

## **IC 13-27-2**

Chapter 2. Division of Pollution Prevention and Technical Assistance

### **IC 13-27-2-1**

#### **Establishment**

Sec. 1. A division of pollution prevention is established within the department.

*As added by P.L.1-1996, SEC.17.*

### **IC 13-27-2-2**

#### **Assistant commissioner; appointment**

Sec. 2. The commissioner shall appoint an assistant commissioner to head the division.

*As added by P.L.1-1996, SEC.17.*

### **IC 13-27-2-3**

#### **Employees; hiring**

Sec. 3. The commissioner shall hire employees of the division.

*As added by P.L.1-1996, SEC.17.*

### **IC 13-27-2-4**

#### **Liaison advisory panels; appointment; reimbursement for expenses**

Sec. 4. (a) The commissioner may appoint liaison advisory panels to assist the division in the functions of the division. Individual panels must include members representing different areas of interest in and potential support of pollution prevention and environmentally related technical assistance, including the following:

- (1) Industry.
- (2) Education.
- (3) Environmental and public interest groups.
- (4) State government.
- (5) Local government officials associated with state programs for pollution prevention.
- (6) Organized labor.

(b) A member of a liaison advisory panel is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L.1-1996, SEC.17.*

### **IC 13-27-2-5**

#### **Duties of commissioner and assistant commissioner**

Sec. 5. The commissioner and the assistant commissioner, through coordinated effort, shall do the following:

- (1) Periodically review state environmental programs and projects for their ability and progress in promoting multimedia

industrial pollution prevention.

(2) Assist the division of air, the division of water, and the division of solid and hazardous waste management in identifying, within planned and existing regulatory programs of the department, obstacles to pollution prevention and opportunities to promote and assist in pollution prevention, including the following:

(A) Encouraging regulatory flexibility to afford businesses the opportunity to develop or implement pollution prevention technologies and practices.

(B) Performing pollution prevention impact analyses of administrative rules before proposed rules are published and before final adoption.

(C) Exploring permanent funding for the program.

(3) Promote increased coordination between the divisions of the department and between the department and other governmental regulatory programs with responsibilities and duties relating to toxic materials and environmental wastes, including, to the fullest extent possible, the following:

(A) Joint planning processes.

(B) Joint research and studies.

(C) Joint public hearings.

(D) Joint hazard assessments.

(E) Joint environmental and workplace impact statements.

(F) Joint pollution prevention impact analyses for existing and proposed administrative rules.

(4) Develop policies and programs to reduce the following by means of industrial pollution prevention:

(A) Generation of municipal wastes.

(B) Generation of household hazardous wastes and pollutants.

(C) Use of toxic materials in consumer products.

(5) Provide general information about, and actively publicize the advantages of and developments in, pollution prevention and the requirements of this article.

(6) Assist businesses that seek information, guidance, planning assistance, or recommendations for pollution prevention by providing technical information to those businesses at production or commercial locations.

(7) Work with existing environmental regulatory programs to make use of existing information gathering systems that may assist the division in assessing the progress of pollution prevention statewide.

(8) Grant or deny applications for pollution prevention grants under section 10 of this chapter.

(9) Provide source reduction and recycling technical assistance and administer the Indiana recycling grants program established under IC 13-20-22-2.

*As added by P.L.1-1996, SEC.17. Amended by P.L.2-1997, SEC.50.*

### **IC 13-27-2-6**

#### **Assistance to other governmental regulatory programs**

Sec. 6. The division shall assist other governmental regulatory programs in devising:

- (1) standards;
- (2) administrative rules; and
- (3) permits;

based on goals and principles of pollution prevention.

*As added by P.L.1-1996, SEC.17.*

### **IC 13-27-2-7**

#### **Unified reporting and permitting authority**

Sec. 7. To facilitate the use and coordination of reporting requirements, the commissioner may seek unified reporting and permitting authority from the United States Environmental Protection Agency with respect to federal toxic material, waste management, and pollution control laws and regulations in effect on January 1, 1990, including the following:

- (1) The federal Clean Air Act (42 U.S.C. 7401 et seq.).
- (2) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).
- (3) The federal Toxic or Hazardous Substance Control Act (15 U.S.C. 2601 et seq.).
- (4) The federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).
- (5) The federal Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.).

*As added by P.L.1-1996, SEC.17.*

### **IC 13-27-2-8**

#### **Implementation**

Sec. 8. The commissioner and the clean manufacturing technology board established by IC 13-27.5-1 shall coordinate their efforts in the implementation of the grants program under IC 13-27-2-10 and the pilot projects under IC 13-27-2-11.

*As added by P.L.1-1996, SEC.17. Amended by P.L.124-1997, SEC.17.*

### **IC 13-27-2-9**

#### **Information clearinghouse for pollution prevention; purpose; data**

Sec. 9. (a) To:

- (1) promote pollution prevention statewide by all industries and companies; and
- (2) assist in obtaining information on the progress of multimedia reduction of environmental wastes and related environmental policies and programs;

the commissioner shall establish and operate a state information clearinghouse for pollution prevention.

(b) The commissioner shall use the clearinghouse established under this section to do the following:

- (1) Collect and compile the following:
    - (A) Information from organizations receiving grants under this article.
    - (B) Information from the published technical literature.
  - (2) Mount active outreach and educational programs to further the development and adoption of principles and techniques of pollution prevention.
  - (c) The clearinghouse established under this section must include data on the operation and effectiveness of industry pollution prevention programs. The division shall permit and facilitate free use of this data by businesses, governmental agencies, and the general public. A business may not be required to submit information of a proprietary nature to the clearinghouse or to a governmental program funded under this article.
  - (d) The division shall provide information for the clearinghouse established under this section.
- As added by P.L.1-1996, SEC.17. Amended by P.L.124-1997, SEC.18.*

### **IC 13-27-2-10**

#### **Grants; purpose**

Sec. 10. (a) The commissioner may award grants to support and sustain pollution prevention, including clean manufacturing through reductions in the use of toxic materials in production and commerce.

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

- (1) Grants to nonprofit organizations to establish free or low cost technical assistance programs to supplement the activities of the Indiana clean manufacturing and safe materials institute established under IC 13-27.5-2.

- (2) Grants to assist:

- (A) trade associations that represent manufacturers;
- (B) business organizations;
- (C) labor organizations; and
- (D) educational institutions;

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

- (3) Grants to assist:

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

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

- (4) Grants to assist industry or business organizations, local units of government, and educational institutions in creating

programs to train and certify:

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

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

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

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

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

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

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

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

*As added by P.L.1-1996, SEC.17. Amended by P.L.124-1997, SEC.19; P.L.104-1998, SEC.5.*

### **IC 13-27-2-11**

#### **Pilot projects**

Sec. 11. (a) The division shall sponsor pilot projects to develop and demonstrate innovative techniques for clean manufacturing. The results of pilot projects sponsored under this section shall be made available for use by the public. However, information about a pilot project that is considered proprietary by a manufacturer involved in the pilot project may not be disclosed to the public.

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

*As added by P.L.1-1996, SEC.17. Amended by P.L.124-1997, SEC.20.*

### **IC 13-27-2-12**

#### **Education and training programs**

Sec. 12. The commissioner may provide for the establishment of education and training programs in pollution prevention techniques at schools and universities in Indiana.

*As added by P.L.1-1996, SEC.17.*

### **IC 13-27-2-13**

#### **Hearings; investigations; advice; assistance**

Sec. 13. The commissioner may:

- (1) order all hearings and investigations necessary for the administration of this article; and
- (2) advise and assist other governmental units on matters of planning or program administration within the scope of the commissioner's powers, duties, and objectives under this article.

*As added by P.L.1-1996, SEC.17.*

**IC 13-27-2-14**

**Repealed**

*(Repealed by P.L.124-1997, SEC.23.)*