Use by department of policy or statement; presentation to appropriate board; public dissemination

Sec. 11.5. (a) If the department proposes to utilize a policy or statement that:

- (1) interprets, supplements, or implements a statute or rule;

(2) has not been adopted in compliance with IC 4-22-2;
(3) is not intended by the department to have the effect of law;
and
(4) is not related solely to internal department organization;
the proposed policy or statement may not be put into effect until the requirements of subsection (b) have been met.

(b) The department shall present the proposed policy or statement under subsection (a) to the appropriate board. At least forty-five (45) days before the presentation, the department shall make available to the public, including posting on the department's web site:

- (1) the proposed policy or statement;
- (2) information on the availability for public inspection of all materials relied upon by the department in the development of the proposed policy or statement, including, if applicable:
 - (A) health criteria;
 - (B) analytical methods;
 - (C) treatment technology;
 - (D) economic impact data;
 - (E) environmental assessment data; and
 - (F) other background data;
- (3) the date, time, and location of the presentation under this subsection to the appropriate board; and
- (4) information regarding the opportunity for a person to comment to the department and the appropriate board on the proposed policy or statement before or at the time of the presentation under this subsection.

The department shall provide to the appropriate board at the time of the presentation under this subsection a copy of all comments made by a person under subdivision (4). The proposed policy or statement may not be put into effect until thirty (30) days after the policy or statement is presented to the appropriate board.

(c) If the department utilizes a policy or statement described in subsection (a), the department shall distribute:

- (1) two (2) copies of the policy or statement to the publisher of the Indiana Register for publication in the Indiana Register; and
- (2) the copies required under IC 4-23-7.1-26 to the Indiana library and historical department.

(d) The department shall:

- (1) maintain a current list of all department policies and statements described in subsection (a) that the department may use in the department's external affairs; and
- (2) update the list at least one (1) time each month.

(e) The department shall include the following information on the list described in subsection (d) for each policy or statement:

- (1) The title of the policy or statement.
- (2) The identification number of the policy or statement.
- (3) The date the policy or statement was originally adopted.
- (4) The date the policy or statement was last revised.
- (5) A reference to all other policies or statements described in subsection (a) that are repealed or amended by the policy or

statement.

(6) A brief description of the subject matter of the policy or statement.

(f) At least one (1) time every three (3) months, the department shall distribute two (2) copies of the list maintained and updated under subsection (d) to the following:

(1) The publisher of the Indiana Register.

(2) The Indiana library and historical department.

As added by P.L.127-1996, SEC.1. Amended by P.L.261-1999, SEC.2; P.L.240-2003, SEC.3.

IC 13-14-1-12

Enforcement of rules

Sec. 12. The commissioner shall enforce rules consistent with the purposes of:

(1) air pollution control laws;

(2) water pollution control laws;

(3) IC 13-18-9;

(4) IC 13-18-10;

(5) IC 13-19-2;

(6) IC 13-19-3; and

(7) IC 36-9-30.

As added by P.L.1-1996, SEC.4.

IC 13-14-1-13

Monitoring and reporting requirements

Sec. 13. The commissioner shall establish and administer monitoring and reporting requirements as necessary to carry out the duties and to exercise the powers provided in the following:

(1) Air pollution control laws.

(2) Water pollution control laws.

(3) Environmental management laws.

As added by P.L.1-1996, SEC.4.

IC 13-14-1-14

Information clearinghouses; public education programs; other actions

Sec. 14. The department shall do the following:

(1) Develop and maintain an information clearinghouse on the following subjects:

(A) Source separation.

(B) Recycling.

(C) Composting.

(D) Solid waste minimization.

(E) Solid waste reduction.

(F) Hazardous waste minimization.

(G) Hazardous waste reduction.

(2) Assist in the development and implementation of public education programs on:

(A) source separation;

- (B) recycling;
- (C) composting;
- (D) solid waste reduction;
- (E) solid waste minimization;
- (F) hazardous waste minimization;
- (G) hazardous waste reduction; and
- (H) other alternatives to final disposal in landfills.

(3) Take action in any other matter involving:

- (A) solid waste minimization;
- (B) solid waste reduction;
- (C) hazardous waste minimization; or
- (D) hazardous waste reduction;

as directed by the commissioner.

As added by P.L.1-1996, SEC.4.

IC 13-14-1-15

Certified inspectors and cleaners; list; adoption of rules

Sec. 15. (a) The department shall maintain a list of persons certified to inspect and clean property that is polluted by a contaminant. The list may specifically note persons with particular expertise or experience in the inspection or cleanup of property contaminated by chemicals used in the illegal manufacture of a controlled substance (as defined in IC 35-48-1-9) or by waste produced from the illegal manufacture of a controlled substance.

(b) The department may specify by rule that a person who meets certain qualifications prescribed by the department is a person certified to inspect and clean property that is polluted by a contaminant.

(c) The department shall adopt rules under IC 4-22-2:

- (1) to implement this section; and
- (2) concerning the inspection and remediation of contaminated property.

As added by P.L.192-2005, SEC.6.