

SENATE BILL No. 258

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-15-3-2; IC 13-15-9; IC 13-30-2-1.

Synopsis: Nuclear facility permits. Makes the following changes to the Indiana Code chapter concerning the issuance of permits for nuclear powered generating facilities and nuclear fuel reprocessing plants (facilities) by the department of environmental management (department): (1) Repeals a provision that prohibits a person from constructing or operating, or increasing the capacity of, a facility without a permit from the department. (2) Repeals a provision authorizing the environmental rules board (board) to adopt rules establishing: (A) conditions for the issuance of a permit for; and (B) requirements for the operation of; a facility. (3) Requires a person proposing to construct a facility to file with the department (instead of the board, under current law) an environmental feasibility report concurrently with the filing of documents (instead of the preliminary safety analysis, under current law) required to be filed with the United States Nuclear Regulatory Commission (instead of the United States Atomic Energy Commission, under current law). (4) Repeals a provision authorizing the commissioner of the department to conduct a public hearing on the environmental effects of the proposed operation of a facility. (5) Repeals a provision: (A) requiring the board to adopt rules and standards to protect Indiana citizens from radiation hazards; and (B) setting forth requirements for required permits with respect to radioactive discharge.

Effective: Upon passage.

Koch

January 8, 2026, read first time and referred to Committee on Utilities.



Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

SENATE BILL No. 258

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 13-15-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A permit
3 issued under:
4 (1) this article; ~~(except IC 13-15-9);~~
5 (2) IC 13-17-11;
6 (3) IC 13-18-18; or
7 (4) IC 13-20-1;
8 may be issued for any period determined by the department to be
9 appropriate but not to exceed five (5) years.
10 (b) Except as provided in federal law, a valid permit that has been
11 issued under this chapter that concerns an activity of a continuing
12 nature may be renewed for a period of not more than ten (10) years as
13 determined by the department. The board shall adopt rules
14 implementing this subsection.
15 (c) The commissioner may delegate authority to issue or deny
16 permits to a designated staff member.
17 SECTION 2. IC 13-15-9-1 IS REPEALED [EFFECTIVE UPON



PASSAGE]. Sec. 1: A person may not:

- (1) construct or operate a nuclear powered generating facility or nuclear fuel reprocessing plant; or
- (2) increase the capacity of such an existing facility;

without a permit from the department.

SECTION 3. IC 13-15-9-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 2: (a) The board may adopt rules under IC 4-22-2 and IC 13-14-9 establishing:

- (1) conditions for the issuance of a permit under this chapter; and
- (2) requirements for the operation of nuclear facilities:

(b) Rules adopted by the board may relate to:

- (1) air pollution from nuclear facilities;
- (2) water pollution from nuclear facilities; or
- (3) other environmental problems associated with nuclear facilities:

SECTION 4. IC 13-15-9-3, AS AMENDED BY P.L.133-2012, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A person proposing to construct:

- (1) a nuclear powered generating facility; or
- (2) a nuclear fuel reprocessing plant;

shall file with the **board department** an environmental feasibility report on a form prescribed by the board; concurrently with the filing of the preliminary safety analysis documents required to be filed with the United States Atomic Energy Commission: **Nuclear Regulatory Commission.**

SECTION 5. IC 13-15-9-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 4: (a) The commissioner, on behalf of the board, may conduct a public hearing at a time and place to be determined by the department on the environmental effects of the proposed operation:

(b) A person affected by the proposed construction may participate in the hearing to the extent and in the manner that the board prescribes:

SECTION 6. IC 13-15-9-5 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 5: (a) The board shall adopt rules and standards under section 2 of this chapter to protect the citizens of Indiana from the hazards of radiation:

(b) Each permit required under this chapter according to rules adopted by the board must specify the maximum allowable level of radioactive discharge:

(c) Each permit issued must include a requirement for:

- (1) appropriate procedures of monitoring any discharge; and
- (2) a report of each discharge to the department:



SECTION 7. IC 13-30-2-1, AS AMENDED BY P.L.133-2012,
SECTION 158, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 1. A person may not do any of
the following:

(1) Discharge, emit, cause, allow, or threaten to discharge, emit,
cause, or allow any contaminant or waste, including any noxious
odor, either alone or in combination with contaminants from other
sources, into:

(A) the environment; or

(B) any publicly owned treatment works;

in any form that causes or would cause pollution that violates or
would violate rules, standards, or discharge or emission
requirements adopted by the board under the environmental
management laws.

(2) Increase the quantity or strength of a discharge of
contaminants into the waters or construct or install a sewer or
sewage treatment facility or a new outlet for contaminants into the
waters of Indiana without prior approval of the department.

(3) Deposit any contaminants upon the land in a place and manner
that creates or would create a pollution hazard that violates or
would violate a rule adopted by the board.

(4) Deposit or cause or allow the deposit of any contaminants or
solid waste upon the land, except through the use of sanitary
landfills, incineration, composting, garbage grinding, or another
method acceptable to the board.

(5) Dump or cause or allow the open dumping of garbage or of
any other solid waste in violation of rules adopted by the board.

(6) Dispose of solid waste in, upon, or within the limits of or
adjacent to a public highway, state park, state nature preserve, or
recreation area or in or immediately adjacent to a lake or stream,
except:

(A) in proper containers provided for sanitary storage of the
solid waste; or

(B) as a part of a sanitary landfill operation or other land
disposal method approved by the department.

(7) Construct, install, operate, conduct, or modify, without prior
approval of the department, any equipment or facility of any type
that may:

(A) cause or contribute to pollution; or

(B) be designed to prevent pollution.

However, the commissioner or the board may approve
experimental uses of any equipment, facility, or pollution control



device that is considered necessary for the further development of the state of the art of pollution control.

(8) Conduct any salvage operation or open dump by open burning or burn, cause, or allow the burning of any solid waste in a manner that violates either:

(A) the air pollution control laws; or

(B) the rules adopted by the board.

(9) Commence construction of a proposed hazardous waste facility without having first:

(A) filed an application for; and

(B) received;

a permit from the department.

(10) Commence or engage in the operation of a hazardous waste facility without having first obtained a permit from the department.

(11) Deliver any hazardous waste to a hazardous waste facility that:

(A) is not approved; or

(B) does not hold a permit from the department.

(12) Cause or allow the transportation of a hazardous waste without a manifest if a manifest is required by law.

(13) Violate any:

(A) condition;

(B) limitation; or

(C) stipulation;

placed upon a certificate of environmental compatibility by the hazardous waste facility site approval authority or any other provision of IC 13-22-10.

(14) Apply or allow the application of used oil to any ground surface, except for purposes of treatment in accordance with a permit issued by the department under any of the following:

(A) IC 13-15. ~~except IC 13-15-9.~~

(B) IC 13-17-11.

(C) IC 13-18-18.

(D) IC 13-20-1.

(15) Commence construction of a solid waste incinerator without first obtaining a permit from the department under IC 13-20-8.

(16) Commence operation of a solid waste incinerator without first obtaining the approval of the department under IC 13-20-8.

SECTION 8. An emergency is declared for this act.

