



February 16, 2026

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# ENGROSSED

## SENATE BILL No. 277

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DIGEST OF SB 277 (Updated February 11, 2026 5:13 pm - DI 150)

**Citations Affected:** IC 4-22; IC 5-28; IC 13-11; IC 13-12; IC 13-13; IC 13-14; IC 13-15; IC 13-17; IC 13-18; IC 13-19; IC 13-20; IC 13-20.5; IC 13-21; IC 13-22; IC 13-23; IC 13-24; IC 13-25; IC 13-26; IC 13-27; IC 13-28; IC 13-29; IC 13-30.

**Synopsis:** Indiana department of environmental management. Amends, repeals, or adds certain terms. Makes certain changes concerning the purpose, structure, and powers of the department of environmental management (department) or the environmental rules board. Prohibits the department from basing a decision primarily on  
(Continued next page)

**Effective:** July 1, 2026.

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## Niemeyer, Busch

(HOUSE SPONSORS — BAIRD, MILLER D)

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January 8, 2026, read first time and referred to Committee on Environmental Affairs.  
January 13, 2026, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
January 22, 2026, amended, reported favorably — Do Pass.  
January 28, 2026, read second time, amended, ordered engrossed.  
January 29, 2026, engrossed. Read third time, passed. Yeas 29, nays 19.

HOUSE ACTION

February 2, 2026, read first time and referred to Committee on Environmental Affairs.  
February 16, 2026, amended, reported — Do Pass.

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ES 277—LS 6849/DI 150



## Digest Continued

federal risk values that have not been promulgated through federal rulemaking. Instructs the department to avoid the use of federal risk values that are at or below background concentrations in air, water, soil, or sediment. Provides that the department shall focus on state prioritized PFAS chemicals when PFAS chemicals are relevant to carrying out the department's duties. Makes certain changes to various boards or funds. Eliminates or amends rulemaking provisions. Makes certain changes to hearing and permitting processes. Changes or eliminates certain reporting requirements. Makes various changes to the water pollution statutes. Makes various changes to the solid waste and hazardous waste management statutes. Repeals or amends various sections regarding: (1) hazardous substances; (2) the voluntary remediation programs; (3) regional water districts; and (4) citizen lawsuits. Amends provisions concerning the establishment of certain fees and the use of fee schedules. Repeals the division of pollution prevention and the office of voluntary compliance. Makes conforming, stylistic, and technical changes.

**ES 277—LS 6849/DI 150**



February 16, 2026

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.

## ENGROSSED SENATE BILL No. 277

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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 4-22-2-28.1, AS AMENDED BY P.L.249-2023,  
2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 28.1. (a) The following definitions apply  
4 throughout this section:  
5 (1) "Coordinator" refers to the small business regulatory  
6 coordinator assigned to a rule by an agency under subsection (b).  
7 (2) "Director" refers to the director or other administrative head  
8 of an agency.  
9 (3) "Small business" has the meaning set forth in IC 5-28-2-6.  
10 (b) For each rulemaking action and rule finally adopted as a result  
11 of a rulemaking action by an agency, the agency shall assign one (1)  
12 staff person to serve as the agency's small business regulatory  
13 coordinator with respect to the proposed or adopted rule. The agency  
14 shall assign a staff person to a rule under this subsection based on the  
15 person's knowledge of, or experience with, the subject matter of the  
16 rule. A staff person may serve as the coordinator for more than one (1)  
17 rule proposed or adopted by the agency if the person is qualified by

ES 277—LS 6849/DI 150



1 knowledge or experience with respect to each rule. The first public  
 2 comment period notice published under section 23 of this chapter must  
 3 include the name, address, telephone number, and electronic mail  
 4 address of the small business coordinator for the proposed rule, the  
 5 name, address, telephone number, and electronic mail address of the  
 6 small business ombudsman designated under IC 5-28-17-6, and a  
 7 statement of the resources available to regulated entities through the  
 8 small business ombudsman designated under IC 5-28-17-6. In the case  
 9 of a rule finally adopted, the final rule, as published in the Indiana  
 10 Register, must include the name, address, telephone number, and  
 11 electronic mail address of the coordinator.

12 (c) This subsection applies to a rule adopted by the department of  
 13 environmental management or the board listed in IC 13-14-9-1. In  
 14 addition to the information required by subsection (b), the department  
 15 and a board shall include in the notice provided under section 23 of this  
 16 chapter and in the publication of the final rule in the Indiana Register:

17 (1) a statement of the resources available to regulated entities  
 18 through the technical and compliance assistance program  
 19 established under IC 13-28-3; **and**

20 ~~(2) the name, address, telephone number, and electronic mail~~  
 21 ~~address of the ombudsman designated under IC 13-28-3-2; and~~

22 ~~(3) (2) if applicable, a statement of~~

23 ~~(A) the resources available to small businesses through the~~  
 24 ~~small business stationary source technical assistance program~~  
 25 ~~established under IC 13-28-5; and IC 13-28-3-7.~~

26 ~~(B) the name, address, telephone number, and electronic mail~~  
 27 ~~address of the ombudsman for small business designated under~~  
 28 ~~IC 13-28-5-2(3).~~

29 The coordinator assigned to the rule shall ~~work with the ombudsman~~  
 30 ~~described in subdivision (2) and the office of voluntary compliance~~  
 31 ~~established by IC 13-28-1-1 to coordinate the provision of services~~  
 32 ~~required under subsection (d) and IC 13-28-3. If applicable, the~~  
 33 ~~coordinator assigned to the rule shall work with the ombudsman~~  
 34 ~~referred to in subdivision (3)(B) to coordinate the provision of services~~  
 35 ~~required under this section and IC 13-28-5.~~

36 (d) The coordinator assigned to a rule shall serve as a liaison  
 37 between the agency and any small business subject to regulation under  
 38 the rule. The coordinator shall provide guidance to small businesses  
 39 affected by the rule on the following:

40 (1) Any requirements imposed by the rule, including any  
 41 reporting, record keeping, or accounting requirements.

42 (2) How the agency determines or measures compliance with the



1 rule, including any deadlines for action by regulated entities.

2 (3) Any penalties, sanctions, or fines imposed for noncompliance  
3 with the rule.

4 (4) Any other concerns of small businesses with respect to the  
5 rule, including the agency's application or enforcement of the rule  
6 in particular situations. ~~However, in the case of a rule adopted by~~  
7 ~~the department of environmental management or a board listed in~~  
8 ~~IC 13-14-9-1, the coordinator assigned to the rule may refer a~~  
9 ~~small business with concerns about the application or~~  
10 ~~enforcement of the rule in a particular situation to the ombudsman~~  
11 ~~designated under IC 13-28-3-2; or, if applicable, under~~  
12 ~~IC 13-28-5-2(3).~~

13 (e) The coordinator assigned to a rule shall provide guidance under  
14 this section in response to questions and concerns expressed by small  
15 businesses affected by the rule. The coordinator may also issue general  
16 guidelines or informational pamphlets to assist small businesses in  
17 complying with the rule. Any guidelines or informational pamphlets  
18 issued under this subsection shall be made available:

19 (1) for public inspection and copying at the offices of the agency  
20 under IC 5-14-3; and

21 (2) electronically through electronic gateway access.

22 (f) The coordinator assigned to a rule shall keep a record of all  
23 comments, questions, and complaints received from small businesses  
24 with respect to the rule. The coordinator shall deliver the record, along  
25 with any accompanying documents submitted by small businesses, to  
26 the director:

27 (1) not later than ten (10) days after the date on which the rule is  
28 submitted to the publisher under section 35 of this chapter; and

29 (2) before July 15 of each year during which the rule remains in  
30 effect.

31 The coordinator and the director shall keep confidential any  
32 information concerning a small business to the extent that the  
33 information is exempt from public disclosure under IC 5-14-3-4.

34 (g) Not later than November 1 of each year, the director shall:

35 (1) compile the records received from all of the agency's  
36 coordinators under subsection (f);

37 (2) prepare a report that sets forth:

38 (A) the number of comments, complaints, and questions  
39 received by the agency from small businesses during the most  
40 recent state fiscal year, categorized by the subject matter of the  
41 rules involved;

42 (B) the number of complaints or questions reported under



- 1 clause (A) that were resolved to the satisfaction of the agency  
 2 and the small businesses involved;  
 3 (C) the total number of staff serving as coordinators under this  
 4 section during the most recent state fiscal year;  
 5 (D) the agency's costs in complying with this section during  
 6 the most recent state fiscal year; and  
 7 (E) the projected budget required by the agency to comply  
 8 with this section during the current state fiscal year; and  
 9 (3) deliver the report to the legislative council in an electronic  
 10 format under IC 5-14-6 and to the small business ombudsman  
 11 designated under IC 5-28-17-6.

12 SECTION 2. IC 5-28-17-6, AS AMENDED BY P.L.249-2023,  
 13 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2026]: Sec. 6. The corporation shall act as the small business  
 15 ombudsman. The small business ombudsman shall carry out the  
 16 following duties:

- 17 (1) Work with state agencies to permit increased enforcement  
 18 flexibility and the ability to grant common sense exemptions for  
 19 first time offenders of state rules and policies, including,  
 20 notwithstanding any other law, policies for the compromise of  
 21 interest and penalties related to a listed tax (as defined in  
 22 IC 6-8.1-1-1) and other taxes and fees collected or administered  
 23 by a state agency.  
 24 (2) Work with state agencies to seek ways to consolidate forms  
 25 and eliminate the duplication of paperwork, harmonize data, and  
 26 coordinate due dates.  
 27 (3) Coordinate with OMB (as defined in IC 4-3-22-3) to perform  
 28 cost benefit analyses.  
 29 (4) Work with state agencies to monitor any outdated, ineffective,  
 30 or overly burdensome information requests from state agencies to  
 31 small businesses.  
 32 (5) Carry out the duties specified under IC 4-22-2-28 and  
 33 IC 4-22-2.1 to review proposed rules and participate in  
 34 rulemaking actions that affect small businesses.  
 35 (6) Coordinate with the ~~ombudsman designated under~~  
 36 ~~IC 13-28-3-2 and the office of voluntary compliance established~~  
 37 ~~by IC 13-28-1-1 to coordinate~~ **coordinator described in**  
 38 **IC 4-22-2-28.1(b)** for the provision of services required under  
 39 IC 4-22-2-28.1 and IC 13-28-3.  
 40 (7) Prepare written and electronic information for periodic  
 41 distribution to small businesses describing the small business  
 42 services provided by coordinators (as defined in



1 IC 4-22-2-28.1(a) and work with the office of technology  
 2 established by IC 4-13.1-2-1 to place information concerning the  
 3 availability of these services on state websites that the small  
 4 business ombudsman or a state agency determines are most likely  
 5 to be visited by small business owners and managers.

6 (8) Assist in training agency coordinators who will be assigned to  
 7 rules under IC 4-22-2-28.1(b).

8 (9) Investigate and attempt to resolve any matter regarding  
 9 compliance by a small business with a law, rule, or policy  
 10 administered by a state agency, either as a party to a proceeding  
 11 or as a mediator.

12 State agencies shall cooperate with the small business ombudsman to  
 13 carry out the purpose of this section. The department of state revenue  
 14 and the department of workforce development shall establish a program  
 15 to distribute the information described in subdivision (7) to small  
 16 businesses that are required to file returns or information with these  
 17 state agencies.

18 SECTION 3. IC 13-11-2-6 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. "Air pollution  
 20 control laws" refers to IC 13-17, except for the following:

21 (1) IC 13-17-3-15.

22 ~~(2) IC 13-17-7.~~

23 ~~(3) (2) IC 13-17-8-10.~~

24 ~~(4) (3) IC 13-17-9.~~

25 ~~(5) (4) IC 13-17-10.~~

26 ~~(6) (5) IC 13-17-11.~~

27 ~~(7) (6) IC 13-17-13.~~

28 SECTION 4. IC 13-11-2-7 IS REPEALED [EFFECTIVE JULY 1,  
 29 2026]. Sec. 7. "Alternative PCB technology", for purposes of  
 30 ~~IC 13-17-10, means a technology for the treatment and disposal of PCB~~  
 31 ~~that presents:~~

32 ~~(1) an actual; or~~

33 ~~(2) a potential;~~

34 ~~alternative to incineration.~~

35 SECTION 5. IC 13-11-2-7.3 IS ADDED TO THE INDIANA CODE  
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 37 1, 2026]: Sec. 7.3. "Anaerobic digestion facility", for purposes of  
 38 **this chapter and IC 13-20-10.5:**

39 **(1) means a facility that incorporates equipment that**  
 40 **promotes the decomposition of biomass, appropriate**  
 41 **feedstock, or both to simple organics and biogas products in**  
 42 **the oxygen free environment of a closed, sealed chamber; and**



- 1           **(2) includes a methane recovery system.**  
 2           SECTION 6. IC 13-11-2-9.5 IS ADDED TO THE INDIANA CODE  
 3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 4 1, 2026]: **Sec. 9.5. "Appropriate feedstock", for purposes of this**  
 5 **chapter, means a specific solid waste stream segregated from other**  
 6 **solid wastes and that can be successfully processed with other solid**  
 7 **waste or products for recovery of materials or energy through an**  
 8 **anaerobic digestion facility or a gasification facility.**  
 9           SECTION 7. IC 13-11-2-15 IS REPEALED [EFFECTIVE JULY 1,  
 10 2026]. ~~Sec. 15. "Assistant commissioner", for purposes of IC 13-27-~~  
 11 ~~refers to the individual appointed by the commissioner under~~  
 12 ~~IC 13-27-2-2 to the highest position in the division of pollution~~  
 13 ~~prevention.~~  
 14           SECTION 8. IC 13-11-2-16.6, AS ADDED BY P.L.189-2011,  
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2026]: ~~Sec. 16.6. "Biomass", for purposes of sections 16.7 and~~  
 17 ~~16.8~~ **7.3, 88.7, 205, and 212** of this chapter and IC 13-20-10.5, means  
 18 biological material that is available on a renewable recurring basis and  
 19 is used as a source of renewable energy, including the following:  
 20           (1) Agricultural crops.  
 21           (2) Agricultural wastes and residues.  
 22           (3) Wood and wood byproducts, including the following:  
 23               (A) Wood residue.  
 24               (B) Forest thinning.  
 25               (C) Mill residue wood.  
 26           (4) Animal wastes and byproducts, including manure.  
 27           (5) Aquatic plants.  
 28           (6) Algae.  
 29           (7) Byproducts of processing agricultural crops.  
 30           SECTION 9. IC 13-11-2-16.7 IS REPEALED [EFFECTIVE JULY  
 31 1, 2026]. ~~Sec. 16.7. "Biomass anaerobic digestion facility", for~~  
 32 ~~purposes of IC 13-20-10.5:~~  
 33           ~~(1) means a facility that incorporates equipment that promotes the~~  
 34 ~~decomposition of biomass to simple organics and biogas products~~  
 35 ~~in the oxygen free environment of a closed, sealed chamber; and~~  
 36 ~~(2) includes a methane recovery system.~~  
 37           SECTION 10. IC 13-11-2-16.8 IS REPEALED [EFFECTIVE JULY  
 38 1, 2026]. ~~Sec. 16.8. "Biomass gasification facility", for purposes of~~  
 39 ~~IC 13-20-10.5, means a facility that incorporates equipment to carry out~~  
 40 ~~a thermochemical process that, with little or no oxygen present,~~  
 41 ~~converts biomass into a synthesis gas.~~  
 42           SECTION 11. IC 13-11-2-17.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2026]: **Sec. 17.5. "Beneficial use facility", for**  
 3 **purposes of section 212 of this chapter, means an operation in**  
 4 **which sludge, waste products, or wastewater generated by**  
 5 **industrial, municipal, or semipublic facilities are blended,**  
 6 **composted, or processed for the purpose of land application.**

7 SECTION 12. IC 13-11-2-22 IS REPEALED [EFFECTIVE JULY  
 8 1, 2026]. ~~Sec. 22. "Byproduct material", for purposes of IC 13-22-10;~~  
 9 ~~has the meaning set forth in section 11c. (2) of the Atomic Energy Act~~  
 10 ~~of 1954 (42 U.S.C. 2014(c)(2)); as in effect on January 1, 1987.~~

11 SECTION 13. IC 13-11-2-25.2 IS REPEALED [EFFECTIVE JULY  
 12 1, 2026]. ~~Sec. 25.2. "Chemical toilet", for purposes of IC 13-18-12-2.2;~~  
 13 ~~has the meaning set forth in IC 13-18-12-2.2(a)(1).~~

14 SECTION 14. IC 13-11-2-29, AS AMENDED BY P.L.189-2018,  
 15 SECTION 107, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2026]: Sec. 29. "Clean Water Act", for purposes  
 17 of this chapter, IC 13-18-22, and IC 13-18-23, refers to:

- 18 (1) 33 U.S.C. 1251 et seq.; and
- 19 (2) **as applicable**, regulations adopted under 33 U.S.C. 1251 et  
 20 seq.

21 SECTION 15. IC 13-11-2-40, AS AMENDED BY P.L.113-2014,  
 22 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2026]: Sec. 40. "Confined feeding operation" means:

- 24 (1) any confined feeding of:
  - 25 (A) at least three hundred (300) cattle;
  - 26 (B) at least six hundred (600) swine or sheep;
  - 27 (C) at least thirty thousand (30,000) fowl; or
  - 28 (D) at least five hundred (500) horses.
- 29 (2) any animal feeding operation electing to be subject to  
 30 IC 13-18-10; or
- 31 (3) any animal feeding operation that is causing a violation of:
  - 32 (A) water pollution control laws;
  - 33 (B) any rules of the board; or
  - 34 (C) IC 13-18-10.

35 ~~A determination by the department under this subdivision is appealable~~  
 36 ~~under IC 4-21-5.~~

37 SECTION 16. IC 13-11-2-49.5 IS ADDED TO THE INDIANA  
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2026]: **Sec. 49.5. "Decision", for purposes of**  
 40 **IC 13-14-2-10, includes standards, permits, enforcement actions,**  
 41 **and clean up levels.**

42 SECTION 17. IC 13-11-2-60 IS REPEALED [EFFECTIVE JULY



1 1, 2026]. ~~Sec. 60: "Division"; for purposes of IC 13-27, refers to the~~  
 2 ~~division of pollution prevention.~~

3 SECTION 18. IC 13-11-2-77, AS AMENDED BY P.L.176-2023,  
 4 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2026]: Sec. 77. (a) "Facility", for purposes of IC 13-15-1-3,  
 6 means a structure or an area of land used for the disposal, treatment,  
 7 storage, recovery, processing, or transferring of solid waste **or**  
 8 hazardous waste. ~~or atomic radiation.~~ The term includes the following:

- 9 (1) A hazardous waste facility.  
 10 (2) An incinerator.  
 11 (3) A solid waste landfill.  
 12 (4) A transfer station.

13 ~~(b) "Facility"; for purposes of IC 13-17-7, means a single structure,~~  
 14 ~~piece of equipment, installation, or operation that:~~

- 15 ~~(1) emits; or~~  
 16 ~~(2) has the potential to emit;~~

17 ~~a regulated air pollutant.~~

18 ~~(c) (b) "Facility", for purposes of IC 13-18-5, means a building, a~~  
 19 ~~structure, equipment, or other stationary item that is located on:~~

- 20 (1) a single site; or  
 21 (2) contiguous or adjacent sites that are owned by, operated by, or  
 22 under common control of the same person.

23 ~~(d) (c) "Facility", for purposes of IC 13-21, means a facility, a plant,~~  
 24 ~~a works, a system, a building, a structure, an improvement, machinery,~~  
 25 ~~equipment, a fixture, or other real or personal property of any nature~~  
 26 ~~that is to be used, occupied, or employed for the collection, storage,~~  
 27 ~~separation, processing, recovery, treatment, marketing, transfer, or~~  
 28 ~~disposal of solid waste.~~

29 ~~(e) (d) "Facility", for purposes of IC 13-23, means a parcel of land~~  
 30 ~~or site, together with the structures, equipment, and improvements on~~  
 31 ~~or appurtenant to the land or site, which is used or is being developed~~  
 32 ~~for the storage or distribution of petroleum.~~

33 ~~(f) (e) "Facility", for purposes of IC 13-25-2, means all buildings,~~  
 34 ~~equipment, structures, and other stationary items that are:~~

- 35 (1) located on a single site or on contiguous or adjacent sites; and  
 36 (2) owned or operated by:  
 37 (A) the same person; or  
 38 (B) any person that controls, is controlled by, or is under  
 39 common control with the same person.

40 For purposes of IC 13-25-2-6, the term includes motor vehicles, rolling  
 41 stock, and aircraft.

42 ~~(g) (f) "Facility", for purposes of IC 13-25-4, has the meaning set~~



1 forth in 42 U.S.C. 9601(9).

2 ~~(h)~~ **(g)** "Facility", for purposes of IC 13-29-1, means a parcel of land  
3 or site, together with the structures, equipment, and improvements on  
4 or appurtenant to the land or site, which is used or is being developed  
5 for the treatment, storage, or disposal of low-level radioactive waste.

6 SECTION 19. IC 13-11-2-80 IS REPEALED [EFFECTIVE JULY  
7 1, 2026]. ~~Sec. 80: "FESOP", for purposes of IC 13-17-7, means a~~  
8 ~~federally enforceable state operating permit issued to a source that~~  
9 ~~would require a Title V operating permit but due to a federally~~  
10 ~~enforceable operating restriction has potential emissions less than the~~  
11 ~~amount that would require a Title V operating permit.~~

12 SECTION 20. IC 13-11-2-88.7 IS ADDED TO THE INDIANA  
13 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
14 **[EFFECTIVE JULY 1, 2026]: Sec. 88.7. "Gasification facility", for**  
15 **purposes of IC 13-20-10.5, means a facility that incorporates**  
16 **equipment to carry out a thermochemical process that, with little**  
17 **or no oxygen present, converts biomass, appropriate feedstock, or**  
18 **both into a synthesis gas.**

19 SECTION 21. IC 13-11-2-93 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 93. (a) "Guarantor", for  
21 purposes of IC 13-22-8, means a person, other than the owner or  
22 operator of a hazardous waste facility, who provides evidence of  
23 financial responsibility for the owner or operator under IC 13-22-8.

24 (b) "Guarantor", for purposes of IC 13-23-4-6, means any person,  
25 other than the owner or operator of an underground storage tank, who  
26 provides evidence of financial responsibility for an owner or operator  
27 under:

28 (1) IC 13-23-4-1 or IC 13-23-4-2; and

29 (2) the rules adopted under ~~IC 13-23-1-2(c)(6):~~

30 **IC 13-23-1-2(b)(6).**

31 SECTION 22. IC 13-11-2-109 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 109. "Industrial  
33 pretreatment permit", for purposes of IC 13-18-20, refers to a permit  
34 issued by the state to an industry discharging to a publicly owned  
35 treatment works that:

36 (1) meets the criteria ~~in 327 IAC 5-13-2(f)~~; **set forth in the**  
37 **applicable rules or regulations;** and

38 (2) has been approved by the commissioner in accordance with  
39 ~~327 IAC 5-13-4~~. **the applicable rules or regulations.**

40 SECTION 23. IC 13-11-2-114, AS AMENDED BY P.L.112-2016,  
41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2026]: Sec. 114. "Land application", for purposes of **section**



1 **205 of this chapter and IC 13-18-12**, means the disposal of:

- 2 (1) septage;  
 3 (2) solid waste, as defined in section 205(a) of this chapter; or  
 4 (3) industrial waste products, as allowed under IC 13-18-12-2.5;

5 by ~~burial or injection below the land surface~~, incorporation into the  
 6 soil, **or spraying or spreading onto the land surface**.

7 SECTION 24. IC 13-11-2-114.2, AS AMENDED BY P.L.112-2016,  
 8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2026]: Sec. 114.2. "Land application operation", for purposes  
 10 of IC 13-18-12 and IC 13-19-3, means an operation in which sludge,  
 11 waste products, or wastewater generated by industrial, municipal, or  
 12 semipublic facilities are disposed of by ~~application upon~~ **or spraying**  
 13 **or spreading onto the land surface**, incorporation into the soil, **or**  
 14 **injection below the land surface**. The term does not include the  
 15 operation of **an underground injection well**, a landfill, or an open  
 16 dump.

17 SECTION 25. IC 13-11-2-138 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 138. "Navigable  
 19 waters" ~~for purposes of IC 13-24-2~~; means waters of the United States  
 20 (as defined in the federal Clean Water Act (33 U.S.C. 1362(7))).

21 SECTION 26. IC 13-11-2-143 IS REPEALED [EFFECTIVE JULY  
 22 1, 2026]. ~~Sec. 143. (a) "Office", for purposes of IC 13-22-11, refers to~~  
 23 ~~the division of pollution prevention and technical assistance established~~  
 24 ~~by IC 13-27-2-1.~~

25 (b) "Office", for purposes of IC 13-28, refers to the office of  
 26 voluntary compliance.

27 SECTION 27. IC 13-11-2-156 IS REPEALED [EFFECTIVE JULY  
 28 1, 2026]. ~~Sec. 156. "Pending", for purposes of IC 13-17-7, means not~~  
 29 ~~completed as of January 1, 1994.~~

30 SECTION 28. IC 13-11-2-163.3 IS ADDED TO THE INDIANA  
 31 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 32 [EFFECTIVE JULY 1, 2026]: **Sec. 163.3. "PFAS chemicals", for**  
 33 **purposes of IC 13-14-2-11, means non-polymeric perfluoroalkyl**  
 34 **substances or non-polymeric saturated polyfluoroalkyl substances**  
 35 **that are a group of manmade chemicals that:**

- 36 (1) **are likely to be persistent in the environment; and**  
 37 (2) **have bioaccumulation potential in humans, animals, or the**  
 38 **environment.**

39 SECTION 29. IC 13-11-2-165, AS AMENDED BY P.L.189-2018,  
 40 SECTION 114, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2026]: Sec. 165. "Pollution control laws" refers  
 42 to the following:

ES 277—LS 6849/DI 150



- 1 (1) IC 13-12-4 and IC 13-12-5.
- 2 (2) IC 13-17, except for the following:
- 3 (A) IC 13-17-3-15.
- 4 ~~(B) IC 13-17-7.~~
- 5 ~~(C) (B) IC 13-17-8-10.~~
- 6 ~~(D) (C) IC 13-17-10.~~
- 7 ~~(E) (D) IC 13-17-11.~~
- 8 ~~(F) (E) IC 13-17-13.~~
- 9 (3) IC 13-18, except for the following:
- 10 (A) IC 13-18-12 and IC 5-1.2-10.
- 11 (B) IC 13-18-15 through IC 13-18-20.
- 12 (4) IC 13-19-3.
- 13 (5) IC 13-20-16 and IC 13-20-17.

14 SECTION 30. IC 13-11-2-168 IS REPEALED [EFFECTIVE JULY  
 15 1, 2026]. Sec. 168. "Potential emissions", for purposes of IC 13-17-7,  
 16 means emissions calculated:

- 17 ~~(1) before:~~
- 18 ~~(A) the installation of air pollution control equipment; and~~
- 19 ~~(B) the application of any applicable state or federal:~~
- 20 ~~(i) rule;~~
- 21 ~~(ii) regulation; or~~
- 22 ~~(iii) statute;~~
- 23 ~~that establishes emission limitations or standards; and~~
- 24 ~~(2) after consideration of any physical or operational limitation on~~  
 25 ~~the capacity of a facility or source.~~

26 SECTION 31. IC 13-11-2-177.5 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 177.5. (a) "Publicly  
 28 owned treatment works", for purposes of IC 13-18-3, ~~has the meaning~~  
 29 ~~set forth in 327 IAC 5-1.5-48.~~ **means a treatment works (as defined**  
 30 **in Section 212(2) of the Clean Water Act) owned by the state or a**  
 31 **municipality (as defined in Section 502(4) of the Clean Water Act).**

- 32 (b) **The term includes:**
- 33 **(1) devices and systems used in the storage, treatment,**  
 34 **recycling, and reclamation of municipal sewage or compatible**  
 35 **industrial wastes; and**
- 36 **(2) a municipality (as defined in Section 502(4) of the Clean**  
 37 **Water Act) that has jurisdiction over the indirect discharges**  
 38 **to and the discharges from a treatment works.**
- 39 (c) **The term does not include:**
- 40 **(1) pipes;**
- 41 **(2) sewers; or**
- 42 **(3) other conveyances;**



1 **not connected to a facility providing treatment.**

2 SECTION 32. IC 13-11-2-199.4 IS REPEALED [EFFECTIVE  
3 JULY 1, 2026]. ~~Sec. 199.4. "Septage management vehicle", for~~  
4 ~~purposes of IC 13-18-12-2.2, has the meaning set forth in~~  
5 ~~IC 13-18-12-2.2(b).~~

6 SECTION 33. IC 13-11-2-201, AS AMENDED BY P.L.107-2016,  
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2026]: Sec. 201. (a) "Sewage disposal system", for purposes  
9 of this chapter, IC 13-18-12 ~~(except as provided in subsection (b))~~, and  
10 IC 13-20-17.5, means septic tanks, septic tank soil absorption systems,  
11 septage holding tanks, seepage pits, cesspools, privies, composting  
12 toilets, interceptors or grease traps, portable sanitary units, and other  
13 equipment, facilities, or devices used to:

- 14 (1) store;  
15 (2) treat;  
16 (3) make inoffensive; or  
17 (4) dispose of;

18 human excrement or liquid carrying wastes of a domestic nature.

19 (b) ~~"Sewage disposal system", for purposes of IC 13-18-12-2.2, has~~  
20 ~~the meaning set forth in IC 13-18-12-2.2(a)(2).~~

21 SECTION 34. IC 13-11-2-203.5, AS AMENDED BY P.L.1-2010,  
22 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2026]: Sec. 203.5. (a) Except as provided in subsection (b),  
24 "small business", for purposes of section 47.7 of this chapter, means a  
25 business that satisfies all the following:

- 26 (1) The business is independently owned and operated.  
27 (2) The principal office of the business is located in Indiana.  
28 (3) The business satisfies either of the following:  
29 (A) The business has not more than:  
30 (i) one hundred (100) employees; and  
31 (ii) average annual gross receipts of ten million dollars  
32 (\$10,000,000).  
33 (B) If the business is a manufacturing business, the business  
34 does not have more than one hundred (100) employees.

35 (b) "Small business" does not include a business subject to  
36 electronic waste regulation under ~~329 IAC 16~~. **IC 13-20.5.**

37 SECTION 35. IC 13-11-2-205, AS AMENDED BY P.L.54-2023,  
38 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2026]: Sec. 205. (a) "Solid waste", for purposes of  
40 IC 13-18-12, IC 13-19, IC 13-21, IC 13-20-22, and environmental  
41 management laws, except as provided in subsection (b), and subject to  
42 subsection (d), means any garbage, refuse, sludge from a waste



1 treatment plant, sludge from a water supply treatment plant, sludge  
 2 from an air pollution control facility, or other discarded material,  
 3 including solid, liquid, semisolid, or contained gaseous material  
 4 resulting from industrial, commercial, mining, or agricultural  
 5 operations or from community activities. The term does not include:

6 (1) solid or dissolved material in:

7 (A) domestic sewage; or

8 (B) irrigation return flows or industrial discharges;

9 that are point sources subject to permits under Section 402 of the  
 10 Federal Water Pollution Control Act Amendments (33 U.S.C.  
 11 1342);

12 (2) source, special nuclear, or byproduct material (as defined by  
 13 the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.));

14 (3) manures or crop residues returned to the soil as fertilizers or  
 15 soil conditioners as part of a total farm operation;

16 (4) vegetative matter at composting facilities registered under  
 17 IC 13-20-10; or

18 (5) material that is discarded if:

19 (A) the material is not:

20 (i) spent lead acid batteries regulated under IC 13-20-16;

21 ~~and 329 IAC 3-1-11.1;~~

22 (ii) salvaged from mobile homes regulated under 329  
 23 IAC 11.6;

24 (iii) alternative fuels regulated under 329 IAC 11.7;

25 (iv) used oil regulated under 329 IAC 13;

26 (v) waste tires regulated under **IC 13-20-13 and**  
 27 **IC 13-20-14; and 329 IAC 15;**

28 (vi) electronic waste regulated under 329 IAC 16;

29 (vii) legitimate use of iron and steelmaking slags, as  
 30 described in 329 IAC 11-3-1(11);

31 (viii) legitimate use of foundry sand, as described in 329  
 32 IAC 11-3-1(12); ~~or~~

33 (ix) engineered wood waste burned as a fuel, as described in  
 34 329 IAC 11-3-1(20);

35 **(x) treated in order to be appropriate for land**  
 36 **application; or**

37 **(xi) biomass or appropriate feedstock regulated under**  
 38 **IC 13-20-10.5;**

39 (B) the material is otherwise:

40 (i) determined under 40 CFR 262.11 to be nonhazardous; or

41 (ii) exempted or excluded from regulation as a hazardous  
 42 waste under 40 CFR 261; and



- 1 (C) the material is used:  
 2 (i) by a manufacturer as an ingredient in or a component of  
 3 a product; or  
 4 (ii) as a commodity in a process that results in a product.
- 5 (b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and  
 6 IC 13-21, and subject to subsection (d), does not include the following:  
 7 (1) A waste that is regulated under the following:  
 8 (A) IC 13-22-1 through IC 13-22-8.  
 9 (B) IC 13-22-13 through IC 13-22-14.  
 10 (2) An infectious waste (as defined in IC 16-41-16-4) that is  
 11 disposed of at an incinerator permitted under rules adopted by the  
 12 board to dispose of infectious waste.
- 13 (c) "Solid waste", for purposes of IC 13-26, and subject to  
 14 subsection (d), means all putrescible and nonputrescible solid and  
 15 semisolid wastes, except human excreta. The term includes garbage,  
 16 rubbish, ashes, street cleanings, dead animals, offal, and solid  
 17 commercial, industrial, and institutional wastes.
- 18 (d) The term "solid waste" does not include post-use polymers and  
 19 recovered feedstocks that are:  
 20 (1) converted at an advanced recycling facility; or  
 21 (2) held at an advanced recycling facility before conversion.
- 22 SECTION 36. IC 13-11-2-212, AS AMENDED BY P.L.54-2023,  
 23 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2026]: Sec. 212. (a) "Solid waste processing facility", for  
 25 purposes of IC 13-19-3-8.2, IC 13-19-4, IC 13-20-1, IC 13-20-4, and  
 26 IC 13-20-6, and subject to subsection (b), means a facility at which at  
 27 least one (1) of the following is located:  
 28 (1) A solid waste incinerator.  
 29 (2) A transfer station.  
 30 (3) A solid waste baler.  
 31 (4) A solid waste shredder.  
 32 (5) A resource recovery system.  
 33 (6) A composting facility.  
 34 (7) A garbage grinding system.  
 35 (8) A medical or an infectious waste treatment facility.  
 36 (9) A solid waste solidification facility that is not located on an  
 37 operating, permitted landfill.  
 38 (10) A facility that uses plasma arc or another source of heat to  
 39 treat solid waste.
- 40 (b) The term "solid waste processing facility" does not include the  
 41 following:  
 42 (1) A facility or operation that generates solid waste.



- 1 (2) An advanced recycling facility.
- 2 (3) A facility that:
- 3 (A) processes solely:
- 4 (i) biomass, appropriate feedstock, or recyclable
- 5 material; or
- 6 (ii) a mixture of the materials described in item (i); and
- 7 (B) is located at a permitted beneficial use facility or an
- 8 anaerobic digestion facility or gasification facility.
- 9 SECTION 37. IC 13-11-2-213 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 213. "Source", for
- 11 purposes of IC 13-17-3, and ~~IC 13-17-7~~; means an aggregation of one
- 12 (1) or more facilities that are:
- 13 (1) located on:
- 14 (A) one (1) piece of property; or
- 15 (B) contiguous or adjacent properties; and
- 16 (2) owned, operated, or controlled by the same person.
- 17 SECTION 38. IC 13-11-2-214 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 214. "Source
- 19 reduction", for purposes of ~~IC 13-17-7~~ and IC 13-21, means a reduction
- 20 in the amount of solid waste generated that is achieved through actions
- 21 affecting the source of the solid waste.
- 22 SECTION 39. IC 13-11-2-221.3 IS ADDED TO THE INDIANA
- 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 24 [EFFECTIVE JULY 1, 2026]: Sec. 221.3. (a) "State prioritized PFAS
- 25 chemicals", for purposes of IC 13-14-2-11, means non-polymeric
- 26 perfluoroalkyl substances or non-polymeric saturated
- 27 polyfluoroalkyl substances that are a group of manmade chemicals
- 28 that:
- 29 (1) contain at least two (2) fully fluorinated sequential carbon
- 30 atoms;
- 31 (2) are likely to be persistent in the environment;
- 32 (3) have bioaccumulation potential in humans, animals, or the
- 33 environment; and
- 34 (4) are regulated by the United States Environmental
- 35 Protection Agency under the federal Safe Drinking Water Act
- 36 (42 U.S.C. 300f et seq.) with respect to maximum contaminant
- 37 levels.
- 38 (b) The term includes the following targeted fluorinated
- 39 substances:
- 40 (1) Perfluorooctanoic acid (PFOA) and its salts.
- 41 (2) Perfluorooctanesulfonic acid or perfluorooctane sulfonate
- 42 (PFOS) and its salts.



1           **(c) The term does not include gases or substances that become**  
 2 **gases in use.**

3           SECTION 40. IC 13-11-2-224 IS REPEALED [EFFECTIVE JULY  
 4 1, 2026]. ~~Sec. 224: "Stormwater permit", for purposes of IC 13-18-20,~~  
 5 ~~refers to a permit issued to a facility regulated under 327 IAC 15-5 or~~  
 6 ~~327 IAC 15-6.~~

7           SECTION 41. IC 13-11-2-232 IS REPEALED [EFFECTIVE JULY  
 8 1, 2026]. ~~Sec. 232: "Title V operating permit", for purposes of~~  
 9 ~~IC 13-17-7, means a permit required by 42 U.S.C. 7661a.~~

10           SECTION 42. IC 13-11-2-245, AS AMENDED BY P.L.198-2016,  
 11 SECTION 636, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2026]: Sec. 245. (a) "Vehicle", for purposes of  
 13 IC 13-17-5, refers to a vehicle required to be registered with the bureau  
 14 of motor vehicles and required to have brakes. The term does not  
 15 include the following:

- 16           (1) Mobile homes. ~~(house trailers).~~
- 17           (2) Trailers weighing not more than three thousand (3,000)  
 18 pounds.
- 19           (3) A vehicle that is at least twenty-five (25) years old.
- 20           (4) Special machinery (as defined in IC 9-13-2-170.3).

21           (b) "Vehicle", for purposes of IC 13-20-4, refers to a municipal  
 22 waste collection and transportation vehicle.

23           (c) "Vehicle", for purposes of IC 13-20-13-7, means a motor  
 24 vehicle, a farm tractor (as defined in IC 9-13-2-56), an implement of  
 25 agriculture (as defined in IC 9-13-2-77), a semitrailer (as defined in  
 26 IC 9-13-2-164(a) or IC 9-13-2-164(b)), and types of equipment,  
 27 machinery, implements, or other devices used in transportation,  
 28 manufacturing, agriculture, construction, or mining. The term does not  
 29 include a lawn and garden tractor that is propelled by a motor of not  
 30 more than twenty-five (25) horsepower.

31           (d) "Vehicle", for purposes of IC 13-20-14, has the meaning set  
 32 forth in IC 9-13-2-196.

33           SECTION 43. IC 13-12-4-2 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The general  
 35 assembly recognizes the following:

- 36           (1) The profound impact of human activity on the interrelations  
 37 of all components of the natural environment, particularly the  
 38 profound influences of the following:
  - 39           ~~(A) Population growth.~~
  - 40           ~~(B) (A) High-density urbanization.~~
  - 41           ~~(C) (B) Industrial expansion.~~
  - 42           ~~(D) (C) Resource exploitation.~~



- 1            ~~(E)~~ **(D)** New and expanding technological advances.
- 2            (2) The critical importance of restoring and maintaining
- 3            environmental quality to the overall welfare and development of
- 4            humans.
- 5            (3) That each person should enjoy a healthful environment.
- 6            (4) That each person has a responsibility to contribute to the
- 7            preservation and enhancement of the environment.
- 8            SECTION 44. IC 13-12-4-4 IS AMENDED TO READ AS
- 9            FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. To carry out the
- 10           policy set forth in this chapter, it is the continuing responsibility of the
- 11           state to use all practicable means, consistent with other essential
- 12           considerations of state policy, to improve and coordinate state plans,
- 13           functions, programs, and resources to the end that the state may do the
- 14           following:
- 15                (1) Fulfill the responsibilities of each generation as trustee of the
- 16                environment for succeeding generations.
- 17                (2) Assure for all citizens of Indiana safe, healthful, productive,
- 18                and esthetically and culturally pleasing surroundings.
- 19                (3) Attain the widest range of beneficial uses of the environment
- 20                without degradation, risk to health or safety, or other undesirable
- 21                and unintended consequences.
- 22                (4) Preserve important historic, cultural, and natural aspects of
- 23                our national heritage and maintain, wherever possible, an
- 24                environment that supports diversity and variety of individual
- 25                choice.
- 26                (5) ~~Achieve a balance between population and resource use that~~
- 27                ~~will permit~~ **Maintain** high standards of living and a wise sharing
- 28                of life's amenities.
- 29                (6) Enhance the quality of renewable resources and approach the
- 30                maximum attainable recycling of depletable resources.
- 31            SECTION 45. IC 13-12-4-5, AS AMENDED BY P.L.133-2012,
- 32            SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33            JULY 1, 2026]: Sec. 5. To the fullest extent possible:
- 34                (1) the policies, rules, and statutes of the state shall be interpreted
- 35                and administered in accordance with the policies set forth in this
- 36                chapter; and
- 37                (2) all state agencies shall do the following:
- 38                        (A) Use a systematic, interdisciplinary approach that will
- 39                        ensure the integrated use of the natural and social sciences and
- 40                        the environmental design arts in planning and decision making
- 41                        that may have an impact on the environment.
- 42                        (B) Identify and develop methods and procedures that will



1 ensure that unquantified environmental amenities and values  
 2 may be given appropriate consideration in decision making  
 3 along with economic and technical considerations.

4 (C) Include in every recommendation or report on proposals  
 5 for legislation and other major state actions significantly  
 6 affecting the quality of the human environment a detailed  
 7 statement by the responsible official on the following:

8 (i) The environmental impact of the proposed action:

9 (ii) Any adverse environmental effects that cannot be  
 10 avoided should the proposal be implemented:

11 (iii) Alternatives to the proposed action:

12 (iv) The relationship between local short term uses of the  
 13 environment and the maintenance and enhancement of long  
 14 term productivity:

15 (v) Any irreversible and irretrievable commitments of  
 16 resources that would be involved if the proposed action  
 17 should be implemented:

18 Before making a detailed statement, the responsible state  
 19 official shall consult with and obtain the comments of each  
 20 state agency that has jurisdiction by law or special expertise  
 21 with respect to any environmental impact involved. Copies of  
 22 the statement and the comments and views of the appropriate  
 23 federal, state, and local agencies that are authorized to develop  
 24 and enforce environmental standards shall be made available  
 25 to the governor and to the public and must accompany the  
 26 proposal through the agency review processes. The board shall  
 27 by rule define the actions that constitute a major state action  
 28 significantly affecting the quality of the human environment:

29 (D) Study, develop, and describe appropriate alternatives to  
 30 recommend courses of action in any proposal that involves  
 31 unresolved conflicts concerning alternative uses of available  
 32 resources:

33 (E) Recognize the long range character of environmental  
 34 problems and, where consistent with the policy of the state,  
 35 lend appropriate support to initiatives, resolutions, and  
 36 programs designed to maximize state cooperation in  
 37 anticipating and preventing a decline in the quality of the  
 38 environment:

39 (F) Make available to counties, municipalities, institutions,  
 40 and individuals advice and information useful in restoring,  
 41 maintaining, and enhancing the quality of the environment:

42 (G) Initiate and use ecological information in the planning and



- 1           development of resource oriented projects:  
 2           SECTION 46. IC 13-12-4-6 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. All state agencies  
 4 shall review their:  
 5           (1) statutory authority;  
 6           (2) administrative rules; and  
 7           (3) current policies and procedures;  
 8 to determine whether there are any deficiencies or inconsistencies that  
 9 **prohibit full compliance consistency** with the purposes and provisions  
 10 of this chapter.  
 11           SECTION 47. IC 13-12-4-8 IS REPEALED [EFFECTIVE JULY 1,  
 12 2026]. Sec. 8: This chapter may not be construed to require an  
 13 environmental impact statement for the issuance of a license or permit  
 14 by any state agency.  
 15           SECTION 48. IC 13-12-4-10 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. Any state agency  
 17 that is required by the federal National Environmental Policy Act (P.L.  
 18 91-190) (42 U.S.C. 4321 et seq.) to file a federal environmental impact  
 19 statement is not required to file a statement with the state government  
 20 as provided under sections 5 and 6 of this chapter unless the action  
 21 contemplated requires state legislation or state appropriations: **exempt**  
 22 **from the requirements of this chapter with respect to the action**  
 23 **requiring the statement.**  
 24           SECTION 49. IC 13-12-5-1 IS REPEALED [EFFECTIVE JULY 1,  
 25 2026]. Sec. 1: The general assembly recognizes that there are two (2)  
 26 approaches to environmental protection:  
 27           (1) clean manufacturing; or  
 28           (2) waste management, which is also known as pollution control.  
 29           SECTION 50. IC 13-12-5-2 IS REPEALED [EFFECTIVE JULY 1,  
 30 2026]. Sec. 2: Clean manufacturing consists of economically feasible  
 31 practices that reduce, avoid, or eliminate the unnecessary use of  
 32 harmful industrial materials and the generation of industrial wastes,  
 33 pollutants, emissions, and discharges at the point of production. Clean  
 34 manufacturing practices are limited to the following:  
 35           (1) Product reformulation;  
 36           (2) Input substitution;  
 37           (3) Equipment redesign;  
 38           (4) Improved operations and procedures.  
 39           SECTION 51. IC 13-12-5-3 IS REPEALED [EFFECTIVE JULY 1,  
 40 2026]. Sec. 3: Waste management or pollution control consists of  
 41 environmental protection practices employed after industrial wastes,  
 42 pollutants, discharges, and emissions have been generated. Waste



1 management or pollution control practices include the following:

- 2 (1) ~~Waste storage and waste transportation.~~  
 3 (2) ~~Waste treatment, including the following:~~  
 4 (A) ~~Detoxification.~~  
 5 (B) ~~Incineration.~~  
 6 (C) ~~Biological treatment.~~  
 7 (3) ~~Land disposal of wastes.~~  
 8 (4) ~~Recycling.~~  
 9 (5) ~~Burning waste as fuels.~~  
 10 (6) ~~Dispersal of waste into air or water.~~  
 11 (7) ~~Dewatering of waste.~~

12 SECTION 52. IC 13-13-2-2 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner  
 14 ~~shall~~ **may** appoint individuals to ~~the~~ other positions in the department.

15 SECTION 53. IC 13-13-2-3 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner  
 17 may establish an ad hoc group to study and make recommendations  
 18 regarding critical environmental issues. The ad hoc group may include  
 19 the following:

- 20 (1) University representatives.  
 21 (2) Scientific research organizations.  
 22 (3) Public policy and research advisory organizations.  
 23 (4) Individuals from the private sector with experience in related  
 24 disciplines.

25 **(5) Small business and agriculture representatives.**

26 SECTION 54. IC 13-13-3-1 IS REPEALED [EFFECTIVE JULY 1,  
 27 2026]. ~~Sec. 1. The department must include the following offices:~~

- 28 (1) ~~An office dealing with environmental emergencies.~~  
 29 (2) ~~An office for communications with the public.~~  
 30 (3) ~~A hearings office, including the department's hearing officers.~~  
 31 (4) ~~An office to conduct investigations.~~

32 SECTION 55. IC 13-13-3-2, AS AMENDED BY P.L.114-2008,  
 33 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2026]: Sec. 2. The department ~~must~~ **may** include the  
 35 following ~~divisions:~~

- 36 (1) ~~An air pollution control division.~~ **An office of air quality.**  
 37 (2) ~~A water pollution control division.~~ **An office of water**  
 38 **quality.**  
 39 (3) ~~A solid waste management division.~~ **An office of land**  
 40 **quality.**  
 41 (4) ~~An administrative services division.~~ **An office of legal**  
 42 **counsel.**



1 (5) ~~A division of pollution prevention. An office of program~~  
 2 ~~support.~~

3 SECTION 56. IC 13-13-5-1 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. Except as provided  
 5 in IC 14-37, the department is designated as the following:

6 (1) The water pollution agency for Indiana for all purposes of the  
 7 Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in  
 8 effect January 1, 1988, and the federal Safe Drinking Water Act  
 9 (42 U.S.C. 300f through 300j) in effect January 1, 1988.

10 (2) The solid waste agency for Indiana for all purposes of the  
 11 federal Resource Conservation and Recovery Act (42 U.S.C. 6901  
 12 et seq.) in effect January 1, 1988.

13 (3) The air pollution control agency for Indiana for all purposes  
 14 of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended.  
 15 ~~by the federal Clean Air Act Amendments of 1990 (P.L. 101-549):~~

16 (4) The state agency with responsibility concerning the Midwest  
 17 Interstate Compact on Low-Level Radioactive Waste under  
 18 IC 13-29-1.

19 (5) The state agency with responsibility concerning the federal  
 20 Comprehensive Environmental Response, Compensation, and  
 21 Liability Act of 1980, as amended by the federal Superfund  
 22 Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601  
 23 through 9675) as in effect on January 1, 1993, and concerning 40  
 24 CFR 300.505, Subpart F of the National Oil and Hazardous  
 25 Substances Pollution Contingency Plan.

26 (6) The state agency with responsibility concerning the federal  
 27 Defense Environmental Restoration Program (10 U.S.C. 2701  
 28 through 2708) as in effect on January 1, 1993.

29 SECTION 57. IC 13-13-5-2 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. **(a)** The department  
 31 may take any action necessary to secure for Indiana the benefits of the  
 32 statutes described in section 1 of this chapter.

33 **(b) To achieve the goals of cooperative federalism, the**  
 34 **department shall actively engage with its federal counterparts**  
 35 **through comments, petitions, letters, advisory committees,**  
 36 **rulemaking activities, and other means, to ensure federal**  
 37 **environmental laws and their implementation serve the state of**  
 38 **Indiana under this title. The department shall prioritize**  
 39 **opportunities to address federal actions that are unnecessary,**  
 40 **create barriers to environmentally beneficial projects, or are**  
 41 **inconsistent with the law or best available science.**

42 SECTION 58. IC 13-13-7.1-1, AS ADDED BY P.L.53-2014,



1 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2026]: Sec. 1. The compliance advisory panel  
 3 is established **to carry out the duties required by 42 U.S.C. 7661f.**

4 SECTION 59. IC 13-13-7.1-2, AS AMENDED BY P.L.42-2024,  
 5 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2026]: Sec. 2. The panel consists of the following members:

7 (1) ~~Two (2)~~ members appointed by the president pro tempore of  
 8 the senate who are members of the senate and who are owners of,  
 9 or who have an interest in, a small business stationary source. Not  
 10 more than one ~~(1)~~ of the members appointed under this  
 11 subdivision may be members of the same political party. **A**  
 12 **member, appointed by the president pro tempore of the**  
 13 **senate, who is an owner of, or who represents owners of, a**  
 14 **small business stationary source.**

15 (2) ~~Two (2)~~ members appointed by the speaker of the house of  
 16 representatives who are members of the house of representatives  
 17 and who are owners of, or who have an interest in, a small  
 18 business stationary source. Not more than one ~~(1)~~ of the members  
 19 appointed under this subdivision may be affiliated with the same  
 20 political party. **A member, appointed by the minority leader of**  
 21 **the senate, who is an owner of, or who represents owners of,**  
 22 **a small business stationary source.**

23 (3) ~~Two (2)~~ members appointed by the governor to represent the  
 24 public who are not members of the general assembly, owners of  
 25 a small business stationary source, or representatives of owners  
 26 of small business stationary sources. Not more than one ~~(1)~~  
 27 member appointed under this subdivision may be a solid waste  
 28 management district director and not more than one ~~(1)~~ member  
 29 appointed under this subdivision may be affiliated with the same  
 30 political party. **A member, appointed by the speaker of the**  
 31 **house of representatives, who is an owner of, or represents**  
 32 **owners of, a small business stationary source.**

33 (4) **A member, appointed by the minority leader of the house**  
 34 **of representatives, who is an owner of, or who represents**  
 35 **owners of, a small business stationary source.**

36 (5) **Two (2) members, appointed by the governor, who:**

37 (A) are not owners of, or representatives of owners of, a  
 38 small business stationary source; and

39 (B) will represent the general public.

40 **Not more than one (1) member appointed under this**  
 41 **subdivision may be a solid waste management district**  
 42 **director.**



1           ~~(4)~~ **(6)** The commissioner of the department of environmental  
2           management or the commissioner's designee.

3           **In appointing members under subdivision (5), the governor may**  
4           **consider geographic location, political affiliation, and other factors**  
5           **to ensure viewpoints are fairly balanced.**

6           SECTION 60. IC 13-13-7.1-3, AS AMENDED BY P.L.42-2024,  
7           SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8           JULY 1, 2026]: Sec. 3. ~~(a)~~ The term of a member appointed to the  
9           panel under section ~~2(1)~~ or ~~2(2)~~ of this chapter is two ~~(2)~~ years and  
10          expires June 30 of each odd-numbered year:

11          ~~(b)~~ **(a)** The term of a member appointed to the panel under section  
12          ~~2(3)~~ **section 2(1) through 2(5)** of this chapter is four (4) years. ~~The~~  
13          ~~term expires June 30, 2025, and each fourth year thereafter.~~

14          ~~(c)~~ **(b)** Members of the panel may be reappointed to successive  
15          terms. However, **a member may not serve more than two (2)**  
16          **consecutive terms.** An appointing authority may replace a member at  
17          any time during the member's term.

18          **(c) Notwithstanding section 2 of this chapter or this section, a**  
19          **member:**

20                 **(1) who is a member of the general assembly; and**

21                 **(2) whose term has not expired on or before July 1, 2026;**  
22          **may finish the remainder of the term. The person appointed to fill**  
23          **that position serves for a four (4) year term as described in**  
24          **subsection (a).**

25          SECTION 61. IC 13-13-7.1-5, AS ADDED BY P.L.53-2014,  
26          SECTION 119, IS AMENDED TO READ AS FOLLOWS  
27          [EFFECTIVE JULY 1, 2026]: Sec. 5. The individual serving on the  
28          panel under section ~~2(4)~~ **section 2(6)** of this chapter is a nonvoting  
29          member.

30          SECTION 62. IC 13-13-7.1-6, AS AMENDED BY P.L.1-2025,  
31          SECTION 177, IS AMENDED TO READ AS FOLLOWS  
32          [EFFECTIVE JULY 1, 2026]: Sec. 6. ~~The chairperson of the legislative~~  
33          ~~council~~ **governor** shall appoint the chair of the panel from the  
34          members appointed under section ~~2(1)~~ or ~~2(2)~~ **section 2** of this chapter.  
35          The chair of the panel serves at the pleasure of the ~~chairperson of the~~  
36          ~~legislative council.~~ **governor.** The panel shall meet at the call of the  
37          chair of the panel.

38          SECTION 63. IC 13-13-7.1-11 IS REPEALED [EFFECTIVE JULY  
39          1, 2026]. Sec. ~~11.~~ ~~The panel shall carry out the duties required of a~~  
40          ~~compliance advisory panel under Section 507 of the federal Clean Air~~  
41          ~~Act (42 U.S.C. 7661f).~~

42          SECTION 64. IC 13-13-7.1-12, AS AMENDED BY P.L.42-2024,



1 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2026]: Sec. 12. The department of  
 3 ~~environmental management~~ shall ~~may~~ provide administrative and  
 4 technical support to the panel, as ~~provided in IC 13-28-3-2~~, including  
 5 duties related to the development and dissemination of reports and  
 6 advisory opinions.

7 SECTION 65. IC 13-13-7.1-13, AS AMENDED BY P.L.42-2024,  
 8 SECTION 103, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2026]: Sec. 13. Except as provided in section  
 10 9 of this chapter, the expenses of the panel shall be paid from  
 11 appropriations to the department. ~~of environmental management.~~

12 SECTION 66. IC 13-13-7.1-14 IS REPEALED [EFFECTIVE JULY  
 13 1, 2026]. ~~Sec. 14. The panel shall submit an annual report to the~~  
 14 ~~legislative council in an electronic format under IC 5-14-6.~~

15 SECTION 67. IC 13-13-8-2, AS ADDED BY P.L.133-2012,  
 16 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2026]: Sec. 2. (a) The following entities are abolished on  
 18 January 1, 2013:

19 (1) The air pollution control board (established by IC 13-17-2  
 20 before its repeal).

21 (2) The water pollution control board (established by IC 13-18-1  
 22 before its repeal).

23 (3) The solid waste management board (established by IC 13-19-2  
 24 before its repeal).

25 (b) All powers, duties, and liabilities are transferred from the  
 26 entities abolished under subsection (a) to the environmental rules board  
 27 established by section 3 of this chapter effective January 1, 2013.

28 (c) ~~On and after January 1, 2013, a reference to an entity abolished~~  
 29 ~~under subsection (a) in a statute or rule shall be treated as a reference~~  
 30 ~~to the environmental rules board.~~

31 (d) ~~The rules adopted by the entities abolished under subsection (a)~~  
 32 ~~shall be treated, administered, and implemented as follows:~~

33 (1) ~~The rules adopted before January 1, 2013, by the air pollution~~  
 34 ~~control board abolished under subsection (a)(1):~~

35 (A) ~~shall be treated as though the rules were adopted by the~~  
 36 ~~environmental rules board; and~~

37 (B) ~~shall be administered and implemented by the air pollution~~  
 38 ~~control division of the department described in~~  
 39 ~~IC 13-13-3-2(1).~~

40 (2) ~~The rules adopted before January 1, 2013, by the water~~  
 41 ~~pollution control board abolished under subsection (a)(2):~~

42 (A) ~~shall be treated as though the rules were adopted by the~~



- 1 environmental rules board; and  
 2 (B) shall be administered and implemented by the water  
 3 pollution control division of the department described in  
 4 IC 13-13-3-2(2).  
 5 (3) The rules adopted before January 1, 2013, by the solid waste  
 6 management board abolished under subsection (a)(3):  
 7 (A) shall be treated as though the rules were adopted by the  
 8 environmental rules board; and  
 9 (B) shall be administered and implemented by the solid waste  
 10 management division of the department described in  
 11 IC 13-13-3-2(3).  
 12 (e) A member of an entity abolished under subsection (a) may serve  
 13 until December 31, 2012. The initial members of the environmental  
 14 rules board shall be appointed under section 4 of this chapter not later  
 15 than December 31, 2012.  
 16 SECTION 68. IC 13-13-8-4, AS AMENDED BY P.L.250-2019,  
 17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2026]: Sec. 4. (a) The board consists of the following ~~sixteen~~  
 19 **(18) eighteen (18)** members:  
 20 (1) The following ex officio members:  
 21 (A) The commissioner, or the commissioner's designee, who  
 22 serves as a nonvoting member of the board.  
 23 (B) The director of the department of natural resources **or the**  
 24 **director's designee.**  
 25 (C) The ~~lieutenant governor:~~ **director of the state**  
 26 **department of agriculture or the director's designee.**  
 27 (D) The secretary of commerce or the secretary's designee.  
 28 (E) **The chairperson appointed under IC 13-13-7.1-6, who**  
 29 **serves as a nonvoting member of the board.**  
 30 (F) **The chairperson selected under IC 13-23-11-5, who**  
 31 **serves as a nonvoting member of the board.**  
 32 (2) The following twelve (12) members, who shall be appointed  
 33 by the governor based on recommendations from representative  
 34 constituencies:  
 35 (A) One (1) representative of agriculture.  
 36 (B) One (1) representative of manufacturing.  
 37 (C) One (1) representative of environmental interests.  
 38 (D) One (1) representative of labor.  
 39 (E) One (1) representative of local government.  
 40 (F) One (1) representative of small business.  
 41 (G) One (1) health professional. ~~who holds a license to~~  
 42 ~~practice in Indiana.~~



- 1 (H) One (1) representative of the solid waste management  
 2 industry.
- 3 (I) One (1) representative of a public utility. ~~that engages in~~  
 4 ~~the production and transmission of electricity.~~
- 5 (J) One (1) representative of the ~~residential or commercial~~  
 6 ~~construction industry.~~
- 7 (K) Two (2) representatives of the general public. ~~who cannot~~  
 8 ~~qualify for membership on the board under clauses (A)~~  
 9 ~~through (J).~~
- 10 (b) An individual appointed under subsection (a)(2) must possess  
 11 knowledge, experience, or education qualifying the individual to  
 12 represent the constituency the individual is being recommended to  
 13 represent.
- 14 **(c) In appointing members under subsection (a)(2), the governor**  
 15 **may consider geographic location, political affiliation, and other**  
 16 **factors to ensure viewpoints are fairly balanced.**
- 17 SECTION 69. IC 13-13-8-5 IS REPEALED [EFFECTIVE JULY 1,  
 18 2026]. ~~Sec. 5: Except as provided in section 4(a)(1)(A) of this chapter,~~  
 19 ~~an ex officio member of the board may designate in writing a technical~~  
 20 ~~representative to serve as a voting member of the board when the ex~~  
 21 ~~officio member is unable to attend a board meeting.~~
- 22 SECTION 70. IC 13-13-8-6 IS REPEALED [EFFECTIVE JULY 1,  
 23 2026]. ~~Sec. 6: Not more than six (6) of the appointed members of the~~  
 24 ~~board may be members of the same political party.~~
- 25 SECTION 71. IC 13-13-8-7, AS ADDED BY P.L.133-2012,  
 26 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2026]: Sec. 7. (a) An appointed member of the board serves  
 28 a term of four (4) years. **A member may not serve more than two (2)**  
 29 **consecutive terms.**
- 30 (b) The term of each member of the board continues until a  
 31 successor is appointed. ~~and qualified.~~
- 32 (c) ~~If a vacancy occurs in the appointed membership of the board,~~  
 33 ~~the governor shall appoint a member not later than ninety (90) days~~  
 34 ~~after the vacancy occurs for the remainder of the unexpired term~~  
 35 ~~created by the vacancy. The board shall suspend the exercise of the~~  
 36 ~~board's duties if the vacancy has not been filled within ninety (90) days~~  
 37 ~~after the vacancy occurs. If a vacancy occurs in the appointed~~  
 38 ~~membership of the board, the governor shall appoint an individual~~  
 39 ~~to fill the unexpired term of the vacating member. A member~~  
 40 ~~appointed to fill a vacancy must meet the same qualifications~~  
 41 ~~specified under section 4 of this chapter for the vacating member.~~
- 42 (d) The governor may remove an appointed member of the board ~~for~~



1 ~~cause. Cause includes the repeated failure to attend meetings: at any~~  
 2 ~~time with or without cause.~~

3 SECTION 72. IC 13-13-8-10, AS ADDED BY P.L.133-2012,  
 4 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2026]: Sec. 10. The governor ~~shall annually select:~~ **may**  
 6 **designate:**

7 (1) one (1) of the appointed members of the board to serve as  
 8 chairperson; and

9 (2) another of the appointed members to serve as vice  
 10 chairperson.

11 SECTION 73. IC 13-13-8-11, AS ADDED BY P.L.133-2012,  
 12 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2026]: Sec. 11. Each member of the board shall fully disclose  
 14 any potential conflicts of interest ~~relating to permits or enforcement~~  
 15 ~~orders and recuse themselves as appropriate for particular matters~~  
 16 **before the board** under the:

17 (1) federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended;  
 18 ~~by the Clean Air Act Amendments of 1990;~~

19 (2) federal Resource Conservation and Recovery Act (42 U.S.C.  
 20 6901 et seq.);

21 (3) federal Comprehensive Environmental Response,  
 22 Compensation, and Liability Act of 1980, as amended by the  
 23 federal Superfund Amendments and Reauthorization Act of 1986  
 24 (42 U.S.C. 9601 through 9675);

25 (4) federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);  
 26 and

27 (5) federal Safe Drinking Water Act (42 U.S.C. 300f through  
 28 300j).

29 SECTION 74. IC 13-13-8-13, AS ADDED BY P.L.133-2012,  
 30 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2026]: Sec. 13. (a) The board may select, from a list of three  
 32 (3) qualified individuals recommended by the governor, an  
 33 independent third party who is not an employee of the state to serve as  
 34 legal counsel.

35 ~~(b) The legal counsel shall do the following:~~

36 ~~(1) Advise the board on legal matters or proceedings arising from~~  
 37 ~~the exercise of the board's duties:~~

38 ~~(2) Review all materials prepared for the board by the department~~  
 39 ~~for legal accuracy and sufficiency and direct the department to~~  
 40 ~~make any necessary revisions:~~

41 ~~(c) (b) Provisions of this chapter concerning terms of appointment,~~  
 42 ~~vacancies, and compensation of appointed board members apply to the~~



1 legal counsel. The legal counsel is not a voting member of the board.

2 SECTION 75. IC 13-13-8-14, AS ADDED BY P.L.133-2012,  
3 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2026]: Sec. 14. The board may establish advisory committees  
5 for the purpose of giving advice on any matters pertaining to the  
6 business of the board. **Board members may also be members of an**  
7 **advisory committee.** A member appointed to an advisory committee,  
8 **who is not a member of the board,** shall serve at the pleasure of the  
9 board and is not entitled to a salary, per diem, or reimbursement of  
10 expenses.

11 SECTION 76. IC 13-14-1-5 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The department shall  
13 develop and implement a ~~program of public awareness and~~  
14 ~~participation to assure maximum programs to maximize public~~  
15 **awareness, participation, and** citizen involvement in the evolution  
16 and continuation of the environmental programs of the state.

17 SECTION 77. IC 13-14-1-7, AS AMENDED BY P.L.133-2012,  
18 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2026]: Sec. 7. The commissioner shall prepare the proposed  
20 budget of the department and, **if necessary,** the board.

21 SECTION 78. IC 13-14-1-9, AS AMENDED BY P.L.133-2012,  
22 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2026]: Sec. 9. (a) The commissioner ~~shall~~ **may** issue permits,  
24 licenses, orders, and variances as authorized by:

- 25 (1) this title;
- 26 (2) other statutes; and
- 27 (3) rules of the board.

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

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

36 SECTION 79. IC 13-14-1-10 IS REPEALED [EFFECTIVE JULY  
37 1, 2026]. Sec. 10: The department shall encourage and assist units of  
38 local government in developing programs and facilities for the  
39 following:

- 40 (1) Air, water, radiation, odor, and noise pollution control.
- 41 (2) Wastewater treatment.
- 42 (3) Water resource development.



1           (4) ~~Solid waste management.~~

2           SECTION 80. IC 13-14-1-11.5, AS AMENDED BY THE  
3 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL  
4 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2026]: Sec. 11.5. (a) If the department proposes to utilize a  
6 policy or statement that:

- 7           (1) interprets, supplements, or implements a statute or rule;  
8           (2) has not been adopted in compliance with IC 4-22-2;  
9           (3) is not intended by the department to have the effect of law;  
10          and  
11          (4) is not related solely to internal department organization;

12          the proposed policy or statement may not be put into effect until the  
13 requirements of subsection (b) have been met.

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

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

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

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

- 41          (1) two (2) copies of the policy or statement to the publisher of  
42 the Indiana Register for publication in the Indiana Register; and



- 1 (2) the copies required under IC 4-23-7.1-26 to the Indiana library  
2 and historical department.
- 3 (d) The department shall:
- 4 (1) maintain a current list of all department policies and  
5 statements described in subsection (a) that the department may  
6 use in the department's external affairs; and  
7 (2) update the list at least one (1) time each month.
- 8 (e) The department shall include the following information on the  
9 list described in subsection (d) for each policy or statement:
- 10 (1) The title of the policy or statement.  
11 (2) The identification number of the policy or statement.  
12 (3) The date the policy or statement was originally adopted.  
13 (4) The date the policy or statement was last revised.  
14 (5) A reference to all other policies or statements described in  
15 subsection (a) that are repealed or amended by the policy or  
16 statement.  
17 (6) A brief description of the subject matter of the policy or  
18 statement.
- 19 (f) At least one (1) time every three (3) months, the department shall  
20 distribute two (2) copies of the list maintained and updated under  
21 subsection (d) to the following:
- 22 (1) The publisher of the Indiana Register.  
23 (2) The Indiana library and historical department.
- 24 **(g) A policy or statement put into effect by this section after July**  
25 **1, 2026, expires January 1 of the fifth year after the year in which**  
26 **the policy or statement takes effect, unless the policy or statement**  
27 **expires or is repealed on an earlier date or is reauthorized under**  
28 **this section.**
- 29 SECTION 81. IC 13-14-1-11.7, AS ADDED BY P.L.218-2016,  
30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2026]: Sec. 11.7. (a) ~~Before July 1 of each year,~~ The  
32 department shall ~~report:~~ **make available in an electronic format:**
- 33 (1) any administrative rule that has been:  
34 (A) proposed by the department; or  
35 (B) adopted by the board; **and**  
36 (2) ~~any operating policy or procedure that has been instituted or~~  
37 ~~altered by the department; and~~  
38 (3) ~~(2)~~ any nonrule policy or statement that has been proposed or  
39 put into effect under section 11.5 of this chapter;  
40 since the ~~preceding July 1~~ that constitutes a change in the policy  
41 previously followed by the department under this title and the rules  
42 adopted by the board.



1 (b) ~~The report required under information described in subsection~~  
 2 (a) shall be submitted in an electronic format under IC 5-14-6 to the  
 3 executive director of the legislative services agency, who shall present  
 4 it to the legislative council established by IC 2-5-1.1-1 before the  
 5 following September 1. **made available to the legislative services**  
 6 **agency or the legislative council upon request.**

7 SECTION 82. IC 13-14-1-13 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) The  
 9 commissioner shall establish and administer monitoring and reporting  
 10 requirements as necessary to carry out the duties and to exercise the  
 11 powers provided in the following:

- 12 (1) Air pollution control laws.
- 13 (2) Water pollution control laws.
- 14 (3) Environmental management laws.

15 **(b) The department may require an affidavit of the responsible**  
 16 **officer or person in charge of the operation to accompany any**  
 17 **report required under this section.**

18 SECTION 83. IC 13-14-1-14 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. The department  
 20 ~~shall~~ **may** do the following:

- 21 (1) Develop and maintain an information clearinghouse on the  
 22 following subjects:
  - 23 (A) Source separation.
  - 24 (B) Recycling.
  - 25 (C) Composting.
  - 26 (D) Solid waste minimization.
  - 27 (E) Solid waste reduction.
  - 28 (F) Hazardous waste minimization.
  - 29 (G) Hazardous waste reduction.
- 30 (2) Assist in the development and implementation of public  
 31 education programs on:
  - 32 (A) source separation;
  - 33 (B) recycling;
  - 34 (C) composting;
  - 35 (D) solid waste reduction;
  - 36 (E) solid waste minimization;
  - 37 (F) hazardous waste minimization;
  - 38 (G) hazardous waste reduction; and
  - 39 (H) other alternatives to final disposal in landfills.
- 40 (3) Take action in any other matter involving:
  - 41 (A) solid waste minimization;
  - 42 (B) solid waste reduction;



- 1 (C) hazardous waste minimization; or  
 2 (D) hazardous waste reduction;  
 3 as directed by the commissioner.
- 4 SECTION 84. IC 13-14-1-17 IS REPEALED [EFFECTIVE JULY  
 5 1, 2026]. Sec. 17. (a) Before November 1 of each year, the department  
 6 shall submit an annual report to the governor and to the legislative  
 7 council in an electronic format under IC 5-14-6.
- 8 (b) The report under subsection (a) must include the following:
- 9 (1) A summary of the:
- 10 (A) reviews conducted; and  
 11 (B) agreements approved;  
 12 in the preceding state fiscal year under IC 13-17-13.
- 13 (2) Information on the following:
- 14 (A) Waste tire management as required by IC 13-20-13.  
 15 (B) The status of the waste tire management fund and the  
 16 programs funded by the fund.  
 17 (C) Recommendations for revisions to waste tire management  
 18 programs.
- 19 (3) An evaluation of the actions taken by the department to  
 20 improve the department's process of issuing permits that must  
 21 include the following information:
- 22 (A) A description of the reduction or increase in the backlog  
 23 of permit applications in each department permit program  
 24 during the preceding twelve (12) month period.  
 25 (B) The amount of:
- 26 (i) permit fees collected; and  
 27 (ii) expenditures made from fee revenue;  
 28 during the preceding twelve (12) month period.
- 29 (C) A discussion of possible increases or decreases in the  
 30 operating costs of each department permit and inspection  
 31 program.
- 32 (D) A discussion of the measures that have been taken by the  
 33 department to improve the operating efficiency of the permit  
 34 and inspection programs.
- 35 (E) The number of notices issued by the department under  
 36 IC 13-15-4-10.
- 37 (F) A discussion of the department's operational goals for the  
 38 next twelve (12) months.
- 39 (G) A permit status report that includes the following  
 40 information:
- 41 (i) The facility name and type of each permit application  
 42 pending on January 1 of the previous year and the date each



- 1 application was filed with the department.
- 2 (ii) The action taken on each application by December 31 of
- 3 the previous year.
- 4 (iii) The facility name and type of each permit application
- 5 pending on December 31 of the previous year and the date
- 6 each was filed with the department.
- 7 (4) Information concerning permits that have been
- 8 administratively extended that includes for each permit:
- 9 (A) the number of months that the permit has been
- 10 administratively extended;
- 11 (B) the number of months that the department has extended a
- 12 period under IC 13-15-4-8 or suspended processing of a permit
- 13 application under IC 13-15-4-10;
- 14 (C) the type of permit according to the types identified in
- 15 IC 13-18-20-2 through IC 13-18-20-11; and
- 16 (D) the dates when public notice of a draft permit was given.
- 17 (5) Information concerning the progress of remedial actions
- 18 commenced under IC 13-25-4.
- 19 (6) Information concerning the pollution prevention information
- 20 gathered under IC 13-27-6, including the following:
- 21 (A) A description of the operations and activities of the
- 22 programs under IC 13-27-6.
- 23 (B) Recommendations the commissioner has for legislative
- 24 action.
- 25 (C) A quantitative assessment of statewide pollution
- 26 prevention progress among all types of industries.
- 27 (D) An identification of regulations and government policies
- 28 that are inhibiting pollution prevention and opportunities in
- 29 existing regulatory programs to promote and assist in pollution
- 30 prevention, including reductions in the use of toxins in
- 31 production and commerce.
- 32 (E) An assessment of how programs under IC 13-27-6 have
- 33 promoted and assisted pollution prevention and the costs and
- 34 benefits to government and industry of those programs.
- 35 (F) A statement concerning the identification of opportunities
- 36 and development of priorities for research and development in
- 37 pollution prevention techniques, economic analyses, and
- 38 management techniques useful in supporting pollution
- 39 prevention. The report may not include information considered
- 40 by a business to be a trade secret of that business.
- 41 (G) Recommendations concerning incentives and policies
- 42 needed to:



- 1 (i) encourage investment in research and development in  
 2 pollution prevention; and  
 3 (ii) make greater use of programs established under  
 4 IC 13-27-6.
- 5 (7) Information concerning activities conducted under IC 13-28-3;  
 6 including the following:  
 7 (A) The number and types of inquiries the program received  
 8 under IC 13-28-3.  
 9 (B) The services provided by the program.
- 10 (8) Information concerning the designation of outstanding state  
 11 resource waters and the use of the outstanding state resource  
 12 water improvement fund under IC 13-18-3.
- 13 (9) Information concerning mercury switches tracked under  
 14 IC 13-20-17.7-2(a)(5).
- 15 (10) Information concerning the implementation of IC 13-20.5;  
 16 including the following:  
 17 (A) The total weight of covered electronic devices recycled in  
 18 the state program year and a summary of information in the  
 19 reports submitted by manufacturers and recyclers under  
 20 IC 13-20.5-3.  
 21 (B) The various collection programs used by manufacturers to  
 22 collect covered electronic devices; information regarding  
 23 covered electronic devices that are being collected by persons  
 24 other than registered manufacturers; collectors; and recyclers;  
 25 and information about covered electronic devices; if any, being  
 26 disposed of in landfills in Indiana.  
 27 (C) A description of enforcement actions under IC 13-20.5  
 28 during the state fiscal year.  
 29 (D) Other information received by the department regarding  
 30 the implementation of IC 13-20.5.
- 31 SECTION 85. IC 13-14-2-1, AS AMENDED BY P.L.263-2013,  
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2026]: Sec. 1. (a) This section applies to any:  
 34 (1) determination made by the commissioner;  
 35 (2) order issued by the commissioner; and  
 36 (3) notice issued by the department;  
 37 under this title.  
 38 (b) The commissioner may issue orders and make determinations.  
 39 (c) An order issued under this section may address multiple sites for  
 40 the purpose of arranging for site investigations and the establishment  
 41 of priority of sites.  
 42 (d) Notice of a determination made or an order issued by the



1 commissioner must be given under IC 4-21.5-3-1, unless a person  
2 provides a written request to the department for a different method of  
3 notice that is reasonably available to the department.

4 (e) The department:

5 (1) shall make a good faith effort to provide notice of an order or  
6 a determination according to subsection (d); and

7 (2) bears the burden of persuasion that the notice has been  
8 provided.

9 (f) Failure to receive notice does not invalidate an order or a  
10 determination. ~~unless the person required to receive notice of an order  
11 or a determination is substantially prejudiced by the lack of notice. The  
12 burden of persuasion as to substantial prejudice is on the person  
13 claiming the lack of notice.~~

14 (g) **The following actions taken under this title are subject to  
15 review under IC 4-21.5 without restriction or limitation:**

16 **(1) Determinations made under IC 13-19-4, IC 13-11-2-40,  
17 and otherwise specified in this title.**

18 **(2) Orders, including those related to enforcement.**

19 **(3) Notices provided under IC 13-17-6-10 and IC 13-25.**

20 **(4) Decisions made under IC 13-14-8-11 and IC 13-25-5-6.**

21 **(5) Emergency orders.**

22 **(6) Approval, denial, revocations, modification, or renewal of  
23 permits.**

24 **(7) Denial of a claim under the petroleum storage tank excess  
25 liability trust fund established by IC 13-23-7-1.**

26 **(h) The department shall include in written communications as  
27 appropriate information regarding the process by which an agency  
28 action described in subsection (g) is reviewed.**

29 SECTION 86. IC 13-14-2-9, AS ADDED BY P.L.220-2014,  
30 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2026]: Sec. 9. (a) This section applies to a restrictive covenant  
32 created in connection with a remediation project conducted under:

33 (1) IC 13-23;

34 (2) IC 13-24;

35 (3) IC 13-25-4; or

36 (4) IC 13-25-5.

37 (b) If:

38 (1) a change of conditions or an advancement in science or  
39 technology permits a modification of the conditions and  
40 restrictions imposed by a restrictive covenant; and

41 (2) the modification of the conditions and restrictions imposed by  
42 the restrictive covenant would not increase the potential hazards



1 to human health or the environment;  
 2 the commissioner may, under subsection (c), authorize the filing in the  
 3 office of the county recorder of a supplemental recording recognizing  
 4 the modification of the conditions and restrictions of the restrictive  
 5 covenant to reflect the change in conditions or advancement in science  
 6 or technology.

7 (c) The commissioner may authorize the filing of a supplemental  
 8 recording under subsection (b) if the owner of the real property that is  
 9 subject to the restrictive covenant submits to the department:

- 10 (1) a written request for the modification of the covenant;  
 11 (2) a copy of the proposed modification of the restrictive  
 12 covenant; and  
 13 (3) information indicating why the covenant should be modified.

14 The information submitted under subdivision (3) must be sufficient to  
 15 enable the department to determine whether the proposed modification  
 16 of the restrictive covenant will increase the potential hazards to human  
 17 health or the environment. The commissioner may request additional  
 18 information from the owner of the real property if necessary to the  
 19 making of a determination under this subsection.

20 ~~(d) The board shall adopt rules under IC 4-22-2 and IC 13-14-9~~  
 21 ~~providing for the recovery of administrative and personnel expenses~~  
 22 ~~incurred by the state in evaluating proposed modifications of restrictive~~  
 23 ~~covenants under this section.~~

24 SECTION 87. IC 13-14-2-10 IS ADDED TO THE INDIANA  
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2026]: **Sec. 10. (a) The department may not**  
 27 **base a decision primarily on federal risk values that have not been**  
 28 **promulgated through federal rulemaking, including:**

- 29 (1) reference doses;  
 30 (2) reference concentrations;  
 31 (3) inhalation unit risks; or  
 32 (4) hazard determinations, assessments, evaluations, goals, or  
 33 toxicity or risk values;

34 developed or issued under the United States Environmental  
 35 Protection Agency's Integrated Risk Information System, 42 U.S.C.  
 36 300g-1, or 15 U.S.C. 2605.

37 (b) The department shall avoid the use of federal risk values  
 38 that are at or below background concentrations in air, water, soil,  
 39 or sediment.

40 SECTION 88. IC 13-14-2-11 IS ADDED TO THE INDIANA  
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2026]: **Sec. 11. The department shall focus on**



1 state prioritized PFAS chemicals when PFAS chemicals are  
 2 relevant to carrying out the department's duties under this title,  
 3 including research, outreach, testing, and risk communication.

4 SECTION 89. IC 13-14-3-1 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall  
 6 encourage and advise local governmental units referred to in  
 7 IC 13-11-2-158 in developing facilities or establishing standards for the  
 8 following:

- 9 (1) Air, water, odor, and noise pollution control.
- 10 (2) Water or wastewater treatment.
- 11 (3) Water resource development.
- 12 (4) Solid waste disposal.

13 SECTION 90. IC 13-14-4 IS REPEALED [EFFECTIVE JULY 1,  
 14 2026]. (Notice to Department of Plans and Programs Affecting the  
 15 Environment).

16 SECTION 91. IC 13-14-5-2 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) ~~Except as~~  
 18 ~~provided in section 3 of this chapter,~~ The designated agent of the  
 19 department conducting the inspection must provide the property owner  
 20 **or representative of the property owner** with the following:

- 21 (1) ~~Before completing an inspection of property under~~  
 22 ~~IC 13-14-2-2; If a representative of the inspected facility is~~  
 23 **available at the time of inspection,** an oral report of the  
 24 inspection that includes any specific matters discovered during  
 25 the inspection that the designated agent of the department  
 26 believes may be a violation of a law or of a permit issued by the  
 27 department **before completing an inspection of property under**  
 28 **IC 13-14-2-2.**
- 29 (2) Not later than forty-five (45) calendar days after the  
 30 inspection, a written summary of the oral report given under  
 31 subdivision (1).

32 (b) **The designated agent shall send a written summary of the**  
 33 **inspection in accordance with IC 13-14-2-1 to the property owner**  
 34 **not later than forty five (45) days following the inspection.**

35 SECTION 92. IC 13-14-5-3 IS REPEALED [EFFECTIVE JULY 1,  
 36 2026]. Sec. 3: ~~If the designated agent of the department completes the~~  
 37 ~~inspection at a time when the property owner is not available to receive~~  
 38 ~~an oral report under section 2 of this chapter, the designated agent shall~~  
 39 ~~send a written summary of the inspection in accordance with~~  
 40 ~~IC 13-14-2-1 to the property owner not later than forty-five (45)~~  
 41 ~~calendar days following the inspection.~~

42 SECTION 93. IC 13-14-5-5 IS REPEALED [EFFECTIVE JULY 1,



2026]. Sec. 5: The board shall adopt rules under IC 4-22-2 and IC 13-14-9 to administer this chapter and IC 13-30-7.

SECTION 94. IC 13-14-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The property owner may provide information in response to any of the following:

- (1) An oral report provided under section 2 of this chapter.
- (2) A written summary provided under section 2 ~~or 3~~ of this chapter.
- (3) Questions raised during the inspection visit.

(b) The department shall review and consider any information presented by the property owner under subsection (a). The department shall ~~append any written information provided under subsection (a) to the inspection report and~~ include the written information **provided under subsection (a)** in the public file.

SECTION 95. IC 13-14-8-1, AS AMENDED BY P.L.93-2024, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board may:

- (1) adopt;
- (2) repeal;
- (3) rescind; or
- (4) amend;

rules and standards by proceeding in the manner prescribed in IC 4-22-2 and IC 13-14-9.

(b) If the board adopts a provisional rule under IC 4-22-2-37.1 or an interim rule under IC 4-22-2-37.2 to comply with a deadline required by or other date provided by federal law, the board shall

- ~~(1) include the variance procedures in the rule. and~~
- ~~(2) review the permits or licenses granted during the period the rule is in effect after the rule expires.~~

SECTION 96. IC 13-14-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A rule or standard adopted by a board may:

- (1) make different provisions as required by varying circumstances and conditions for different contaminant sources and for different geographical areas;
- (2) ~~be made applicable to sources outside Indiana that:~~ **appropriately consider:**
  - (A) ~~are causing;~~ **background;**
  - (B) ~~are contributing to;~~ **interstate;** or
  - (C) ~~could cause or contribute to;~~ **international sources of; environmental pollution; in Indiana;** and
- (3) make provision for abatement standards and procedures:



- 1 (A) concerning occurrences, emergencies, or pollution; or  
 2 (B) on other short term conditions constituting an acute danger  
 3 to health or to the environment.

4 SECTION 97. IC 13-14-8-4 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. In adopting rules and  
 6 establishing standards, ~~a the board shall take into account~~ **may**  
 7 **consider** the following:

- 8 (1) All existing physical conditions and the character of the area  
 9 affected.  
 10 (2) Past, present, and probable future uses of the area, including  
 11 the character of the uses of surrounding areas.  
 12 (3) Zoning classifications.  
 13 (4) The nature of the existing air quality or existing water quality,  
 14 as appropriate.  
 15 (5) Technical feasibility, including the quality conditions that  
 16 could reasonably be achieved through coordinated control of all  
 17 factors affecting the quality.  
 18 (6) Economic reasonableness of measuring or reducing any  
 19 particular type of pollution.  
 20 (7) The right of all persons to an environment sufficiently  
 21 uncontaminated as not to be injurious to:  
 22 (A) human, plant, animal, or aquatic life; or  
 23 (B) the reasonable enjoyment of life and property.

24 SECTION 98. IC 13-14-8-5, AS AMENDED BY P.L.133-2012,  
 25 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2026]: Sec. 5. (a) Any person may present written proposals  
 27 for the adoption, amendment, or repeal of a rule by the board. A  
 28 proposal presented under this section must: ~~be:~~

- 29 (1) ~~be~~ supported by a statement of reasons; ~~and~~  
 30 (2) ~~be~~ accompanied by a petition signed by at least two hundred  
 31 (200) persons **who reside in Indiana; and**  
 32 **(3) include suggested text for the rule.**  
 33 (b) **If a majority of the voting members of the board finds that the**  
 34 **proposal**  
 35 **(1) is not plainly devoid of merit; meritorious and authorized**  
 36 **under this title, and**  
 37 **(2) does not deal with a subject on which a hearing was held**  
 38 **within the previous six (6) months of the submission of the**  
 39 **proposal;**

40 the board ~~shall~~ **may** give notice and hold a hearing on the proposal.

41 SECTION 99. IC 13-14-8-6 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Each hearing on



1 a proposed rule must be open to the public, and a reasonable  
 2 opportunity to be heard with respect to the subject of a hearing shall be  
 3 afforded to any person. **The board may define reasonable**  
 4 **procedures to conduct an orderly hearing.**

5 (b) All testimony taken at a hearing shall be recorded. The transcript  
 6 of the hearing and any written submissions to the board at the hearing  
 7 shall be open to public inspection, and copies of the transcript and  
 8 written submissions shall be made available to any person upon  
 9 payment of the cost of reproducing the original.

10 (c) A person who:

- 11 (1) is heard or represented at a hearing; or  
 12 (2) requests notice;

13 shall be given written notice of the action of the board with respect to  
 14 the subject of the hearing.

15 SECTION 100. IC 13-14-8-7, AS AMENDED BY P.L.250-2019,  
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2026]: Sec. 7. ~~(a) Without limiting the generality of the~~  
 18 ~~regulatory authority of the board under this title,~~ The board may adopt  
 19 rules under IC 4-22-2 and IC 13-14-9 prescribing the following:

20 (1) Standards or requirements for discharge or emission  
 21 specifying the maximum permissible short term and long term  
 22 concentrations of various contaminants of the air, water, or land.

23 (2) Procedures for the administration of a system of permits for:

24 (A) the discharge of any contaminants;

25 (B) the construction, installation, or modification of any:

26 (i) facility;

27 (ii) equipment; or

28 (iii) device;

29 that may be designed to control or prevent pollution; or

30 (C) the operation of any:

31 (i) facility;

32 (ii) equipment; or

33 (iii) device;

34 to control or to prevent pollution.

35 (3) Standards and conditions for the use of any fuel or vehicle  
 36 determined to constitute an air pollution hazard.

37 (4) Standards for the filling or sealing of abandoned:

38 (A) water wells;

39 (B) water holes; and

40 (C) drainage holes;

41 to protect ground water against contamination.

42 (5) Alert criteria and abatement standards for pollution episodes



1 or emergencies constituting an acute danger to health or to the  
 2 environment, including priority lists for terminating activities that  
 3 contribute to the hazard, whether or not the activities would meet  
 4 all discharge requirements of the board under normal conditions.

5 (6) Requirements and procedures for the inspection of any  
 6 equipment, facility, vehicle, vessel, or aircraft that may cause or  
 7 contribute to pollution.

8 (7) Requirements and standards for equipment and procedures  
 9 for:

10 (A) monitoring contaminant discharges at their sources;

11 (B) the collection of samples; and

12 (C) the collection, reporting, and retention, in accordance with  
 13 record retention schedules adopted under IC 5-15-5.1, of data  
 14 resulting from that monitoring.

15 (8) Standards or requirements to control:

16 (A) the discharge; or

17 (B) the pretreatment;

18 of contaminants introduced or discharged into publicly owned  
 19 treatment works.

20 (9) Fees, in accordance with IC 13-16-1.

21 **(10) Any other matter authorized by this title.**

22 (b) If the board is required to adopt new rules or amend existing  
 23 rules to implement an amendment to the federal Resource Conservation  
 24 and Recovery Act or an amendment to or addition of a National  
 25 Emission Standard for Hazardous Air Pollutants under the federal  
 26 Clean Air Act, the board shall adopt the new rules or amend the  
 27 existing rules not more than nine (9) months after the date the federal  
 28 law becomes effective. This subsection does not limit the board's  
 29 authority to amend at any time the rules adopted under this subsection.

30 SECTION 101. IC 13-14-8-10 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. ~~A~~ **The** board may  
 32 adopt rules under IC 4-22-2 to specify the following with respect to any  
 33 of the board's rules:

34 (1) Criteria to define what constitutes an undue hardship or  
 35 burden, as used in section 8 of this chapter, for the purposes of  
 36 that rule.

37 (2) Procedures for making determinations on applications for  
 38 variances from that rule.

39 SECTION 102. IC 13-14-8-11, AS AMENDED BY P.L.128-2024,  
 40 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2026]: Sec. 11. (a) A person affected by a decision of the  
 42 commissioner under sections 8 and 9 of this chapter may, within fifteen



1 (15) days after receipt of notice of the decision, appeal the decision to  
 2 the office of administrative law proceedings. ~~All proceedings under this~~  
 3 ~~section to appeal the commissioner's decision are governed by~~  
 4 ~~IC 4-21.5.~~

5 (b) The commissioner's decision to grant a variance does not take  
 6 effect until available administrative remedies are exhausted.

7 SECTION 103. IC 13-14-8-11.5 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.5. (a) The  
 9 department shall prepare and publish in the Indiana Register guidance  
 10 on the application process and criteria for obtaining a site-specific  
 11 limitation for a National Pollutant Discharge Elimination System  
 12 (NPDES) permit. Criteria to be considered must include wet weather  
 13 events, water effects ratio, and other site-specific considerations as  
 14 determined by the department. Water effects ratio shall be the ratio of  
 15 the aquatic toxicity of a parameter in the water of the receiving stream  
 16 compared to the aquatic toxicity of the parameter in the laboratory  
 17 water used to determine the standard.

18 (b) Beginning January 1, 1997, the department shall review any  
 19 application and make a preliminary determination for a site-specific  
 20 limitation not later than one hundred eighty (180) days after receipt of  
 21 the application. The department may request additional information  
 22 necessary to make the preliminary determination consistent with the  
 23 guidance published under subsection (a). The one hundred eighty (180)  
 24 day period does not include any days between the date the department  
 25 requests additional information and the date the additional information  
 26 is received by the department.

27 (c) The final determination on a site-specific limitation will be part  
 28 of the NPDES permit decision under ~~327 IAC 5~~. **IC 13-15.**

29 (d) If the agency does not issue a preliminary determination within  
 30 the one hundred eighty (180) days provided for in subsection (b), the  
 31 applicant may require that the department hire a qualified outside  
 32 consultant to prepare the preliminary determination as expeditiously as  
 33 possible.

34 (e) The department and the applicant may agree to extend the one  
 35 hundred eighty (180) day period provided for in subsection (b).

36 SECTION 104. IC 13-14-8-11.6, AS AMENDED BY P.L. 113-2014,  
 37 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2026]: Sec. 11.6. (a) A discharger is not required to obtain a  
 39 state permit for the modification or construction of a water pollution  
 40 treatment or control facility if the discharger has an effective:

- 41 (1) National Pollutant Discharge Elimination System (NPDES)  
 42 industrial permit for direct discharges to surface water; or



- 1 (2) industrial waste pretreatment permit not issued by the  
 2 department for discharges to a publicly owned treatment works.
- 3 (b) If a modification is for the treatment or control of any new  
 4 influent pollutant or increased levels of any existing pollutant, within  
 5 thirty (30) days after commencement of operation, the discharger shall  
 6 file with the department a notice of installation for the additional  
 7 pollutant control equipment and a design summary of any  
 8 modifications.
- 9 (c) The board ~~shall~~ **may** adopt a general permit rule for the approval  
 10 of sanitary collection system plans, lift station plans, and force main  
 11 plans.
- 12 SECTION 105. IC 13-14-9-0.1 IS REPEALED [EFFECTIVE JULY  
 13 1, 2026]. ~~Sec. 0-1. The amendments made to sections 3 and 4 of this~~  
 14 ~~chapter by P.L.100-2006 apply only to proposed rules for which the~~  
 15 ~~department of environmental management provides notice under~~  
 16 ~~section 3 of this chapter, as amended by P.L.100-2006, after June 30,~~  
 17 ~~2006.~~
- 18 SECTION 106. IC 13-14-9-3, AS AMENDED BY P.L.249-2023,  
 19 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2026]: Sec. 3. Before publication of the notice described in  
 21 IC 4-22-2-23, the department may provide notice in the Indiana  
 22 Register of a public comment period regarding potential rulemaking.  
 23 A notice provided under this section must do the following:
- 24 (1) Identify the authority under which the proposed rule is to be  
 25 adopted.
- 26 (2) Describe the subject matter and the basic purpose of the  
 27 proposed rule. The description required by this subdivision must:
- 28 (A) list all alternatives being considered by the department at  
 29 the time of the notice;
- 30 (B) state whether each alternative listed under clause (A)  
 31 creates:
- 32 (i) a restriction or requirement more stringent **or**  
 33 **burdensome** than a restriction or requirement imposed  
 34 under federal law; or
- 35 (ii) a restriction or requirement in a subject area in which  
 36 federal law does not impose restrictions or requirements;
- 37 (C) state the extent to which each alternative listed under  
 38 clause (A) differs from federal law;
- 39 (D) include any information known to the department about  
 40 the potential fiscal impact of each alternative under clause (A)  
 41 that creates:
- 42 (i) a restriction or requirement more stringent **or**



- 1           **burdensome** than a restriction or requirement imposed  
 2           under federal law; or  
 3           (ii) a restriction or requirement in a subject area in which  
 4           federal law does not impose restrictions or requirements;  
 5           and  
 6           (E) set forth the basis for each alternative listed under clause  
 7           (A).
- 8           (3) Describe the relevant statutory or regulatory requirements or  
 9           restrictions relating to the subject matter of the proposed rule that  
 10          exist before the adoption of the proposed rule.
- 11          (4) Request the submission of alternative ways to achieve the  
 12          purpose of the proposed rule.
- 13          (5) Request the submission of comments, including suggestions  
 14          of specific language for the proposed rule.
- 15          (6) Include a detailed statement of the issue to be addressed by  
 16          adoption of the proposed rule.
- 17          SECTION 107. IC 13-14-9-4, AS AMENDED BY P.L.93-2024,  
 18          SECTION 116, IS AMENDED TO READ AS FOLLOWS  
 19          [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) In addition to the  
 20          requirements of IC 4-22-2-23 and (if applicable) IC 4-22-2-24, the  
 21          notice of public comment period submitted by the department to the  
 22          publisher must do the following:
- 23               (1) Contain a summary of the response of the department to  
 24               written comments submitted under section 3 of this chapter, if  
 25               applicable.
- 26               (2) Request the submission of comments, including suggestions  
 27               of specific amendments to the language contained in the proposed  
 28               rule.
- 29               (3) Identify each element of the proposed rule that imposes a  
 30               restriction or requirement on persons to whom the proposed rule  
 31               applies that:
- 32                   (A) is more stringent **or burdensome** than a restriction or  
 33                   requirement imposed under federal law; or  
 34                   (B) applies in a subject area in which federal law does not  
 35                   impose a restriction or requirement.
- 36               (4) With respect to each element identified under subdivision (3),  
 37               identify:
- 38                   (A) the environmental circumstance or hazard that dictates the  
 39                   imposition of the proposed restriction or requirement to  
 40                   protect human health and the environment;  
 41                   (B) examples in which federal law is inadequate to provide the  
 42                   protection referred to in clause (A); and



- 1 (C) the:
- 2 (i) estimated fiscal impact; and
- 3 (ii) expected benefits;
- 4 based on the extent to which the proposed rule is more
- 5 stringent **or burdensome** than the restrictions or requirements
- 6 of federal law, or on the creation of restrictions or
- 7 requirements in a subject area in which federal law does not
- 8 impose restrictions or requirements.
- 9 (5) For any element of the proposed rule that imposes a restriction
- 10 or requirement that is more stringent **or burdensome** than a
- 11 restriction or requirement imposed under federal law or that
- 12 applies in a subject area in which federal law does not impose
- 13 restrictions or requirements, describe the availability for public
- 14 inspection of all materials relied upon by the department in the
- 15 development of the proposed rule, including, if applicable:
- 16 (A) health criteria;
- 17 (B) analytical methods;
- 18 (C) treatment technology;
- 19 (D) economic impact data;
- 20 (E) environmental assessment data;
- 21 (F) analyses of methods to effectively implement the proposed
- 22 rule; and
- 23 (G) other background data.
- 24 (b) If the notice provided by the department concerning a proposed
- 25 rule identifies an element of the proposed rule that imposes a restriction
- 26 or requirement more stringent **or burdensome** than a restriction or
- 27 requirement imposed under federal law, the proposed rule shall not
- 28 become effective under this chapter until the adjournment sine die of
- 29 the regular session of the general assembly that begins after the
- 30 department provides the notice.
- 31 (c) Subsection (b) does not prohibit or restrict the commissioner, the
- 32 department, or the board from:
- 33 (1) adopting provisional rules under IC 4-22-2-37.1;
- 34 (2) taking emergency action under IC 13-14-10; or
- 35 (3) temporarily:
- 36 (A) altering ordinary operating policies or procedures; or
- 37 (B) implementing new policies or procedures;
- 38 in response to an emergency situation.
- 39 SECTION 108. IC 13-14-10-2 IS AMENDED TO READ AS
- 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) Upon receipt of
- 41 evidence that a pollution source or combination of sources, including
- 42 an industrial user of a publicly owned treatment plant, is presenting an



1 imminent and substantial endangerment to:

2 (1) the health of persons; or

3 (2) the welfare of persons whose livelihood is endangered;  
4 the commissioner ~~shall~~ **may** bring suit under subsection (b).

5 (b) Upon the receipt of evidence under subsection (a), the  
6 commissioner ~~shall~~ **may** bring suit on behalf of the state in the  
7 appropriate court to:

8 (1) immediately restrain any person causing or contributing to the  
9 alleged pollution to stop the discharge or introduction of  
10 contaminants causing or contributing to the pollution; or

11 (2) take other necessary action.

12 (c) The ~~duty~~ **authority** of the commissioner to bring suit under  
13 subsection (a) is:

14 (1) in addition to the authority contained in section 1 of this  
15 chapter; and

16 (2) notwithstanding any other provision of this title.

17 SECTION 109. IC 13-14-11-5, AS AMENDED BY P.L.133-2012,  
18 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2026]: Sec. 5. The ~~board shall adopt rules requiring the~~  
20 ~~execution of a confidentiality agreement~~ **department may execute**  
21 **confidentiality agreements** with persons employed, contracted, or  
22 subcontracted by the department that is enforceable by:

23 (1) the state; and

24 (2) the submitter of the information.

25 SECTION 110. IC 13-14-12-4, AS AMENDED BY P.L.9-2024,  
26 SECTION 341, IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) **Upon request by:**

28 **(1) the commissioner;**

29 **(2) the standing committees of the house of representatives or**  
30 **the senate concerned with the environment; or**

31 **(3) the board;**

32 the state comptroller shall issue a report on the fund not later than ten  
33 (10) ~~working business days following the last day of each four (4)~~  
34 ~~month period:~~ **after receiving the request.**

35 (b) The report must:

36 (1) include the beginning and ending balance, disbursements, and  
37 receipts, including accrued interest or other investment earnings  
38 of the fund;

39 (2) comply with accounting standards under IC 4-13-2-7(a)(1);  
40 and

41 (3) be available to the public.

42 (c) ~~The state comptroller shall forward copies of the report to the~~



1 following:

2 (1) ~~The commissioner.~~

3 (2) ~~The standing committees of the house of representatives and~~  
4 ~~the senate concerned with the environment.~~

5 (3) ~~The board.~~

6 SECTION 111. IC 13-15-1-1, AS AMENDED BY P.L.133-2012,  
7 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2026]: Sec. 1. The board shall establish requirements for the  
9 issuance of permits to control air pollution, ~~noise, and atomic radiation,~~  
10 including the following:

11 (1) Permits to control or limit the emission of any contaminants  
12 into the atmosphere.

13 (2) Permits for the construction, installation, or modification of  
14 facilities, equipment, or devices to control or limit any discharge,  
15 emission, or disposal of contaminants into the air.

16 (3) Permits for the operation of facilities, equipment, or devices  
17 to control or limit the discharge, emission, or disposal of any  
18 contaminants into the environment.

19 SECTION 112. IC 13-15-1-2, AS AMENDED BY P.L.133-2012,  
20 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2026]: Sec. 2. The board shall establish requirements for the  
22 issuance of permits to control water pollution, ~~and atomic radiation,~~  
23 including the following:

24 (1) Permits to control or limit the discharge of any contaminants  
25 into state waters or into a publicly owned treatment works.

26 (2) Permits for the construction, installation, or modification of  
27 facilities, equipment, or devices to control or limit any discharge,  
28 emission, or disposal of contaminants into the waters of Indiana  
29 or into a publicly owned treatment works.

30 (3) Permits for the operation of facilities, equipment, or devices  
31 to control or limit the discharge, emission, or disposal of any  
32 contaminants into the waters of Indiana or into a publicly owned  
33 treatment works.

34 However, the board may not require a permit under subdivision (2) for  
35 any facility, equipment, or device constructed, installed, or modified as  
36 part of a surface coal mining operation that is operated under a permit  
37 issued under IC 14-34.

38 SECTION 113. IC 13-15-1-3, AS AMENDED BY P.L.100-2021,  
39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2026]: Sec. 3. The board shall establish requirements for the  
41 issuance of permits to control solid waste ~~and hazardous waste, and~~  
42 ~~atomic radiation,~~ including the following:

ES 277—LS 6849/DI 150



- 1 (1) Permits to control or limit the disposal of any contaminants  
 2 onto or into the land.
- 3 (2) Permits for the construction, installation, or modification of  
 4 facilities, equipment, or devices:  
 5 (A) to control or limit any discharge, emission, or disposal of  
 6 contaminants into the land; or  
 7 (B) for the storage, treatment, processing, transferring, or  
 8 disposal of solid waste or hazardous waste.
- 9 (3) Permits for the operation of facilities, equipment, or devices:  
 10 (A) to control or limit the discharge, emission, transfer, or  
 11 disposal of any contaminants into the land; or  
 12 (B) for the storage, transportation, treatment, processing,  
 13 transferring, or disposal of solid waste or hazardous waste.
- 14 (4) Permits for the disposal of coal combustion residuals in  
 15 landfills and surface impoundments.
- 16 SECTION 114. IC 13-15-1-3.2, AS ADDED BY P.L.120-2022,  
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2026]: Sec. 3.2. (a) A transfer station or any facility that holds  
 19 a valid permit or authorization to haul, treat, store, dispose of, or ship  
 20 hazardous waste may haul, transfer, consolidate, process, ship, or  
 21 otherwise manage solid waste without also holding a permit to haul,  
 22 transfer, process, or ship solid waste.
- 23 (b) A hazardous waste treatment, storage, or disposal facility that  
 24 holds a valid permit to haul, treat, store, dispose of, or ship hazardous  
 25 waste may haul, transfer, treat, store, dispose of, process, or ship solid  
 26 waste without also holding a permit to haul, transfer, treat, store,  
 27 dispose of, process, or ship solid waste.
- 28 (c) Solid waste that is managed:  
 29 (1) at a transfer station; or  
 30 (2) at any facility that holds a valid permit to haul, treat, store,  
 31 dispose of, or ship hazardous waste;  
 32 shall not be stored, treated, or disposed of in direct contact with  
 33 hazardous waste.
- 34 (d) If any portion of a quantity of solid waste that is managed:  
 35 (1) at a transfer station; or  
 36 (2) at any facility that holds a valid permit to haul, treat, store,  
 37 dispose of, or ship hazardous waste;  
 38 comes into direct contact with a hazardous waste, the solid waste  
 39 becomes subject to 40 CFR 261.3(a)(2)(iv) and shall then be managed  
 40 as a hazardous waste.
- 41 ~~(e) The board shall amend 329 IAC 11 to conform to this section.~~  
 42 **(e) The board shall begin the rulemaking process to amend rules**



1 **to conform to this section not later than December 1, 2027.**

2 SECTION 115. IC 13-15-2-1, AS AMENDED BY P.L.133-2012,  
3 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2026]: Sec. 1. (a) The board ~~shall~~ **may** adopt rules under  
5 IC 4-22-2 and IC 13-14-9 to establish requirements and procedures for  
6 the issuance of permits.

7 (b) In rules for the issuance of permits, the board may do the  
8 following:

9 (1) Prescribe standards for the discharge, emission, or disposal of  
10 contaminants and the operation of any facility, equipment, or  
11 device.

12 (2) Impose the conditions that are considered necessary to  
13 accomplish the purposes of this title.

14 SECTION 116. IC 13-15-2-2, AS AMENDED BY P.L.133-2012,  
15 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2026]: Sec. 2. (a) The board may adopt rules under IC 4-22-2  
17 and IC 13-14-9 to allow the department to issue permits that do the  
18 following:

19 (1) Provide incentives to owners and operators of facilities to  
20 assess the pollution emitted by the facilities into all environmental  
21 media.

22 (2) Provide incentives to owners and operators of facilities to  
23 implement the most innovative and effective pollution control or  
24 pollution prevention strategies while maintaining enforceable  
25 performance goals.

26 (3) Provide incentives to owners and operators of facilities to  
27 reduce pollution levels at the facilities below the levels required  
28 by law.

29 (4) Consolidate environmental requirements into one (1) permit  
30 that would otherwise be included in more than one (1) permit.

31 (5) Reduce the time and money spent by owners and operators of  
32 facilities and the department on administrative tasks that do not  
33 benefit the environment.

34 (6) Provide owners and operators of facilities with as much  
35 operational flexibility as can reasonably be provided while being  
36 consistent with enforcement of permit requirements.

37 (b) The rules adopted under this section may provide for permits  
38 that contain the following:

39 (1) Authorization of emission trading.

40 (2) Consolidated reporting mechanisms.

41 (3) Third party certifications.

42 (4) Multimedia regulation.



- 1 (5) Other conditions consistent with subsection (a).  
 2 (c) The rules adopted under this section must provide that a permit  
 3 issued under the rules adopted under this section meets the following  
 4 criteria:  
 5 (1) Activities conducted under the permit must result in greater  
 6 overall environmental protection than would otherwise be  
 7 achieved under applicable law.  
 8 (2) Upon issuance of a permit, all limits, conditions, and  
 9 standards contained in the permit are enforceable under  
 10 IC 13-30-3.  
 11 (3) The permit applicant must give notice in accordance with  
 12 IC 13-15-8, and the commissioner ~~shall~~ **may** give notice to the  
 13 public and provide an opportunity to comment on the proposed  
 14 permit in accordance with IC 13-15-5.  
 15 (d) ~~The rules adopted under this section must allow~~ The department  
 16 **shall strive** to give priority to applications involving permits that are  
 17 issued as described in this section based on:  
 18 (1) the degree of environmental benefit that may be obtained  
 19 under the permit;  
 20 (2) the potential application of any innovative control  
 21 technologies or regulatory procedures that may be made available  
 22 to other permit applicants and permit holders; and  
 23 (3) other criteria that the board may establish.  
 24 (e) The rules adopted under this section must be consistent with  
 25 federal law for federally authorized or delegated permit programs.  
 26 SECTION 117. IC 13-15-3-3 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A public hearing  
 28 shall be held on the question of:  
 29 (1) the issuance of an original or renewal permit for a hazardous  
 30 waste disposal facility under IC 13-22-3; or  
 31 (2) the issuance of an original permit for a solid waste disposal  
 32 facility or a solid waste incinerator regulated under IC 13-20-8;  
 33 as provided in subsection (b).  
 34 (b) A public hearing shall be held under subsection (a) upon:  
 35 (1) the request of the applicant;  
 36 (2) the filing of a petition requesting a public hearing that is  
 37 signed by one hundred (100) adult individuals who:  
 38 (A) reside in the county where the proposed or existing facility  
 39 is or is to be located; or  
 40 (B) own real property within one (1) mile of the site of the  
 41 proposed or existing facility; or  
 42 (3) the ~~motion~~ **determination** of the commissioner.



1 (c) The public hearing authorized by this section does not constitute  
2 an agency action under IC 4-21.5.

3 SECTION 118. IC 13-15-3-4 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. If the petition under  
5 section 3(b)(2) of this chapter requests that the public hearing be  
6 conducted at a location within a county affected by a proposed permit,  
7 the department shall **attempt to** conduct the public hearing at that  
8 location.

9 SECTION 119. IC 13-15-4-1, AS AMENDED BY P.L.113-2014,  
10 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2026]: Sec. 1. (a) Except as provided in sections 2, 3, and 6  
12 of this chapter, the commissioner shall approve or deny an application  
13 filed with the department after July 1, 1995, within the following  
14 number of days:

15 (1) Three hundred sixty-five (365) days for an application  
16 concerning the following **waste permits**:

17 (A) A new hazardous waste or solid waste landfill.

18 (B) A new hazardous waste or solid waste incinerator.

19 (C) A major modification of a solid waste landfill.

20 (D) A major modification of a solid waste incinerator.

21 (E) A new hazardous waste treatment or storage facility.

22 (F) A new Part B permit issued under 40 CFR 270 et seq. for  
23 an existing hazardous waste treatment or storage facility.

24 (G) A Class 3 modification under 40 CFR 270.42 to a  
25 hazardous waste landfill.

26 (H) A new solid waste processing facility other than a transfer  
27 station.

28 (2) Except as provided in IC 13-18-3-2.1, two hundred seventy  
29 (270) days for an application concerning the following:

30 (A) A Class 3 modification under 40 CFR 270.42 of a  
31 hazardous waste treatment or storage facility.

32 (B) A major new National Pollutant Discharge Elimination  
33 System permit.

34 (C) A major modification to a solid waste processing facility  
35 other than a transfer station.

36 (3) Except as provided in IC 13-18-3-2.1, one hundred eighty  
37 (180) days for an application concerning the following:

38 (A) A new transfer station or a major modification to a transfer  
39 station.

40 (B) A minor new National Pollutant Discharge Elimination  
41 System individual permit.

42 (C) A permit concerning the land application of a material.



- 1 (D) A permit for marketing and distribution of a biosolid or an  
 2 industrial waste product.
- 3 (4) Except as provided in IC 13-18-3-2.1, one hundred fifty (150)  
 4 days for an application concerning a minor new National  
 5 Pollutant Discharge Elimination System general permit.
- 6 (5) One hundred twenty (120) days for an application concerning  
 7 a Class 2 modification under 40 CFR 270.42 to a hazardous waste  
 8 facility.
- 9 (6) Ninety (90) days for an application concerning the following:  
 10 (A) A minor modification to a **waste** permit for the following:  
 11 (i) A solid waste landfill.  
 12 (ii) A solid waste processing facility.  
 13 (iii) An incinerator.  
 14 (B) A wastewater facility or water facility construction permit.
- 15 (7) The amount of time provided for in rules adopted by the board  
 16 for an application ~~concerning the following~~:  
 17 ~~(A) An air pollution construction permit that is subject to 326~~  
 18 ~~IAC 2-2 and 326 IAC 2-3.~~  
 19 ~~(B) An air pollution facility construction permit (other than as~~  
 20 ~~defined in 326 IAC 2-2).~~  
 21 ~~(C) Registration of an air pollution facility for an air~~  
 22 ~~pollution permit.~~
- 23 (8) Sixty (60) days for an application concerning the following:  
 24 (A) A Class 1 modification under 40 CFR 270.42 requiring  
 25 prior written approval, to a hazardous waste:  
 26 (i) landfill;  
 27 (ii) incinerator;  
 28 (iii) treatment facility; or  
 29 (iv) storage facility.  
 30 (B) Any other permit not specifically described in this section  
 31 for which the application fee exceeds forty-nine dollars (\$49)  
 32 and for which a time frame has not been established under  
 33 section 3 of this chapter.
- 34 (b) When a person holding a valid permit concerning an activity of  
 35 a continuing nature has made a timely and sufficient application for a  
 36 renewal permit, ~~under the rules of one (1) of the boards~~, the  
 37 commissioner shall approve or deny the application on or before the  
 38 expiration date stated in the permit for which renewal is sought.
- 39 SECTION 120. IC 13-15-4-2, AS AMENDED BY P.L.1-2007,  
 40 SECTION 127, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section does not apply  
 42 to permit applications described in section 1(a)(1) or 1(a)(2) of this



- 1 chapter.
- 2 (b) **Unless otherwise specified in applicable rules or laws**, if the
- 3 department determines that a public hearing should be held under:
- 4 (1) IC 13-15-3-3; or
- 5 (2) any other applicable rule or law;
- 6 the commissioner has thirty (30) days in addition to the number of days
- 7 provided for in section 1 of this chapter in which to approve or deny the
- 8 application.
- 9 SECTION 121. IC 13-15-4-3, AS AMENDED BY P.L.93-2024,
- 10 SECTION 117, IS AMENDED TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~The~~ board may adopt a rule
- 12 under IC 4-22-2 that changes a period described under section 1 of this
- 13 chapter within which the commissioner must approve or deny an
- 14 application:
- 15 (1) if:
- 16 (A) the general assembly enacts a statute;
- 17 (B) ~~a the~~ board adopts a rule; or
- 18 (C) the federal government enacts a statute or adopts a
- 19 regulation;
- 20 that imposes a new requirement concerning a class of applications
- 21 that makes it infeasible for the commissioner to approve or deny
- 22 the application within the period;
- 23 (2) if:
- 24 (A) the general assembly enacts a statute;
- 25 (B) ~~a the~~ board adopts a rule; or
- 26 (C) the federal government enacts a statute or adopts a
- 27 regulation;
- 28 that establishes a new permit program for which a period is not
- 29 described under section 1 of this chapter; or
- 30 (3) if some other significant factor concerning a class of
- 31 applications makes it infeasible for the commissioner to approve
- 32 or deny the application within the period.
- 33 (b) If ~~a the~~ board adopts a rule described in subsection (a) as a
- 34 provisional rule under IC 4-22-2-37.1 or as an interim rule under
- 35 IC 4-22-2-37.2, the board shall
- 36 ~~(1) include the variance procedures in the rule. and~~
- 37 ~~(2) review the permits or licenses granted during the period the~~
- 38 ~~rule is in effect after the rule expires.~~
- 39 If ~~a the~~ board adopts a provisional rule or an interim rule under this
- 40 subsection, the period described in section 1 of this chapter is
- 41 suspended during the rulemaking process.
- 42 SECTION 122. IC 13-15-4-4 IS REPEALED [EFFECTIVE JULY



1 1, 2026]. Sec. 4: An application for a permit renewal that includes a  
 2 modification shall be reviewed within the period applicable to the  
 3 modification.

4 SECTION 123. IC 13-15-4-5 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Sections 1 through  
 6 ~~4 3~~ and ~~section~~ 6 of this chapter do not alter the procedures and time  
 7 frames set forth in the hazardous waste permit modification rules  
 8 adopted by the department, except to the extent that sections 1 through  
 9 ~~4 3~~ and 6 of this chapter establish specific calendar day time frames  
 10 where no time frame exists under the rules.

11 SECTION 124. IC 13-15-4-6, AS AMENDED BY P.L.133-2012,  
 12 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Notwithstanding the periods  
 14 specified in sections 1 through ~~4 3~~ of this chapter and this section, a  
 15 person proposing to construct, modify, or operate any equipment,  
 16 facility, or pollution control device that is demonstrated to achieve  
 17 pollution control or pollution prevention in excess of applicable  
 18 federal, state, or local requirements may apply to the commissioner for  
 19 an interim permit to construct, modify, or operate the equipment,  
 20 facility, or pollution control device.

21 (b) The commissioner shall approve or deny the interim permit not  
 22 later than sixty (60) days after receipt of the application for an interim  
 23 permit, unless the applicant and the commissioner agree that a longer  
 24 review period is necessary.

25 (c) This section does not relieve a person from complying with:

26 (1) the permit requirements provided under this title; and

27 (2) rules adopted under this title;

28 to the extent that this title and the rules are not inconsistent with this  
 29 section.

30 SECTION 125. IC 13-15-4-10, AS AMENDED BY P.L.27-2024,  
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2026]: Sec. 10. The commissioner may suspend the  
 33 processing of an application, and the period described under sections  
 34 1 through 6 of this chapter is suspended, if one (1) of the following  
 35 occurs:

36 (1) The department determines that the application is incomplete  
 37 and has mailed or electronically sent a notice of deficiency to the  
 38 applicant that specifies the parts of the application that:

39 (A) do not contain adequate information for the department to  
 40 process the application; or

41 (B) are not consistent with applicable law.

42 The period described under sections 1 through 6 of this chapter



1 shall be suspended during the first two (2) notices of deficiency  
 2 sent to an applicant under this subdivision. If more than two (2)  
 3 notices of deficiency are issued on an application, the period may  
 4 not be suspended unless the applicant agrees in writing to defer  
 5 processing of the application pending the applicant's response to  
 6 the notice of deficiency. A notice of deficiency may include a  
 7 request for the applicant to conduct tests or sampling to provide  
 8 information necessary for the department to process the  
 9 application. If an applicant's response does not contain complete  
 10 information to satisfy all deficiencies described in a notice of  
 11 deficiency, the department shall notify the applicant not later than  
 12 thirty (30) **working business** days after receiving the response.  
 13 The commissioner shall resume processing the application, and  
 14 the period described under sections 1 through 6 of this chapter  
 15 resumes on the earliest of the date the department receives and  
 16 stamps as received the applicant's complete information, the date  
 17 marked by the department on a certified mail return receipt  
 18 accompanying the applicant's complete information, or the date  
 19 a notice is sent by the department to the applicant confirming that  
 20 the department has received the applicant's complete information.  
 21 (2) The commissioner receives a written request from an  
 22 applicant to:  
 23 (A) withdraw; or  
 24 (B) defer processing of;  
 25 the application for the purposes of resolving an issue related to a  
 26 permit or to provide additional information concerning the  
 27 application.  
 28 (3) The department is required by federal law or by an agreement  
 29 with the United States Environmental Protection Agency for a  
 30 federal permit program to transmit a copy of the proposed permit  
 31 to the administrator of the United States Environmental Protection  
 32 Agency for review and possible objections before the permit may  
 33 be issued. The period described under sections 1 through 6 of this  
 34 chapter ~~shall~~ **may** be suspended from the time the department  
 35 submits the proposed permit to the administrator for review until:  
 36 (A) the department receives the administrator's concurrence or  
 37 objection to the issuance of the proposed permit; or  
 38 (B) the period established in federal law by which the  
 39 administrator is required to make objections expires without  
 40 the administrator having filed an objection.  
 41 (4) A board initiates **emergency provisional or interim**  
 42 rulemaking under section 3(b) of this chapter to revise the period



1 described under sections 1 through 6 of this chapter.

2 SECTION 126. IC 13-15-4-11 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) If an applicant  
4 is operating pursuant to a continuation of an existing permit pending  
5 determination of an application for a new or renewed permit under  
6 IC 13-15-3-6, the applicant may proceed under this section after  
7 notifying the commissioner in writing of its intent to do so.

8 (b) If the commissioner does not issue or deny a permit within the  
9 time specified under sections 1 through 6 of this chapter, the applicant  
10 may proceed under this section. After reaching an agreement with the  
11 commissioner or after consulting with the commissioner for thirty (30)  
12 days and failing to reach an agreement, the applicant may choose to  
13 proceed under ~~one~~ **(1)** ~~either~~ of the following alternatives:

14 (1) The:

15 (A) applicant may, except as provided in section 12.1 of this  
16 chapter, request and receive a refund of a permit application  
17 fee paid by the applicant; and

18 (B) commissioner shall do the following:

19 (i) Continue to review the application.

20 (ii) Approve or deny the application as soon as practicable.

21 (iii) Except as provided in section 12.1 of this chapter,  
22 refund the applicant's application fee not later than  
23 twenty-five (25) ~~working~~ **business** days after the receipt of  
24 the applicant's request.

25 ~~(2) The:~~

26 ~~(A) applicant may:~~

27 ~~(i) except as provided in section 12.1 of this chapter, request~~  
28 ~~and receive a refund of a permit application fee paid by the~~  
29 ~~applicant; and~~

30 ~~(ii) submit to the department a draft permit and any required~~  
31 ~~supporting technical justification for the permit; and~~

32 ~~(B) commissioner shall do the following:~~

33 ~~(i) Review the draft permit:~~

34 ~~(ii) Approve, with or without revision; or deny the draft~~  
35 ~~permit in accordance with section 16 of this chapter:~~

36 ~~(iii) Except as provided in section 12.1 of this chapter,~~  
37 ~~refund the applicant's application fee not later than~~  
38 ~~twenty-five (25) working days after the receipt of the~~  
39 ~~applicant's request:~~

40 ~~(3) (2) The:~~

41 (A) applicant may hire an outside consultant to prepare a draft  
42 permit and any required supporting technical justification for



1 the permit; and

2 (B) commissioner shall:

3 (i) review the draft permit; and

4 (ii) approve, with or without revision, or deny the draft  
5 permit in accordance with section 16 of this chapter.

6 SECTION 127. IC 13-15-4-15 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant  
8 chooses to proceed under section ~~11(b)(3)~~ **11(b)(2)** of this chapter, the  
9 department and the applicant shall jointly:

10 (1) select a consultant that has the appropriate background to  
11 review the applicant's application; and

12 (2) authorize the consultant to begin work;

13 not later than fifteen (15) ~~working~~ **business** days after the department  
14 receives notice that the applicant has chosen to proceed under section  
15 ~~11(b)(3)~~ **11(b)(2)** of this chapter.

16 (b) The commissioner may:

17 (1) consult with the applicant regarding the advisability of  
18 proceeding under this section; and

19 (2) document the communications.

20 SECTION 128. IC 13-15-4-16 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If an applicant  
22 chooses to proceed under section 11(b)(2) ~~or 11(b)(3)~~ of this chapter,  
23 the applicant or a consultant shall prepare and submit to the  
24 commissioner the draft permit and any required supporting technical  
25 justification for the permit not later than thirty-five (35) ~~working~~  
26 **business** days after

27 ~~(1) the applicant has notified the commissioner that the applicant~~  
28 ~~has chosen to proceed under section 11(b)(2) of this chapter; or~~  
29 ~~(2) the department and the applicant have authorized a consultant~~  
30 ~~to begin work under section 11(b)(3) 11(b)(2) of this chapter.~~

31 (b) Subject to subsection (c), the commissioner shall:

32 (1) approve, with or without revision; or

33 (2) deny;

34 the draft permit not later than twenty-five (25) ~~working~~ **business** days  
35 after receiving the draft permit.

36 (c) If notice of opportunity for public comment or public hearing is  
37 required under applicable law before a permit decision can be issued,  
38 the commissioner shall comply with all public participation  
39 requirements and:

40 (1) approve, with or without revision; or

41 (2) deny;

42 the draft permit not later than fifty-five (55) ~~working~~ **business** days



1 after receipt of the draft permit.

2 (d) If the commissioner denies the draft permit, the commissioner  
3 shall specify the reasons for the denial.

4 (e) If an applicant has elected to have a draft permit prepared under  
5 section ~~11(b)(3)~~ **11(b)(2)** of this chapter and:

6 (1) the consultant fails to submit a draft permit and supporting  
7 technical justification to the commissioner; or

8 (2) the commissioner fails to approve or deny the draft permit;  
9 within the applicable time specified under subsection (a), (b), or (c),  
10 the department shall refund the applicant's permit application fee not  
11 later than twenty-five (25) ~~working~~ **business** days after expiration of  
12 the applicable period.

13 (f) The commissioner and the applicant may mutually agree to  
14 extend the deadlines in this section.

15 SECTION 129. IC 13-15-5-1.5, AS ADDED BY P.L.66-2024,  
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2026]: Sec. 1.5. Not later than ten (10) days after the last day  
18 of a public comment period under this article or applicable rules of the  
19 board, the commissioner may decide, based on information received  
20 during the public comment period, to hold a public hearing ~~or meeting~~  
21 before the issuance or denial of a permit. If the commissioner decides  
22 to hold a public hearing ~~or meeting~~ under this section, the department  
23 shall:

24 (1) immediately notify the applicant of the decision to hold the  
25 public hearing; ~~or meeting~~; and

26 (2) as soon as practicable, provide notice to the applicant and ~~any~~  
27 interested persons of the date, time, and location of the public  
28 hearing. ~~or meeting~~.

29 SECTION 130. IC 13-15-6-1, AS AMENDED BY P.L.128-2024,  
30 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2026]: Sec. 1. (a) Not later than fifteen (15) days after being  
32 served the notice provided by the commissioner under IC 13-15-5-3:

33 (1) the permit applicant; or

34 (2) any other person aggrieved by the commissioner's action;  
35 may appeal the commissioner's action to the office of administrative  
36 law proceedings and request that an administrative law judge hold an  
37 adjudicatory hearing concerning the action under IC 4-21.5-3 and  
38 IC 4-15-10.5.

39 (b) Notwithstanding subsection (a) and IC 4-21.5-3-7(a)(3), a person  
40 may file an appeal of the commissioner's action in issuing an initial  
41 permit under the operating permit program under 42 U.S.C. 7661  
42 through 7661f not later than thirty (30) days after the date the person



1 received the notice provided under IC 13-15-5-3. ~~for a permit issued~~  
 2 ~~after April 30, 1999:~~

3 SECTION 131. IC 13-15-7-4, AS AMENDED BY P.L.133-2012,  
 4 SECTION 103, IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This section applies to a  
 6 facility that:

7 (1) has been issued an operating permit by the ~~board;~~  
 8 **commissioner**; or

9 (2) is operating without a permit but has made a timely and  
 10 complete application for a permit under IC 13-17-8-10.

11 (b) The board ~~shall~~ **may** adopt rules under IC 4-22-2 and IC 13-14-9  
 12 as part of the operating permit program established under 42 U.S.C.  
 13 7661 through 7661f providing that a facility may make changes without  
 14 a permit revision if the following conditions exist:

15 (1) The changes are not modifications under any provision of  
 16 Title I of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as  
 17 amended. ~~by the federal Clean Air Act Amendments of 1990~~  
 18 ~~(P.L.101-549).~~

19 (2) The changes do not exceed emissions:

20 (A) expressed as a rate of emissions; or

21 (B) expressed as total emissions;

22 allowable under the permit.

23 (3) The facility provides the commissioner with written  
 24 notification at least seven (7) days before the proposed changes  
 25 are made. However, the board may adopt rules that provide a  
 26 different period for notifications that involve emergency  
 27 situations.

28 SECTION 132. IC 13-15-10-1, AS AMENDED BY P.L.133-2012,  
 29 SECTION 108, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2026]: Sec. 1. The board ~~shall~~ **may** adopt rules  
 31 to establish a department operated training and certification program  
 32 for the following:

33 (1) Operators of solid waste incinerators and waste to energy  
 34 facilities.

35 (2) Operators of land disposal sites.

36 (3) Operators of facilities described under IC 13-15-1-3 whose  
 37 operation could have an adverse impact on the environment if not  
 38 operated properly.

39 SECTION 133. IC 13-15-10-4, AS AMENDED BY P.L.133-2012,  
 40 SECTION 110, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2026]: Sec. 4. The board ~~shall~~ **may** adopt rules  
 42 under IC 4-22-2 and IC 13-14-9 to implement this chapter. The rules



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~~must~~ **may** include the following:

- (1) Requirements for certification that consider any training that is required by state rule or federal regulation.
- (2) Mandatory testing and retraining.
- (3) Recognition of training programs that the board approves to serve as a training program that this chapter requires. A recognized training program may be offered by an employer or by any other provider.
- (4) Recognition of an interim period for which existing facility operators must obtain certification.

SECTION 134. IC 13-17-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall provide assistance on air pollution matters to towns, cities, and counties. **The commissioner shall make the commissioner's best efforts to assist and cooperate with other groups interested in and affected by air pollution.**

SECTION 135. IC 13-17-3-4, AS AMENDED BY P.L.181-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall adopt rules under IC 4-22-2 and IC 13-14-9 that are:

- (1) consistent with the general intent and purposes declared in IC 13-17-1 and section 1 of this chapter; and
- (2) necessary to the implementation of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended. ~~by the Clean Air Act Amendments of 1990 (P.L.101-549);~~

(b) Notwithstanding IC 13-15-5, the board may adopt rules under IC 4-22-2 and IC 13-14-9 that allow the commissioner's actions on permits and permit modifications to become effective immediately, regardless of whether a thirty (30) day comment period is held on the permits or permit modifications. The board may adopt rules under this subsection only after considering the:

- (1) environmental significance of;
- (2) federal requirements for federally delegated or approved programs concerning; and
- (3) need for opportunity for public participation on;

the permits or permit modifications.

(c) The board may adopt rules to require sources to report hazardous air pollutant emissions if the reporting is necessary to demonstrate compliance with emissions and other performance standards established under 42 U.S.C. 7412 or 42 U.S.C. 7429. The board may ~~amend 326 IAC 2-6~~ **adopt rules** to allow the department to request hazardous air pollutant emissions data from individual sources for the



1 purpose of site specific studies of hazardous air pollutant:

2 (1) emissions; and

3 (2) impacts.

4 (d) The board may ~~amend 326 IAC 2-6~~ or adopt new rules to  
5 establish a general requirement for sources to report hazardous air  
6 pollutant emissions (as defined by 42 U.S.C. 7412(b)).

7 SECTION 136. IC 13-17-3-8 IS REPEALED [EFFECTIVE JULY  
8 1, 2026]. Sec. 8: The board shall carry out other duties imposed by law.

9 SECTION 137. IC 13-17-3-9 IS REPEALED [EFFECTIVE JULY  
10 1, 2026]. Sec. 9: (a) The commissioner shall assist and cooperate with  
11 other groups interested in and affected by air pollution:

12 (b) The commissioner may do the following:

13 (1) Advise, consult, and cooperate with:

14 (A) other state agencies;

15 (B) towns, cities, and counties;

16 (C) industries;

17 (D) other states;

18 (E) the federal government; and

19 (F) affected groups;

20 in the prevention and control of new and existing air  
21 contamination sources within Indiana:

22 (2) Encourage and conduct studies, investigations, and research  
23 relating to the following:

24 (A) Air pollution:

25 (B) The causes, effects, prevention, control, and abatement of  
26 air pollution:

27 (3) Collect and disseminate information relating to the following:

28 (A) Air pollution:

29 (B) The prevention and control of air pollution:

30 (4) Encourage voluntary cooperation by persons, towns, cities,  
31 and counties or other affected groups in restoring and preserving  
32 a reasonable degree of purity of air within Indiana.

33 (5) Encourage authorized air pollution agencies of towns, cities,  
34 and counties to handle air pollution problems within their  
35 respective jurisdictions to the greatest extent possible.

36 (6) Upon request, provide technical assistance to towns, cities, or  
37 counties requesting technical assistance for the furtherance of air  
38 pollution control:

39 (7) Represent the state in all matters pertaining to plans,  
40 procedures, or negotiations for interstate compacts in relation to  
41 the control of air pollution:

42 (8) Accept and administer grants or other money or gifts for the



1 purpose of carrying out any of the functions of air pollution  
2 control laws:

3 SECTION 138. IC 13-17-5-9, AS AMENDED BY P.L.104-2022,  
4 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2026]: Sec. 9. (a) ~~After December 31, 2006~~; The board may  
6 not adopt a rule under air pollution control laws that requires motor  
7 vehicles to undergo a periodic test of emission characteristics in ~~the~~  
8 following counties:

9 (1) ~~A county having a population of more than eighty thousand~~  
10 ~~four hundred (80,400) and less than eighty-two thousand~~  
11 ~~(82,000).~~

12 (2) ~~A county having a population of more than one hundred~~  
13 ~~twenty thousand (120,000) and less than one hundred thirty~~  
14 ~~thousand (130,000).~~

15 (b) ~~After December 31, 2006, 326 IAC 13-1.1 is void to the extent~~  
16 ~~it applies to a county referred to in subsection (a).~~

17 (c) ~~Unless the budget agency approves a periodic vehicle inspection~~  
18 ~~program for a county referred to in subsection (a), the board shall~~  
19 ~~amend 326 IAC 13-1.1 so that it does not apply after December 31,~~  
20 ~~2006, to a county referred to in subsection (a).~~

21 (d) ~~The budget agency, after review by the budget committee, may~~  
22 ~~approve in writing the implementation of a periodic vehicle inspection~~  
23 ~~program for one (1) or more counties described in subsection (a) only~~  
24 ~~if the budget agency determines that the implementation of a periodic~~  
25 ~~vehicle inspection program in the designated counties is necessary to~~  
26 ~~avoid a loss of federal highway funding for the state or a political~~  
27 ~~subdivision. The approval must specify the counties to which the~~  
28 ~~periodic vehicle inspection program applies and the time during which~~  
29 ~~the periodic vehicle inspection program must be conducted in each~~  
30 ~~designated county. The budget agency, after review by the budget~~  
31 ~~committee, shall withdraw an approval given under this subsection for~~  
32 ~~a periodic vehicle inspection program in a county if the budget agency~~  
33 ~~determines that the suspension of the periodic vehicle inspection~~  
34 ~~program will not adversely affect federal highway funding for the state~~  
35 ~~or a political subdivision. counties:~~

36 (1) **in attainment of the national ambient air quality**  
37 **standards; or**

38 (2) **classified below moderate nonattainment for ozone**  
39 **national ambient air quality standards.**

40 SECTION 139. IC 13-17-5-10, AS ADDED BY P.L.187-2025,  
41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2026]: Sec. 10. Not later than December 31, 2025, the



1 department shall do the following:

2 (1) Perform a comprehensive evaluation of ambient air quality  
3 within any nonattainment areas in Indiana.

4 (2) Identify air pollution reduction or regulatory relief strategies  
5 that can do the following with respect to the federal Clean Air Act  
6 (42 U.S.C. 7401 et seq.), as amended: ~~by the federal Clean Air  
7 Act Amendments of 1990 (P.L.101-549):~~

8 (A) Ensure that affected areas within Indiana are no longer  
9 designated as nonattainment.

10 (B) Result in the eventual phase out of the inspection and  
11 maintenance program for light duty vehicles.

12 (C) Meet emissions goals.

13 (D) Appropriately address air pollution contributions to  
14 nonattainment areas in Indiana from sources that cannot be  
15 addressed by state or local controls, including contributions  
16 from international, natural or background, interstate, mobile,  
17 and stationary sources as well as exceptional events that are  
18 unlikely to recur.

19 (E) Result in the withdrawal of Lake County and Porter  
20 County from the Metropolitan Chicago Interstate Air Quality  
21 Control Region.

22 In identifying strategies under subdivision (2), the department must  
23 coordinate with the United States Environmental Protection Agency.

24 SECTION 140. IC 13-17-6-10, AS AMENDED BY P.L.128-2024,  
25 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2026]: Sec. 10. (a) If the commissioner finds that an asbestos  
27 project is not being performed in accordance with air pollution control  
28 laws or rules adopted under air pollution control laws, the  
29 commissioner may enjoin further work on the asbestos project without  
30 prior notice or hearing by delivering a notice to:

31 (1) the asbestos contractor engaged in the asbestos project; or

32 (2) the agent or representative of the asbestos contractor.

33 (b) A notice issued under this section must:

34 (1) specifically enumerate the violations of law that are occurring  
35 on the asbestos project; and

36 (2) prohibit further work on the asbestos project until the  
37 violations enumerated under subdivision (1) cease and the notice  
38 is rescinded by the commissioner.

39 (c) Not later than ten (10) days after receiving written notification  
40 from a contractor that violations enumerated in a notice issued under  
41 this section have been corrected, the commissioner shall issue a  
42 determination whether or not to rescind the notice.



1 (d) An asbestos contractor or any other person aggrieved or  
 2 adversely affected by the issuance of a notice under subsection (a) may  
 3 obtain a review of the commissioner's action. ~~under IC 4-21.5 and~~  
 4 ~~IC 4-15-10.5.~~

5 SECTION 141. IC 13-17-6-11 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The  
 7 commissioner may ~~under IC 4-21.5~~ reprimand an asbestos contractor  
 8 or asbestos worker or suspend or revoke the license of an asbestos  
 9 contractor or the accreditation of an asbestos worker for the following  
 10 reasons:

11 (1) Fraudulently or deceptively obtaining or attempting to obtain  
 12 a license or accreditation under this chapter.

13 (2) Failing to meet the qualifications for a license or accreditation  
 14 or failing to comply with the requirements of air pollution control  
 15 laws or rules adopted under air pollution control laws.

16 (3) Failing to meet an applicable federal or state standard for the  
 17 abatement, removal, or encapsulation of asbestos.

18 (b) The commissioner may ~~under IC 4-21.5~~ reprimand an asbestos  
 19 contractor or suspend or revoke the license of an asbestos contractor  
 20 that does any of the following:

21 (1) Employs a person who is not accredited under this chapter.

22 (2) Permits a person who is not accredited under this chapter to  
 23 work on an asbestos project.

24 **(c) A commissioner action to suspend or revoke the license of an**  
 25 **asbestos contractor may be appealed under IC 4-21.5.**

26 SECTION 142. IC 13-17-7 IS REPEALED [EFFECTIVE JULY 1,  
 27 2026]. (Clean Air Act Permit Compliance Program).

28 SECTION 143. IC 13-17-10-1 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not  
 30 incinerate PCB in an incinerator unless the person

31 ~~(1) holds a permit issued by the commissioner specifically~~  
 32 ~~authorizing the incineration of PCB in the incinerator. and~~

33 ~~(2) has received the recommendation of the local plan~~  
 34 ~~commission that has jurisdiction over the area in which the~~  
 35 ~~incinerator is located and the county executive of the county in~~  
 36 ~~which the incinerator is located has approved the incineration of~~  
 37 ~~the PCB or, if an appropriate local plan commission does not~~  
 38 ~~exist, the county executive of the county in which the incinerator~~  
 39 ~~is located has approved the incineration of the PCB.~~

40 SECTION 144. IC 13-17-10-2 IS REPEALED [EFFECTIVE JULY  
 41 1, 2026]. Sec. 2. ~~The commissioner may not:~~

42 ~~(1) issue; or~~



1           (2) consider an application for;  
2 a permit specifically authorizing the incineration of PCB until the study  
3 required by section 3 of this chapter is concluded.

4           SECTION 145. IC 13-17-10-3 IS REPEALED [EFFECTIVE JULY  
5 1, 2026]. Sec. 3: The department, in cooperation with the United States  
6 Environmental Protection Agency; an applicant for a permit issued  
7 under this chapter; and a city or town in which an incinerator described  
8 under section 1 of this chapter is or will be located; shall conduct a  
9 study of alternative PCB technologies. The study must include an  
10 assessment of the efficacy and the technical and economic feasibility  
11 of the following:

12           (1) Alternative technologies such as the following:

13           (A) The application of lime to break down PCB;

14           (B) The low temperature thermal desorption process;

15           (C) Desorption and vaporization extraction;

16           (D) Plasma torch technology;

17           (E) Bacterial remediation;

18           (2) Other technologies identified by the commissioner as having  
19 possible value in the treatment or disposal of PCB in Indiana.

20           SECTION 146. IC 13-17-10-4 IS REPEALED [EFFECTIVE JULY  
21 1, 2026]. Sec. 4: (a) The study required by section 3 of this chapter  
22 must be concluded before January 1, 1996.

23           (b) At the conclusion of the study the commissioner shall prepare a  
24 report setting forth the results of the study. The commissioner shall:

25           (1) present the report to:

26           (A) the governor; and

27           (B) the general assembly; and

28           (2) make copies of the report available to the public.

29           SECTION 147. IC 13-17-12-4 IS REPEALED [EFFECTIVE JULY  
30 1, 2026]. Sec. 4: An air pollution control agency shall submit annual  
31 reports as requested by the department.

32           SECTION 148. IC 13-17-15-6 IS REPEALED [EFFECTIVE JULY  
33 1, 2026]. Sec. 6: A unit described in section 4 of this chapter is not  
34 required to have a separate approval under IC 13-17-7 if the unit:

35           (1) is being operated under a valid existing operating permit  
36 issued under IC 13-17-7; and

37           (2) is in compliance with the applicable federal requirements  
38 listed in section 4 of this chapter;

39 when it is used to dispose of and destroy drugs under this chapter.

40           SECTION 149. IC 13-18-2-3, AS AMENDED BY THE  
41 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL  
42 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2026]: Sec. 3. (a) The department shall prepare a list of  
 2 impaired waters for the purpose of complying with federal regulations  
 3 implementing Section 303(d) of the federal Clean Water Act (33  
 4 U.S.C. 1313(d)). In determining whether a water body is impaired, the  
 5 department shall consider all existing and readily available water  
 6 quality data and related information. The department, before submitting  
 7 the list to the United States Environmental Protection Agency, shall:

- 8 (1) post the list to the department's ~~Internet web site~~; **website**;
- 9 (2) publish in the Indiana Register a link to the list posted to the  
 10 department's ~~Internet web site~~; **website**;
- 11 (3) make the list available for public comment for at least  
 12 forty-five (45) days; and
- 13 (4) provide information about the list to the board.

14 (b) The board shall adopt a rule that:

- 15 (1) establishes the methodology to be used in identifying waters  
 16 as impaired; and
- 17 (2) specifies the methodology and criteria for including and  
 18 removing waters from the list of impaired waters.

19 (c) In the establishment of the total maximum daily load for a  
 20 surface water under Section 303(d)(1)(C) of the federal Clean Water  
 21 Act (33 U.S.C. 1313(d)(1)(C)), the department shall, in identifying the  
 22 surface water under Section 303(d)(1)(A) of the federal Clean Water  
 23 Act (33 U.S.C. 1313(d)(1)(A)), make every reasonable effort to identify  
 24 the pollutant or pollutants under consideration for the establishment of  
 25 the total maximum daily load.

26 (d) The department shall comply with subsection (e) if either of the  
 27 following applies:

28 (1) The department:

29 (A) is unable, in identifying the surface water as described in  
 30 subsection (c), to identify the pollutant or pollutants under  
 31 consideration for the establishment of the total maximum daily  
 32 load; and

33 (B) determines, after identifying the surface water as described  
 34 in subsection (c), that one (1) or more pollutants should be  
 35 under consideration for establishment of the total maximum  
 36 daily load.

37 (2) The department:

38 (A) in identifying the surface water as described in subsection  
 39 (c), identifies the pollutant or pollutants under consideration  
 40 for the establishment of the total maximum daily load; and

41 (B) determines, after identifying the pollutant or pollutants as  
 42 described in clause (A), that one (1) or more other pollutants



1 should be under consideration for establishment of the total  
2 maximum daily load.

3 (e) The department complies with subsection (d) if the department  
4 does the following before making a pollutant or pollutants the subject  
5 of consideration for the establishment of the total maximum daily load:

6 (1) Determines and demonstrates that either or both of the  
7 following apply:

8 (A) The surface water does not attain water quality standards  
9 (as established in ~~327 IAC 2-1 and 327 IAC 2-1.5~~) by rule  
10 due to an individual pollutant, multiple pollutants, pollution,  
11 or an unknown cause of impairment.

12 (B) The surface water:

13 (i) receives a thermal discharge from one (1) or more point  
14 sources; and

15 (ii) does not have or maintain a balanced indigenous  
16 population of shellfish, fish, and wildlife.

17 (2) Posts on the department's ~~Internet web site~~ **website** the  
18 determination referred to in subdivision (1).

19 (3) Makes the determination referred to in subdivision (1)  
20 available for public comment for at least forty-five (45) days.

21 (4) Presents the determination referred to in subdivision (1) to the  
22 commissioner for final approval after the comment period under  
23 subdivision (3).

24 SECTION 150. IC 13-18-3-1, AS AMENDED BY P.L.133-2012,  
25 SECTION 125, IS AMENDED TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall adopt rules for  
27 the control and prevention of pollution in waters of Indiana. ~~with any~~  
28 ~~substance:~~

29 ~~(1) that is deleterious to:~~

30 ~~(A) the public health; or~~

31 ~~(B) the prosecution of any industry or lawful occupation; or~~

32 ~~(2) by which:~~

33 ~~(A) any fish life or any beneficial animal or vegetable life may~~  
34 ~~be destroyed; or~~

35 ~~(B) the growth or propagation of fish life or beneficial animal~~  
36 ~~or vegetable life is prevented or injuriously affected.~~

37 SECTION 151. IC 13-18-3-2, AS AMENDED BY P.L.112-2016,  
38 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2026]: Sec. 2. (a) The board may adopt rules under IC 4-22-2  
40 that are necessary to the implementation of:

41 (1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et  
42 seq.), as in effect January 1, 1988; and



1 (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through  
2 300j), as in effect January 1, 1988;  
3 except as provided in IC 14-37.

4 (b) "Degradation" has the meaning set forth in IC 13-11-2-50.5.

5 (c) "Outstanding national resource water" has the meaning set forth  
6 in IC 13-11-2-149.5.

7 (d) "Outstanding state resource water" has the meaning set forth in  
8 IC 13-11-2-149.6.

9 (e) "Watershed" has the meaning set forth in IC 14-8-2-310.

10 (f) The board may designate a water body as an outstanding state  
11 resource water by rule if the board determines that the water body has  
12 a unique or special ecological, recreational, or aesthetic significance.

13 (g) Before the board may adopt a rule designating a water body as  
14 an outstanding state resource water, the board must consider the  
15 following:

16 (1) Economic impact analyses, presented by any interested party,  
17 taking into account future population and economic development  
18 growth.

19 (2) The biological criteria scores for the water body, using factors  
20 that consider fish communities, macro invertebrate communities,  
21 and chemical quality criteria using representative biological data  
22 from the water body under consideration.

23 (3) The level of current urban and agricultural development in the  
24 watershed.

25 (4) Whether the designation of the water body as an outstanding  
26 state resource water will have a significant adverse effect on  
27 future population, development, and economic growth in the  
28 watershed, if the water body is in a watershed that has more than  
29 three percent (3%) of its land in urban land uses or serves a  
30 municipality with a population greater than five thousand (5,000).

31 (5) Whether the designation of the water body as an outstanding  
32 state resource water is necessary to protect the unique or special  
33 ecological, recreational, or aesthetic significance of the water  
34 body.

35 (h) Before the board may adopt a rule designating a water body as  
36 an outstanding state resource water, the board must make available to  
37 the public a written summary of the information considered by the  
38 board under subsections (f) and (g), including the board's conclusions  
39 concerning that information.

40 (i) **Upon request by the house of representatives or senate**  
41 **committees on environmental affairs**, the commissioner shall present  
42 a summary of the comments received from the comment period and



1 information that supports a water body designation as an outstanding  
 2 state resource water to the interim study committee on environmental  
 3 affairs established by IC 2-5-1.3-4 in an electronic format under  
 4 IC 5-14-6. not later than one hundred twenty (120) days after the rule  
 5 regarding the designation is finally adopted by the board.

6 (j) Notwithstanding any other provision of this section, the  
 7 designation of an outstanding state resource water in effect on January  
 8 1, 2000, remains in effect.

9 (k) For a water body designated as an outstanding state resource  
 10 water, the board shall provide by rule procedures that will:

- 11 (1) prevent degradation; and
- 12 (2) allow for increases and additions in pollutant loadings from an  
 13 existing or new discharge if:
  - 14 (A) there will be an overall improvement in water quality for  
 15 the outstanding state resource water as described in this  
 16 section; and
  - 17 (B) the applicable requirements of rules adopted by the board  
 18 under this section are met.

19 (l) The procedures provided by rule under subsection (k) must  
 20 include the following:

- 21 (1) A definition of significant lowering of water quality that  
 22 includes a de minimis quantity of additional pollutant load:
  - 23 (A) for which a new or increased permit limit is required; and
  - 24 (B) below which antidegradation implementation procedures  
 25 do not apply.
- 26 (2) Provisions allowing the permittee to choose application of one  
 27 (1) of the following for each activity undertaken by the permittee  
 28 that will result in a significant lowering of water quality in the  
 29 outstanding state resource water:
  - 30 (A) Implementation of a water quality project in the watershed  
 31 of the outstanding state resource water that will result in an  
 32 overall improvement of the water quality of the outstanding  
 33 state resource water.
  - 34 (B) Payment of a fee, not to exceed five hundred thousand  
 35 dollars (\$500,000), based on the type and quantity of increased  
 36 pollutant loadings, to the department for deposit in the  
 37 outstanding state resource water improvement fund established  
 38 under section 14 of this chapter for use as permitted under that  
 39 section.
- 40 (3) Criteria for the submission and timely approval of projects  
 41 described in subdivision (2)(A).
- 42 (4) A process for public input in the approval process.



- 1 (5) Use of water quality data that is less than seven (7) years old  
 2 and specific to the outstanding state resource water.
- 3 (6) Criteria for using the watershed improvement fees to fund  
 4 projects in the watershed that result in improvement in water  
 5 quality in the outstanding state resource water.
- 6 (m) For a water body designated as an outstanding state resource  
 7 water after June 30, 2000, the board shall provide by rule  
 8 antidegradation implementation procedures before the water body is  
 9 designated in accordance with this section.
- 10 (n) A water body may be designated as an outstanding national  
 11 resource water only by the general assembly after recommendations for  
 12 designation are made by the board and the interim study committee on  
 13 environmental affairs established by IC 2-5-1.3-4.
- 14 (o) Before recommending the designation of an outstanding national  
 15 resource water, the department shall provide for an adequate public  
 16 notice and comment period regarding the designation. The  
 17 commissioner shall present a summary of the comments and  
 18 information received during the comment period and the department's  
 19 recommendation concerning designation to the ~~interim study~~  
 20 ~~committee on environmental affairs established by IC 2-5-1.3-4~~ **house**  
 21 **of representatives or senate committees on environmental affairs**  
 22 in an electronic format under IC 5-14-6 not later than ninety (90) days  
 23 after the end of the comment period. The committee shall consider the  
 24 comments, information, and recommendation received from the  
 25 department, and shall convey its recommendation concerning  
 26 designation to the general assembly within six (6) months after receipt.
- 27 (p) This subsection applies to all surface waters of the state. The  
 28 department shall complete an antidegradation review of all NPDES  
 29 general permits. The department may modify the general permits for  
 30 purposes of antidegradation compliance. After an antidegradation  
 31 review of a permit is conducted under this subsection, activities  
 32 covered by an NPDES general permit are not required to undergo an  
 33 additional antidegradation review. An NPDES general permit may not  
 34 be used to authorize a discharge into an outstanding national resource  
 35 water or an outstanding state resource water, except that a short term,  
 36 temporary storm water discharge to an outstanding national resource  
 37 water or to an outstanding state resource water may be permitted under  
 38 an NPDES general permit if the commissioner determines that the  
 39 discharge will not significantly lower the water quality downstream of  
 40 the discharge.
- 41 (q) Subsection (r) applies to:
- 42 (1) an application for an NPDES permit subject to



- 1 IC 13-15-4-1(a)(2)(B), IC 13-15-4-1(a)(3)(B), or  
 2 IC 13-15-4-1(a)(4); or  
 3 (2) an application for a modification or renewal of an NPDES  
 4 permit;  
 5 that proposes new or increased discharge that would result in a  
 6 significant lowering of water quality as defined in subsection (l)(1).  
 7 (r) For purposes of an antidegradation review with respect to an  
 8 application referred to in subsection (q), the applicant shall  
 9 demonstrate at the time the application is submitted to the department,  
 10 and the commissioner shall review:  
 11 (1) an analysis of alternatives to the proposed discharge; and  
 12 (2) subject to subsection (s), social or economic factors indicating  
 13 the importance of the proposed discharge if alternatives to the  
 14 proposed discharge are not practicable.  
 15 (s) Subject to subsection (t), the commissioner shall consider the  
 16 following factors in determining whether a proposed discharge is  
 17 necessary to accommodate important economic or social development  
 18 in the area in which the waters are located under antidegradation  
 19 standards and implementation procedures:  
 20 (1) Creation, expansion, or maintenance of employment.  
 21 (2) The unemployment rate.  
 22 (3) The median household income.  
 23 (4) The number of households below the poverty level.  
 24 (5) Community housing needs.  
 25 (6) Change in population.  
 26 (7) The impact on the community tax base.  
 27 (8) Provision of fire departments, schools, infrastructure, and  
 28 other necessary public services.  
 29 (9) Correction of a public health, safety, or environmental  
 30 problem.  
 31 (10) Production of goods and services that protect, enhance, or  
 32 improve the overall quality of life and related research and  
 33 development.  
 34 (11) The impact on the quality of life for residents in the area.  
 35 (12) The impact on the fishing, recreation, and tourism industries.  
 36 (13) The impact on threatened and endangered species.  
 37 (14) The impact on economic competitiveness.  
 38 (15) Demonstration by the permit applicant that the factors  
 39 identified and reviewed under subdivisions (1) through (14) are  
 40 necessary to accommodate important social or economic  
 41 development despite the proposed significant lowering of water  
 42 quality.



- 1 (16) Inclusion by the applicant of additional factors that may  
 2 enhance the social or economic importance associated with the  
 3 proposed discharge, such as an approval that:  
 4 (A) recognizes social or economic importance; and  
 5 (B) is given to the applicant by:  
 6 (i) a legislative body; or  
 7 (ii) other government officials.
- 8 (17) Any other action or recommendation relevant to the  
 9 antidegradation demonstration made by a:  
 10 (A) state;  
 11 (B) county;  
 12 (C) township; or  
 13 (D) municipality;  
 14 potentially affected by the proposed discharge.
- 15 (18) Any other action or recommendation relevant to the  
 16 antidegradation demonstration received during the public  
 17 participation process.
- 18 (19) Any other factors that the commissioner:  
 19 (A) finds relevant; or  
 20 (B) is required to consider under the Clean Water Act.
- 21 (t) In determining whether a proposed discharge is necessary to  
 22 accommodate important economic or social development in the area in  
 23 which the waters are located under antidegradation standards and  
 24 implementation procedures, the commissioner:  
 25 (1) must give substantial weight to any applicable determinations  
 26 by governmental entities; and  
 27 (2) may rely on consideration of any one (1) or a combination of  
 28 the factors listed in subsection (s).
- 29 (u) Each exceptional use water (as defined in IC 13-11-2-72.5,  
 30 before its repeal) designated by the board before June 1, 2009, becomes  
 31 an outstanding state resource water on June 1, 2009, by operation of  
 32 law.
- 33 (v) Beginning June 1, 2009, all waters of the state are classified in  
 34 the following categories:  
 35 (1) Outstanding national resource waters.  
 36 (2) Outstanding state resource waters.  
 37 (3) Waters of the state as ~~described in 327 IAC 2-1-2(1); as in~~  
 38 ~~effect on January 1, 2009; defined in IC 13-11-2-265.~~  
 39 (4) High quality waters as described in 327 IAC 2-1-2(2); as in  
 40 effect on January 1, 2009; **40 CFR 131.12(a)(2).**  
 41 (5) ~~Waters of the state as described in 327 IAC 2-1.5-4(a); as in~~  
 42 ~~effect on January 1, 2009;~~



1           (6) High quality waters as described in ~~327 IAC 2-1.5-4(b)~~, as in  
2           effect on January 1, 2009.

3           **(w) The board may adopt rules under IC 4-22-2 to establish a**  
4           **process to designate a water body as a limited use water as**  
5           **described in 40 CFR 131.12.**

6           SECTION 152. IC 13-18-3-2.5, AS AMENDED BY P.L.54-2005,  
7           SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8           JULY 1, 2026]: Sec. 2.5. (a) A CSO wet weather limited use  
9           subcategory is established for waters affected by receiving combined  
10          sewer overflows, as specified in an approved long term control plan.  
11          The CSO wet weather limited use subcategory applies to a specific  
12          water body after implementation of an approved long term control plan  
13          for the combined sewer system whose overflow discharges affect those  
14          waters is implemented and the conditions of subsection (b) are  
15          satisfied. The following requirements apply to the CSO wet weather  
16          limited use subcategory:

17           (1) The water quality based requirements associated with the CSO  
18           wet weather limited use subcategory that apply to waters affected  
19           by wet weather combined sewer overflows are determined by an  
20           approved long term control plan for the combined sewer system.  
21           The water quality based requirements remain in effect during the  
22           time and to the physical extent that the recreational use  
23           designation that applied to the waters immediately before the  
24           application to the waters of the CSO wet weather limited use  
25           subcategory is not attained, but for not more than four (4) days  
26           after the date the overflow discharge ends.

27           (2) At all times other than those described in subdivision (1), the  
28           water quality criteria associated with the appropriate recreational  
29           use designation that applied to the waters immediately before the  
30           application to the waters of the CSO wet weather limited use  
31           subcategory apply unless there is a change in the use designation  
32           as a result of a use attainability analysis.

33          (b) The CSO wet weather limited use subcategory applies if:

34           (1) the department has approved a long term control plan for the  
35           NPDES permit holder for the combined sewer system;

36           (2) the approved long term control plan:

37           (A) is incorporated into:

38           (i) the NPDES permit holder's NPDES permit; or

39           (ii) an order of the commissioner under IC 13-14-2-6;

40           (B) satisfies the requirements of section 2.3 of this chapter;

41           and

42           (C) specifies the water quality based requirements that apply



1 to combined sewer overflows during and immediately  
 2 following wet weather events, as provided in subsection (a)(1);  
 3 (3) the NPDES permit holder has implemented the approved long  
 4 term control plan; and  
 5 (4) subject to subsection (c), 40 CFR 131.10, 40 CFR 131.20, and  
 6 40 CFR 131.21 are satisfied.

7 (c) For purposes of subsection (b)(4), 40 CFR 131.10 may be  
 8 satisfied by including appropriate data and information in the long term  
 9 control plan.

10 (d) The department shall implement the CSO wet weather limited  
 11 use subcategory and associated water quality based requirements under  
 12 this section when the subcategory and requirements are approved by  
 13 the United States Environmental Protection Agency. The department  
 14 shall seek approval of the United States Environmental Protection  
 15 Agency in a timely manner.

16 (e) The NPDES permit holder shall monitor its discharges and the  
 17 water quality in the affected receiving stream periodically as provided  
 18 in the long term control plan. The NPDES permit holder shall provide  
 19 all such information to the department.

20 (f) In conjunction with a review of its long term control plan under  
 21 section 2.4 of this chapter, the NPDES permit holder shall review  
 22 information generated after the use attainability analysis was approved  
 23 by the department to determine whether the conclusion of the use  
 24 attainability analysis is still valid. The NPDES permit holder shall  
 25 provide the results of the review to the department.

26 (g) The board shall adopt rules under IC 13-14-8 and IC 13-14-9 to  
 27 implement this section. ~~before October 1, 2006.~~

28 SECTION 153. IC 13-18-3-2.6, AS ADDED BY P.L.54-2005,  
 29 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2026]: Sec. 2.6. (a) Where appropriate, permits shall contain  
 31 schedules of compliance requiring the permittee to take specific steps  
 32 to achieve expeditious compliance with applicable standards,  
 33 limitations, and other requirements.

34 (b) The schedule of compliance shall require compliance as soon as  
 35 reasonably possible, but **not later than five (5) years from the date**  
 36 **applicable standards, limitations, or other requirements are**  
 37 **incorporated into the permit and** may remain in effect as long as the  
 38 National Pollutant Discharge Elimination System (NPDES) permit  
 39 requirements are in effect.

40 (c) The department shall, at the request of the NPDES permit  
 41 holder, incorporate in the permit a schedule of compliance for meeting  
 42 the water quality based requirements associated with combined sewer



1 overflows during the period of development, approval, and  
 2 implementation of the long term control plan. The schedules of  
 3 compliance:

- 4 (1) may exceed time frames authorized under 327 IAC; and  
 5 (2) may not exceed the period specified for implementation in an  
 6 approved long term control plan.

7 (d) If the term of a schedule of compliance exceeds the term of an  
 8 NPDES permit, the department shall continue to implement the  
 9 schedule of compliance continuously before and during each  
 10 successive permit term, to the maximum duration as provided in  
 11 subsection (c). The permit shall specify that the schedule of compliance  
 12 lasts beyond the term of the permit.

13 (e) Upon request of the permittee, the department shall modify  
 14 NPDES permits containing water quality based requirements  
 15 associated with combined sewer overflows to provide schedules of  
 16 compliance as provided in subsection (c).

17 (f) The board shall adopt rules under IC 13-14-8 and IC 13-14-9 to  
 18 implement this section. ~~before October 1, 2006.~~

19 SECTION 154. IC 13-18-3-5 IS REPEALED [EFFECTIVE JULY  
 20 1, 2026]. ~~Sec. 5: The board shall carry out other duties imposed by law.~~

21 SECTION 155. IC 13-18-3-11 IS REPEALED [EFFECTIVE JULY  
 22 1, 2026]. ~~Sec. 11: Since the water pollution control laws are necessary  
 23 for the public health, safety, and welfare, the water pollution control  
 24 laws shall be liberally construed to effectuate the purposes of the water  
 25 pollution control laws.~~

26 SECTION 156. IC 13-18-3-12, AS AMENDED BY P.L.113-2014,  
 27 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2026]: Sec. 12. The board shall adopt rules providing that  
 29 **whenever department may not require a permit, permission, or**  
 30 **review from a person submits who develops plans to a unit** concerning  
 31 the design or construction of:

- 32 (1) a sanitary sewer or public water main, if:  
 33 (A) a professional engineer who is registered under IC 25-31  
 34 prepared the plans;  
 35 (B) the unit provided for review of the plans by a qualified  
 36 engineer and subsequently approved the plans; and  
 37 (C) all other requirements specified in rules adopted by the  
 38 board are met; or  
 39 (2) a sanitary sewer extension for and within a subdivision, if:  
 40 (A) a qualified professional surveyor who is registered under  
 41 IC 25-21.5 prepared the plans;  
 42 (B) the subdivision is being laid out or having been laid out by



- 1 the professional surveyor subject to IC 25-21.5-7;
- 2 (C) the unit provided for review of the plans by a qualified
- 3 engineer and subsequently approved the plans; and
- 4 (D) all other requirements specified in rules adopted by the
- 5 board are met;
- 6 ~~the plans are not required to be submitted to any state agency for a~~
- 7 ~~permit, permission, or review, unless required by federal law.~~
- 8 SECTION 157. IC 13-18-3-13 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. If a violation of ~~327~~
- 10 ~~IAC 15-5~~ **the department's construction storm water general**
- 11 **permit** occurs, the department shall determine which person is
- 12 responsible for committing the violation. ~~In making this determination,~~
- 13 ~~the department shall, if appropriate, consider:~~
- 14 (1) ~~public records of ownership;~~
- 15 (2) ~~building permits issued by local units of government; or~~
- 16 (3) ~~other relevant information.~~
- 17 ~~The department's determination to proceed against a person responsible~~
- 18 ~~for committing a violation must be based on the specific facts and~~
- 19 ~~circumstances related to a particular violation.~~
- 20 SECTION 158. IC 13-18-3-14, AS AMENDED BY P.L.130-2018,
- 21 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2026]: Sec. 14. (a) The outstanding state resource water
- 23 improvement fund is established. All money collected under section 2
- 24 of this chapter and any money accruing to the fund are continuously
- 25 appropriated to the fund to carry out the purposes of section 2 of this
- 26 chapter. Money in the fund at the end of a state fiscal year does not
- 27 revert to the state general fund, unless the outstanding state resource
- 28 water improvement fund is abolished.
- 29 (b) The outstanding state resource water improvement fund shall be
- 30 administered as follows:
- 31 (1) The fund may be used by the department of environmental
- 32 management to fund projects that will lead to overall
- 33 improvement to the water quality of the affected outstanding state
- 34 resource water.
- 35 (2) The treasurer of state may invest the money in the fund not
- 36 currently needed to meet the obligations of the fund in the same
- 37 manner as other public money may be invested.
- 38 (3) Any interest received accrues to the fund.
- 39 (4) The expenses of administering the fund shall be paid from the
- 40 fund.
- 41 (c) ~~If money is disbursed from the outstanding state resource water~~
- 42 ~~improvement fund in the previous state fiscal year or the commissioner~~



1 determines that the fund had a positive balance at the close of the  
 2 previous state fiscal year; **Upon request by the house of**  
 3 **representatives or senate committees on environmental affairs or**  
 4 **the board**, the commissioner shall submit a status report on the fund  
 5 to the interim study committee on environmental affairs established by  
 6 ~~IC 2-5-1.3-4~~, in an electronic format under IC 5-14-6. ~~before November~~  
 7 ~~1~~. **If requested**, the report must include the following information:

8 (1) Plans for the use and implementation of the outstanding state  
 9 resource water improvement fund.

10 (2) The balance in the fund.

11 SECTION 159. IC 13-18-3-15, AS ADDED BY P.L.81-2011,  
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2026]: Sec. 15. (a) Subject to subsection (c), the board shall  
 14 ~~amend 327 IAC-5 and 327 IAC-15 to eliminate:~~

15 (1) the requirement that NPDES general permit terms and  
 16 conditions be contained in a rule; and

17 (2) the terms and conditions of each NPDES general permit that  
 18 is:

19 (A) contained in that article; and

20 (B) in effect on the effective date of this section.

21 (b) The department may develop and issue NPDES general permits  
 22 in accordance with 40 CFR 122.28.

23 (c) After ~~327 IAC-5 and 327 IAC-15~~ are amended under  
 24 **eliminating the requirement and terms and conditions described in**  
 25 subsection (a), the terms and conditions of an NPDES general permit  
 26 under that article as they existed before the amendment remain in effect  
 27 and are binding on any person regulated under the NPDES general  
 28 permit until the person submits a notice of intent to be covered by an  
 29 NPDES general permit developed and issued under subsection (b).

30 (d) Any person regulated under an NPDES general permit on the  
 31 effective date of the amendment required by subsection (a) must:

32 (1) submit a notice of intent described in subsection (c) not later  
 33 than ninety (90) days after the department makes the form of the  
 34 notice of intent available to the person; or

35 (2) apply for an NPDES individual permit ~~under 327 IAC-5~~ to  
 36 maintain permit coverage required under the Clean Water Act.

37 (e) This section does not affect the authority of the board to adopt  
 38 rules that authorize NPDES general permits.

39 SECTION 160. IC 13-18-4-2 IS REPEALED [EFFECTIVE JULY  
 40 1, 2026]. ~~Sec. 2: A rule or determination made by the board or the~~  
 41 ~~commissioner under sections 1 through 4 of this chapter shall be filed~~  
 42 ~~of record in the office of the department.~~

ES 277—LS 6849/DI 150



1 SECTION 161. IC 13-18-4-4 IS REPEALED [EFFECTIVE JULY  
2 1, 2026]. ~~Sec. 4. The commissioner may take appropriate steps to~~  
3 ~~prevent any pollution that is determined to be unreasonable and against~~  
4 ~~public interests in view of the condition in any stream or other waters~~  
5 ~~of Indiana.~~

6 SECTION 162. IC 13-18-4-6, AS AMENDED BY P.L.263-2013,  
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2026]: Sec. 6. (a) Whenever the commissioner determines that  
9 a person:

10 (1) is violating; or

11 (2) is about to violate;

12 section 5 of this chapter, the department shall serve notice of the  
13 commissioner's determination on the person in accordance with  
14 IC 13-14-2-1.

15 (b) The commissioner shall include in the notice an order against  
16 the person to:

17 (1) cease the violation; and

18 (2) abate the condition of pollution;

19 fixing in the order a reasonable time within which the correction and  
20 abatement must take place.

21 (c) ~~Proceedings concerning an order issued under this section are~~  
22 ~~governed by IC 4-21-5.~~

23 SECTION 163. IC 13-18-4-7 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Notwithstanding  
25 any rules of the board, the commissioner shall allow for a mixing zone  
26 in permits that involve a discharge into Lake Michigan if the applicant  
27 can demonstrate to the commissioner that the mixing zone will not  
28 cause harm to human health or aquatic life.

29 (b) For mixing zones allowed under subsection (a), surface water  
30 quality standards for bioaccumulative chemicals of concern, **as defined**  
31 **in 40 CFR 132.2**, shall be applied to the undiluted discharge, rather  
32 than at a point outside the mixing zone.

33 SECTION 164. IC 13-18-5-1 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board ~~shall~~ **may**  
35 adopt rules under IC 4-22-2 to require the following:

36 (1) The construction or installation of secondary containment  
37 structures at facilities in which hazardous materials are stored or  
38 transferred for the purpose of preventing released hazardous  
39 materials from entering surface water or groundwater.

40 (2) The development by the owner or operator of each facility at  
41 which hazardous materials are stored or handled of a plan for  
42 responding to the release of a hazardous material at that facility.



- 1 (3) The rules must be consistent with applicable safety and fire  
 2 code laws.
- 3 SECTION 165. IC 13-18-9-4 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department  
 5 shall enforce this chapter under IC 13-30-3 or IC 13-14-2-6.
- 6 (b) ~~The board shall adopt rules under IC 4-22-2 for the disposition~~  
 7 ~~of any detergent carried over on September 1, 1974. However,~~ The  
 8 commissioner may approve the use of phosphates by a manufacturer or  
 9 processor for cleaning plant or equipment upon application to the  
 10 commissioner by the manufacturer or processor. The commissioner  
 11 shall require phosphate removal from the water so used by criteria  
 12 established by the board.
- 13 SECTION 166. IC 13-18-10-2.1, AS AMENDED BY P.L. 199-2014,  
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2026]: Sec. 2.1. (a) The department:
- 16 (1) shall make a determination on an application submitted under  
 17 section 2 of this chapter not later than ninety (90) days after the  
 18 date the department receives the completed application, including  
 19 all required supplemental information, unless the department and  
 20 the applicant agree to a longer time; and
- 21 (2) may conduct any inquiry or investigation, consistent with the  
 22 department's duties under this chapter, the department considers  
 23 necessary before making a determination.
- 24 (b) If the department fails to make a determination on an application  
 25 not later than ninety (90) days after the date the department receives  
 26 the completed application, the applicant may request and receive a  
 27 refund of an approval application fee paid by the applicant, and the  
 28 commissioner shall:
- 29 (1) continue to review the application;  
 30 (2) approve or deny the application as soon as practicable; and  
 31 (3) refund the applicant's application fee not later than twenty-five  
 32 (25) ~~working~~ **business** days after the receipt of the applicant's  
 33 request.
- 34 (c) The commissioner may suspend the processing of an application  
 35 and the ninety (90) day period described under this section if the  
 36 department determines within thirty (30) days after the department  
 37 receives the application that the application is incomplete and has  
 38 mailed a notice of deficiency to the applicant that specifies the parts of  
 39 the application that:
- 40 (1) do not contain adequate information for the department to  
 41 process the application; or  
 42 (2) are not consistent with applicable law.



1 (d) The department may establish requirements in an approval  
2 regarding that part of the confined feeding operation that concerns  
3 manure handling and application to assure compliance with:

- 4 (1) this chapter;  
5 (2) rules adopted under this chapter;  
6 (3) the water pollution control laws;  
7 (4) rules adopted under the water pollution control laws; and  
8 (5) policies and statements adopted under IC 13-14-1-11.5  
9 relative to confined feeding operations.

10 (e) Subject to subsection (f), the commissioner may deny an  
11 application upon making either or both of the following findings:

12 (1) A responsible party intentionally misrepresented or concealed  
13 any material fact in either or both of the following:

14 (A) An application for approval under section 1 of this  
15 chapter.

16 (B) A disclosure statement required by section 1.4 of this  
17 chapter.

18 (2) An enforcement action was resolved against a responsible  
19 party as described in either or both of the following:

20 (A) Section 1.4(c)(5) of this chapter.

21 (B) Section 1.4(c)(6) of this chapter.

22 (f) Before making a determination to approve or deny a  
23 application, the commissioner must consider the following factors:

24 (1) The nature and details of the acts attributed to the responsible  
25 party.

26 (2) The degree of culpability of the responsible party.

27 (3) The responsible party's cooperation with the state, federal, or  
28 foreign agencies involved in the investigation of the activities  
29 involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6)  
30 of this chapter.

31 (4) The responsible party's dissociation from any other persons or  
32 entities convicted in a criminal enforcement action referred to in  
33 section 1.4(c)(5) and 1.4(c)(6) of this chapter.

34 (5) Prior or subsequent self-policing or internal education  
35 programs established by the responsible party to prevent acts,  
36 omissions, or violations referred to in section 1.4(c)(5) and  
37 1.4(c)(6) of this chapter.

38 (g) Except as provided in subsection (h), in taking action under  
39 subsection (e), the commissioner must make separately stated findings  
40 of fact to support the action taken. The findings of fact must:

41 (1) include a statement of ultimate fact; and

42 (2) be accompanied by a concise statement of the underlying



- 1           basic facts of record to support the findings.
- 2           (h) If the commissioner denies an application under subsection (e),
- 3 the commissioner is not required to explain the extent to which any of
- 4 the factors set forth in subsection (f) influenced the denial.
- 5           (i) The department may amend an approval under section 1 of this
- 6 chapter or revoke an approval under section 1 of this chapter:
- 7           (1) for failure to comply with:
- 8               (A) this chapter;
- 9               (B) rules adopted under this chapter;
- 10              (C) the water pollution control laws; or
- 11              (D) rules adopted under the water pollution control laws; and
- 12           (2) as needed to prevent discharges of manure into the
- 13 environment that pollute or threaten to pollute the waters of the
- 14 state.
- 15           SECTION 167. IC 13-18-10-4, AS AMENDED BY P.L.127-2009,
- 16 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2026]: Sec. 4. (a) The board may adopt rules under IC 4-22-2
- 18 and IC 13-14-9 and the department may adopt policies or statements
- 19 under IC 13-14-1-11.5 that are necessary for the proper administration
- 20 of this chapter. The rules, policies, or statements may concern
- 21 construction, expansion, and operation of confined feeding operations
- 22 and may include uniform standards for:
- 23           (1) construction, expansion, and manure containment that are
- 24 appropriate for a specific site; and
- 25           (2) manure application and handling that are consistent with best
- 26 management practices:
- 27               (A) designed to reduce the potential for manure to be
- 28 conveyed off a site by runoff or soil erosion; ~~and~~
- 29               (B) that are appropriate for a specific site; ~~and~~
- 30               (C) **accurately reflect differences between dry and liquid**
- 31 **manure.**
- 32           (b) Standards adopted in a rule, policy, or statement under
- 33 subsection (a) must:
- 34           (1) consider confined feeding standards that are consistent with
- 35 standards found in publications from:
- 36               (A) the United States Department of Agriculture;
- 37               (B) the Natural Resources Conservation Service of the United
- 38 States Department of Agriculture;
- 39               (C) the Midwest Plan Service; and
- 40               (D) postsecondary educational institution extension bulletins;
- 41 and
- 42           (2) be developed through technical review by the department,



1           postsecondary educational institution specialists, and other animal  
 2           industry specialists.  
 3           SECTION 168. IC 13-18-11-1.5, AS AMENDED BY P.L.133-2012,  
 4           SECTION 128, IS AMENDED TO READ AS FOLLOWS  
 5           [EFFECTIVE JULY 1, 2026]: Sec. 1.5. The board ~~shall~~ **may** adopt  
 6           regulations to implement certification programs for operators of water  
 7           treatment plants or water distribution systems. The certification  
 8           program for the operators shall be classified in accordance with the  
 9           complexity, size, and source of the water for the treatment system and  
 10          the complexity and size for the distribution system.

11          SECTION 169. IC 13-18-11-8, AS AMENDED BY P.L.128-2024,  
 12          SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13          JULY 1, 2026]: Sec. 8. (a) The commissioner may suspend or revoke  
 14          the certificate of an operator issued under this chapter ~~following a~~  
 15          ~~hearing under IC 13-15-7-3 and IC 4-21.5~~; if any of the following  
 16          conditions are found:

- 17           (1) The operator has practiced fraud or deception in any state or  
 18           other jurisdiction.  
 19           (2) Reasonable care, judgment, or the application of the operator's  
 20           knowledge or ability was not used in the performance of the  
 21           operator's duties.  
 22           (3) The operator is incompetent or unable to properly perform the  
 23           operator's duties.  
 24           (4) A certificate of the operator issued:  
 25           (A) under this chapter; or  
 26           (B) by any other state or jurisdiction for a purpose comparable  
 27           to the purpose for which a certificate is issued under this  
 28           chapter;  
 29           has been revoked.  
 30           (5) The operator has been convicted of a crime related to a  
 31           certificate of the operator issued:  
 32           (A) under this chapter; or  
 33           (B) by any other state or jurisdiction for a purpose comparable  
 34           to the purpose for which a certificate is issued under this  
 35           chapter.

36          (b) ~~A hearing and further proceedings shall be conducted in~~  
 37          ~~accordance with IC 4-15-10.5. A person aggrieved by the revocation~~  
 38          **or modification of a certificate of an operator may appeal the**  
 39          **revocation or modification to the office of administrative law**  
 40          **proceedings under IC 4-21.5-3.**

41          SECTION 170. IC 13-18-12-2.2, AS AMENDED BY P.L.250-2019,  
 42          SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2026]: Sec. 2.2. (a) As used in this section:

2 (1) "chemical toilet" has the meaning set forth in 327  
3 IAC 7.1-2-6; and

4 (2) "sewage disposal system" has the meaning set forth in 327  
5 IAC 7.1-2-36;

6 on February 1, 2016.

7 (b) As used in this section, "septage management vehicle" means a  
8 vehicle used for the removal of septage from sewage disposal systems.

9 (c) ~~Notwithstanding 327 IAC 7.1-6-1,~~ The invoice provided to a  
10 customer by the person who uses a septage management vehicle to  
11 remove septage from the customer's sewage disposal system need not  
12 show:

13 (1) the date on which the septage was removed from the sewage  
14 disposal system; or

15 (2) the amount of septage removed from the sewage disposal  
16 system;

17 if the sewage disposal system from which the septage is removed is a  
18 ~~chemical toilet~~ **portable sanitary unit.**

19 SECTION 171. IC 13-18-12-2.5, AS AMENDED BY P.L.250-2019,  
20 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2026]: Sec. 2.5. (a) The department and the board may allow  
22 a person to use industrial waste products in a land application operation  
23 or as ingredients in a soil amendment or soil substitute to be land  
24 applied if:

25 (1) the industrial waste products are not hazardous wastes;

26 (2) the industrial waste products:

27 (A) have a beneficial use (as defined in 327 IAC 6.1-2-6); or

28 (B) otherwise provide a benefit to the process of creating the  
29 soil amendments or soil substitute or to the final soil  
30 amendment, soil substitute, or material to be land applied,  
31 such as bulking;

32 (3) the finished soil amendment, soil substitute, or material to be  
33 land applied satisfies the applicable criteria in ~~327 IAC 6.1~~; **rules**  
34 **established by the board;**

35 (4) the finished soil amendment, soil substitute, or material to be  
36 land applied has a beneficial use;

37 (5) the requirements of subsection (b) are satisfied; and

38 (6) the person pays a permit fee in an amount determined under  
39 rules adopted by the board that does not exceed the costs incurred  
40 by the department to issue the permit.

41 **For purposes of this subsection, "beneficial use" means the use of**  
42 **a solid waste for fertilizing or soil conditioning properties to**



1 **provide nutrients for growing plants or crops, increase organic**  
 2 **matter, provide pH adjustment capabilities, or provide other**  
 3 **benefits to the soil or crops as shown to the satisfaction of the**  
 4 **commissioner through an approved research or demonstration**  
 5 **project.**

6 (b) The department:

7 (1) may allow the use of industrial waste products:

8 (A) in a land application operation; or

9 (B) as ingredients in a soil amendment or soil substitute to be  
 10 land applied;

11 on the same basis as other materials under the rules concerning  
 12 land application and marketing and distribution permits;

13 (2) may not:

14 (A) discriminate against the use of industrial waste products  
 15 on the basis that the industrial waste products lack biological  
 16 carbon;

17 (B) impose requirements beyond applicable criteria in ~~327~~  
 18 ~~IAC 6.1~~, **rules established by the board**, unless additional  
 19 requirements are necessary for the protection of human health  
 20 and the environment;

21 (C) require that the finished soil amendment, soil substitute, or  
 22 material to be land applied must be of a particular economic  
 23 value; or

24 (D) for any pollutant that has a pollutant limit or concentration  
 25 in 327 IAC 6.1, require that an industrial waste product or the  
 26 finished soil amendment, soil substitute, or material to be land  
 27 applied satisfies:

28 (i) the department's remediation closure guidance; or

29 (ii) any other standards other than criteria in 327 IAC 6.1;

30 (3) for any pollutant present in the industrial waste products that  
 31 does not have a pollutant limit or concentration in 327 IAC 6.1,  
 32 shall consider the benefits of the finished soil amendment, soil  
 33 substitute, or material to be land applied as compared to the  
 34 measurable risks to human health and the environment based on  
 35 the anticipated use of the finished soil amendment, soil substitute,  
 36 or material to be land applied; and

37 (4) shall require an application for a permit for the land  
 38 application of industrial waste products to include  
 39 characterization of individual industrial waste products at the  
 40 point of waste generation before mixing the waste streams.

41 (c) ~~The board may adopt rules for pollutant limits or concentrations~~  
 42 ~~for pollutants for which limits or concentrations do not exist in 327~~



1 ~~IAC 6.1 as of July 1, 2011.~~

2 SECTION 172. IC 13-18-12-3, AS AMENDED BY P.L.192-2023,  
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2026]: Sec. 3. (a) The ~~board shall initiate~~, **department shall**  
5 **administer**, in accordance with IC 13-15, a septage management  
6 permit program for all persons who offer to perform or are performing  
7 septage management services.

8 (b) A permit from the department may not be required for the  
9 ownership or operation of one (1) or more holding tanks described in  
10 IC 16-41-25-9 in which septage originating from a residential or  
11 commercial source is held until it is removed and transported from the  
12 site of the holding tanks by septage management vehicles. However:

13 (1) the board may adopt rules under IC 4-22-2 and IC 13-14-9; or

14 (2) the department may adopt guidelines;

15 concerning the reports to be provided to the department by local health  
16 departments under IC 16-41-25-9(h). The rules or guidelines may  
17 specify the content to be included in the reports and the frequency at  
18 which the reports must be provided.

19 SECTION 173. IC 13-18-12-4, AS AMENDED BY P.L.112-2016,  
20 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2026]: Sec. 4. (a) The board ~~shall~~, **may**, in accordance with  
22 IC 13-14-9, adopt rules to establish the following:

23 (1) Standards for the following:

24 (A) The issuance of permits for:

25 (i) septage management under section 3 of this chapter; and

26 (ii) land application of authorized septage, solid waste, and  
27 industrial waste products.

28 (B) Transportation, storage, treatment, and disposal of septage.

29 (2) Procedures and standards for approval of sites for land  
30 application.

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

34 SECTION 174. IC 13-18-16-3 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner  
36 may ~~initiate action under IC 4-21.5-3~~ to assess a civil penalty against  
37 a permit holder who fails to take action to correct or prevent  
38 contamination of the sanitary or chemical quality of the water supply  
39 after the permit holder knew or should have known that the action  
40 should be taken. The civil penalty assessed under this section may not  
41 exceed one thousand dollars (\$1,000) for each day of violation.

42 SECTION 175. IC 13-18-16-8, AS AMENDED BY P.L.233-2017,



1 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2026]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2  
3 and IC 13-14-9 establishing requirements for public water systems,  
4 including the following:

5 (1) The requirement to obtain a permit for the construction,  
6 installation, or modification of facilities, equipment, or devices  
7 for any public water system.

8 (2) The requirement to obtain a permit for the operation of  
9 sources, facilities, equipment, or devices for any public water  
10 system.

11 (b) The board shall adopt a permit by rule for water main extensions  
12 ~~(as defined in 327 IAC 8-3-1)~~ to satisfy the permit requirement in  
13 section 1(a) of this chapter.

14 (c) The board may adopt rules to carry out the intent of this chapter  
15 related to requirements necessary to protect the safety of the public  
16 water supply.

17 SECTION 176. IC 13-18-17-3 IS REPEALED [EFFECTIVE JULY  
18 1, 2026]. Sec. 3: ~~(a) The department, with the assistance of other state  
19 agencies as requested, shall establish and operate a groundwater quality  
20 clearinghouse within the department.~~

21 ~~(b) The groundwater quality clearinghouse established under this  
22 section shall do all of the following:~~

23 ~~(1) Receive complaints about groundwater contamination;~~

24 ~~(2) Screen reports of groundwater pollution;~~

25 ~~(3) Ensure that complaints and reports are adequately  
26 investigated;~~

27 ~~(4) Provide information to the public about groundwater and  
28 groundwater pollution;~~

29 ~~(5) Coordinate the management of groundwater quality data in  
30 Indiana.~~

31 SECTION 177. IC 13-18-17-4 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department  
33 under IC 13-14-2-2:

34 (1) may investigate allegations of; and

35 (2) shall investigate confirmed incidents of;

36 contamination of groundwater that affect private water supply wells.

37 (b) The commissioner ~~shall:~~ **may:**

38 (1) issue an advisory to the users and owners of a water well  
39 found to be contaminated concerning the hazards to health posed  
40 by the contamination;

41 (2) take emergency action, including emergency action under  
42 IC 13-14-10, to reduce exposure to well water contaminants that



1 pose a threat to human health; and

2 (3) as appropriate to safeguard human health, order abandonment  
3 of contaminated water wells.

4 SECTION 178. IC 13-18-17-5, AS AMENDED BY P.L.56-2023,  
5 SECTION 129, IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The board shall adopt rules  
7 under IC 4-22-2 **and IC 13-14-9** establishing groundwater quality  
8 standards that include numeric and narrative criteria, a groundwater  
9 classification plan, and a method of determining where the  
10 groundwater quality standards must apply. The standards established  
11 under this subsection shall be used for the following purposes:

12 (1) To establish minimum compliance levels for groundwater  
13 quality monitoring at regulated facilities.

14 (2) To ban the discharge of effluents into potable groundwater.

15 (3) To establish health protection goals for untreated water in  
16 water supply wells.

17 (4) To establish concentration limits for contaminants in ambient  
18 groundwater.

19 (b) Except as provided in subsection (c) and subject to subsection  
20 (d), the following agencies shall adopt rules under IC 4-22-2 to apply  
21 the groundwater quality standards established under this section to  
22 activities regulated by the agencies:

23 (1) The department.

24 (2) The department of natural resources.

25 (3) The Indiana department of health.

26 (4) The office of the state chemist.

27 (5) The department of homeland security.

28 (c) The executive board of the Indiana department of health may not  
29 adopt rules to apply the nitrate and nitrite numeric criteria included in  
30 groundwater quality standards established in rules adopted by the board  
31 under subsection (a) to onsite sewage systems.

32 (d) Any rule adopted by the executive board of the Indiana  
33 department of health is void to the extent that the rule applies the  
34 nitrate and nitrite numeric criteria included in groundwater quality  
35 standards established in rules adopted by the board under subsection  
36 (a) to onsite sewage systems.

37 SECTION 179. IC 13-18-17-6 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board shall  
39 adopt rules under IC 4-22-2 **and IC 13-14-9** to establish protection  
40 zones around community water system wells.

41 (b) The state agencies referred to in section 5(b) of this chapter may  
42 not permit activities within the zones established under subsection (a)



1 that would violate the rules or interfere with the purposes of the rules.

2 (c) The department shall establish and operate a program of  
3 education and assistance to local officials in developing and managing  
4 well field protection zones.

5 (d) The rules adopted under subsection (a) or any zoning under  
6 IC 36-7 to establish protection zones around community water system  
7 wells may not restrict any activity by:

- 8 (1) an owner of land;  
9 (2) a mineral owner; or  
10 (3) a mineral leaseholder of record;

11 unless the owner or leaseholder is sent written notice of, and has an  
12 opportunity to be heard on, the establishment of the zone and the  
13 construction of the community public water system that caused the  
14 establishment of the zone.

15 (e) A person that requests a permit for construction of a community  
16 water system or establishment of a well field protection zone is  
17 responsible for any notice requirements the board establishes.

18 SECTION 180. IC 13-18-17-7 IS REPEALED [EFFECTIVE JULY  
19 1, 2026]. Sec. 7: (a) ~~The board shall adopt rules under IC 4-22-2 for the~~  
20 ~~construction and monitoring of surface impoundments, including pits,~~  
21 ~~ponds, and lagoons, used for the storage or treatment of nonhazardous~~  
22 ~~waste and wastewater.~~

23 (b) ~~The requirements of the rules adopted under this section must~~  
24 ~~apply to all the state agencies referred to in section 5(b) of this chapter.~~

25 SECTION 181. IC 13-18-27-1 IS REPEALED [EFFECTIVE JULY  
26 1, 2026]. Sec. 1: ~~As used in this chapter, "327 IAC 15-5" refers to the~~  
27 ~~administrative rule of the environmental rules board in effect on March~~  
28 ~~25, 2019, concerning storm water runoff associated with construction~~  
29 ~~activity.~~

30 SECTION 182. IC 13-18-27-3, AS ADDED BY P.L.248-2019,  
31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2026]: Sec. 3. As used in this chapter, "construction plan"  
33 means a written plan that:

- 34 (1) presents information about a construction project and  
35 activities associated with the construction project;  
36 (2) includes a storm water pollution prevention plan that outlines  
37 how erosion and sedimentation will be controlled on the site of  
38 the construction project; and  
39 (3) must be submitted to a review authority as a condition of  
40 proceeding with the construction project under the general permit  
41 rule program established ~~under 327 IAC 15-5~~ **by the department**  
42 or the general permit.



1 SECTION 183. IC 13-18-27-9, AS ADDED BY P.L.248-2019,  
 2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2026]: Sec. 9. As used in this chapter, "project site owner"  
 4 means the person required to comply with ~~327 IAC 15-5~~, the general  
 5 permit, or the applicable ordinance of an MS4 community with respect  
 6 to a construction project. The term includes the following:

7 (1) A developer.

8 (2) A person who has financial and operational control of  
 9 construction activities and construction project plans and  
 10 specifications, including the ability to make modifications to  
 11 those plans and specifications.

12 SECTION 184. IC 13-18-27-15, AS ADDED BY P.L.248-2019,  
 13 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2026]: Sec. 15. (a) Except as provided in subsection (b), an  
 15 MS4 community may not require erosion and sediment control  
 16 measures that are more stringent than the erosion and sediment control  
 17 measures required by ~~327 IAC 15-5~~ or the general permit.

18 (b) An MS4 community may require erosion and sediment control  
 19 measures at a very small construction activity site even if requiring  
 20 erosion and sediment control measures at a very small construction  
 21 activity site is not required by ~~327 IAC 15-5~~ or by the general permit.  
 22 However:

23 (1) the erosion and sediment control measures required by an  
 24 MS4 community at a very small construction activity site may not  
 25 be more stringent than the erosion and sediment control measures  
 26 required by ~~327 IAC 15-5~~ or by the general permit at a small  
 27 construction activity site; and

28 (2) the review authority to which a construction plan for a very  
 29 small construction activity site is submitted is subject to the time  
 30 limit set forth in section 16 of this chapter for notifying the project  
 31 site owner of the review authority's preliminary determination  
 32 concerning the construction plan.

33 SECTION 185. IC 13-18-27-16, AS ADDED BY P.L.248-2019,  
 34 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2026]: Sec. 16. (a) A review authority to which a construction  
 36 plan is submitted must make a preliminary determination whether the  
 37 construction plan is substantially complete before the end of:

38 (1) the tenth ~~working~~ **business** day after the day on which the  
 39 construction plan is submitted to the review authority, in the case  
 40 of a small or very small construction activity site; or

41 (2) the fourteenth ~~working~~ **business** day after the day on which  
 42 the construction plan is submitted to the review authority, in the



- 1 case of a large construction activity site.
- 2 (b) If a review authority to which a construction plan is submitted
- 3 under subsection (a):
- 4 (1) makes a preliminary determination that the construction plan
- 5 is substantially complete; and
- 6 (2) notifies the project site owner of its favorable preliminary
- 7 determination;
- 8 before the end of the tenth ~~working~~ **business** day after the day on which
- 9 the construction plan is submitted to the review authority, in the case
- 10 of a small or very small construction activity site, or the fourteenth
- 11 ~~working~~ **business** day after the day on which the construction plan is
- 12 submitted to the review authority, in the case of a large construction
- 13 activity site, the project site owner may submit a notice of intent letter
- 14 including the information required by ~~327 IAC 15-5-5~~ or the general
- 15 permit and, forty-eight (48) hours after submission of the notice of
- 16 intent letter, may begin the construction project, including the land
- 17 disturbing activities of the construction project.
- 18 (c) If a review authority to which a construction plan for a small or
- 19 very small construction activity site or a large construction activity site
- 20 is submitted under subsection (a) does not notify the project site owner
- 21 before the end of the tenth ~~working~~ **business** day after the day on which
- 22 the construction plan is submitted to the review authority, in the case
- 23 of a small or very small construction activity site, or the fourteenth
- 24 ~~working~~ **business** day after the day on which the construction plan is
- 25 submitted to the review authority, in the case of a large construction
- 26 activity site, of its preliminary determination as to whether the
- 27 construction plan is substantially complete, the project site owner may
- 28 submit a notice of intent letter including the information required by
- 29 ~~327 IAC 15-5-5~~ or the general permit and, forty-eight (48) hours after
- 30 submission of the notice of intent letter, may begin the construction
- 31 project, including the land disturbing activities of the construction
- 32 project.
- 33 (d) If a review authority to which a construction plan is submitted
- 34 under subsection (a) notifies the project site owner before the end of
- 35 the tenth ~~working~~ **business** day after the day on which the construction
- 36 plan is submitted to the review authority, in the case of a small or very
- 37 small construction activity site, or the fourteenth ~~working~~ **business** day
- 38 after the day on which the construction plan is submitted to the review
- 39 authority, in the case of a large construction activity site, of its
- 40 preliminary determination that the construction plan is not substantially
- 41 complete, the project site owner may not submit a notice of intent letter
- 42 until the review authority makes a conclusive favorable determination



1 concerning the construction plan under ~~327 IAC 15-5~~, the general  
2 permit or the applicable ordinance of the MS4 community.

3 (e) If a review authority to which a construction plan is submitted  
4 under subsection (a):

5 (1) makes a preliminary determination that the construction plan  
6 is substantially complete; and

7 (2) makes a conclusive unfavorable determination concerning the  
8 construction plan under ~~327 IAC 15-5~~, the general permit or the  
9 applicable ordinance of the MS4 community;

10 the land disturbing activities of the construction project must stop when  
11 the review authority notifies the project site owner of the review  
12 authority's conclusive unfavorable determination concerning the  
13 construction plan.

14 SECTION 186. IC 13-19-1-2, AS AMENDED BY P.L.97-2016,  
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2026]: Sec. 2. (a) The goal of the state is to encourage solid  
17 waste source reduction, recycling, and other alternatives to conserve  
18 environmental resources.

19 (b) The department shall **develop proposed rules that:**

20 ~~(1) produce an annual report on the state of the environment; and~~

21 ~~(2) develop proposed rules that:~~

22 ~~(A) (1) provide for the legitimate use of solid and hazardous~~  
23 ~~waste instead of its disposal; and~~

24 ~~(B) (2) provide that a material being legitimately used is not~~  
25 ~~considered a solid or hazardous waste.~~

26 (c) To become effective, any proposed rules developed under  
27 subsection ~~(b)(2)~~ **(b)** must be adopted by the board under IC 13-19-3-1.

28 SECTION 187. IC 13-19-3-1, AS AMENDED BY P.L.120-2022,  
29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2026]: Sec. 1. ~~(a)~~ The board shall do the following:

31 (1) Except as otherwise provided in this chapter, adopt rules  
32 under IC 4-22-2 and IC 13-14-9 to regulate solid and hazardous  
33 waste ~~and atomic radiation~~ in Indiana, including:

34 (A) rules necessary to implement the federal Resource  
35 Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as  
36 amended; and

37 (B) rules necessary for the establishment of a state permit  
38 program under Section 2301 of the federal Water  
39 Infrastructure Improvements for the Nation Act (42 U.S.C.  
40 6945(d)) for the implementation in Indiana of the federal CCR  
41 rule.

42 ~~(2) Consult with the department concerning the regulation of solid~~



1 waste and hazardous waste:

2 (3) Carry out other duties imposed by law:

3 (4) (2) Expediently Adopt by rule all exemptions or exclusions  
4 from regulation as waste that are adopted by the United States  
5 Environmental Protection Agency, and set forth in 40 CFR 261 on  
6 or after January 1, 2022:

7 (b) Until the amendments to 40 CFR 261 published by the United  
8 States Environmental Protection Agency in the Federal Register at 83  
9 FR 24664 et seq. are adopted by rule by the board under subsection  
10 (a)(4); those amendments apply to the identification and listing of  
11 hazardous waste in Indiana just as if the amendments were  
12 incorporated by reference in 329 IAC 3-1-6-1.

13 SECTION 188. IC 13-19-3-3, AS AMENDED BY P.L.249-2023,  
14 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2026]: Sec. 3. (a) As used in this section and section 3.1 of  
16 this chapter, "coal combustion residuals" means fly ash, bottom ash,  
17 boiler slag, and flue gas desulfurization materials generated from  
18 burning coal for the purpose of generating electricity by electric  
19 utilities and independent power producers.

20 (b) The following definitions apply throughout this section:

21 (1) "Federal CCR rule" refers to 40 CFR 257, Subpart D, the  
22 federal standards for the disposal of coal combustion residuals in  
23 landfills and surface impoundments.

24 (2) "Legacy generation resource" means an electric generating  
25 facility that is directly or indirectly owned by a corporation that  
26 was originally formed for the purpose of providing power to the  
27 federal government for use in the nation's defense or in  
28 furtherance of national interests. The term includes the Ohio  
29 Valley Electric Corporation.

30 (c) The board shall adopt rules under ~~section 1(a)(1)~~ **section 1(1)** of  
31 this chapter concerning coal combustion residuals. The rules adopted  
32 under this subsection:

33 (1) shall be consistent with the regulations of the United States  
34 Environmental Protection Agency concerning standards for the  
35 disposal of coal combustion residuals in landfills and surface  
36 impoundments, as set forth in the federal CCR rule;

37 (2) shall not impose a restriction or requirement that is more  
38 stringent **or burdensome** than the corresponding restriction or  
39 requirement imposed under the federal CCR rule; and

40 (3) shall not impose a restriction or requirement that is not  
41 imposed by the federal CCR rule.

42 (d) The department shall do the following:



- 1 (1) Establish a state permit program under Section 2301 of the  
 2 federal Water Infrastructure Improvements for the Nation Act (42  
 3 U.S.C. 6945(d)) for the implementation in Indiana of the federal  
 4 CCR rule.
- 5 (2) Submit to the administrator of the United States  
 6 Environmental Protection Agency under 42 U.S.C. 6945(d)(1)(A)  
 7 evidence of the state permit program.
- 8 (3) Take other necessary or appropriate actions to obtain approval  
 9 of the state permit program.
- 10 (e) Not later than May 15, 2021, the department shall notify the  
 11 United States Environmental Protection Agency of its intention to  
 12 establish a state permit program described in subsection (d)(1) and to  
 13 seek approval of the state permit program under 42 U.S.C. 6945(d)(1).  
 14 (f) Under IC 4-22-2 and IC 13-14-9:
- 15 (1) the department shall initiate rulemaking for the establishment  
 16 of the state permit program not more than sixty (60) days after the  
 17 effective date of the SECTION of Senate Enrolled Act 271-2021  
 18 amending this section; and
- 19 (2) the board shall adopt a final rule for the establishment of the  
 20 state permit program not more than sixteen (16) months after  
 21 initiation of the rulemaking under subdivision (1).
- 22 (g) The state permit program established under this section must not  
 23 establish requirements for any surface impoundment of coal  
 24 combustion residuals unless and until the state permit program is  
 25 approved by the administrator of the United States Environmental  
 26 Protection Agency under 42 U.S.C. 6945(d)(1). The authority of the  
 27 department to establish requirements under the state permit program  
 28 established under this section is the only authority the department has  
 29 to establish requirements for a surface impoundment of coal  
 30 combustion residuals located on the grounds of a legacy generation  
 31 resource.
- 32 (h) The definitions set forth in Section 257.53 of the federal CCR  
 33 rule, as in effect January 1, 2021, apply throughout subsection (i).
- 34 (i) The department shall charge the following fees under the state  
 35 permit program established under this section:
- 36 (1) An initial one (1) time permit fee of twenty thousand five  
 37 hundred dollars (\$20,500) for each surface impoundment of coal  
 38 combustion residuals regulated under the state permit program.
- 39 (2) An annual fee of twenty thousand five hundred dollars  
 40 (\$20,500) for each surface impoundment of coal combustion  
 41 residuals regulated under the state permit program that has not  
 42 completed closure in accordance with Section 257.102 of the



1 federal CCR rule. The duty to pay the fee established by this  
 2 subdivision does not apply on an annual basis until three hundred  
 3 sixty-five (365) days after the initial one (1) time permit fee  
 4 established by subdivision (1) has been assessed.

5 (3) An annual fee of ten thousand dollars (\$10,000) for each  
 6 surface impoundment of coal combustion residuals regulated  
 7 under the state permit program that has been closed and for which  
 8 post-closure care has been initiated and is still required in  
 9 accordance with Section 257.104 of the federal CCR rule. The  
 10 duty to pay the fee established by this subdivision does not apply  
 11 on an annual basis until three hundred sixty-five (365) days after  
 12 the initial one (1) time permit fee established by subdivision (1)  
 13 has been assessed.

14 Fees collected under this subsection shall be deposited in the CCR  
 15 program fund established by section 3.2 of this chapter.

16 (j) Not later than July 1, 2027, and before the end of each  
 17 succeeding period of five (5) years, the board shall review the:

18 (1) costs to the department of operating the state permit program  
 19 established under this section; and

20 (2) revenue from the fees charged under subsection (i);

21 as provided in IC 13-16-1-4. If the board determines that the revenue  
 22 described in subdivision (2) is inadequate or excessive in relation to the  
 23 costs described in subdivision (1), the board shall, under IC 13-16-1-2,  
 24 change the amount of one (1) or more of the fees established under  
 25 subsection (i).

26 (k) Upon the effective date that the board adopts rules to implement  
 27 the federal CCR rule and subject to subsection (i), annual fees for CCR  
 28 landfills that were previously regulated as restricted waste sites shall  
 29 be deposited in the CCR program fund established by section 3.2 of  
 30 this chapter.

31 SECTION 189. IC 13-19-3-3.1, AS ADDED BY P.L.120-2022,  
 32 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2026]: Sec. 3.1. Except as provided in section 3(c) of this  
 34 chapter, the rules adopted under ~~section 1(a)(1)~~ **section 1(1)** of this  
 35 chapter may not regulate the following:

36 (1) The disposal of waste indigenous to the coal mining process  
 37 and coal combustion residuals if the material:

38 (A) is not included in the definition of hazardous waste or is  
 39 exempt from regulation as a hazardous waste under 42 U.S.C.  
 40 6921; and

41 (B) is disposed of at a facility regulated under IC 14-34.

42 (2) The use of coal combustion residuals for the following:



- 1 (A) The extraction or recovery of materials and compounds
- 2 contained within the coal combustion residuals.
- 3 (B) Bottom ash as an antiskid material.
- 4 (C) Raw material for manufacturing another product.
- 5 (D) Mine subsidence, mine fire control, and mine sealing.
- 6 (E) Structural fill when combined with cement, sand, or water
- 7 to produce a controlled strength fill material.
- 8 (F) A base in road construction.
- 9 (G) Cover for coal processing waste disposal locations to
- 10 inhibit infiltration at surface and underground mines subject
- 11 to IC 14-34, so long as a demonstration is made in concurrence
- 12 with the department of natural resources that the materials and
- 13 methods to be employed are appropriate for the intended use.
- 14 (H) Providing buffering or enhancing structural integrity for
- 15 refuse piles at surface and underground mines subject to
- 16 IC 14-34, so long as a demonstration is made in concurrence
- 17 with the department of natural resources that the materials and
- 18 methods to be employed are appropriate for the intended use.
- 19 (I) Agricultural applications, when applied using appropriate
- 20 agronomic amounts to improve crop or vegetative production.

21 SECTION 190. IC 13-19-3-7, AS AMENDED BY P.L.133-2012,  
 22 SECTION 133, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~The department and the board~~  
 24 ~~shall allow a person~~ **A permit is not required** to use foundry sand that  
 25 meets Type III criteria under 329 IAC 10-9 for the following activities:  
 26 ~~in accordance with guidance without requiring the person to obtain any~~  
 27 ~~permits from the department:~~

- 28 (1) As a daily cover for litter and vermin control at a landfill in
- 29 accordance with any applicable permits issued for the landfill.
- 30 (2) As a protective cover for a landfill leachate system in
- 31 accordance with any applicable permits issued for the landfill.
- 32 (3) For use as capped embankments for ground and sight barriers
- 33 under ten thousand (10,000) cubic yards or embankments for
- 34 airports, bridges, or overpasses.
- 35 (4) For use:
- 36 (A) in a land application operation; or
- 37 (B) as a soil amendment;
- 38 if the application or amendment does not include the operation of
- 39 a landfill.
- 40 (5) As a structural fill base capped by clay, asphalt, or concrete
- 41 for the following:
- 42 (A) Roads.



- 1 (B) Road shoulders.
- 2 (C) Parking lots.
- 3 (D) Floor slabs.
- 4 (E) Utility trenches.
- 5 (F) Bridge abutments.
- 6 (G) Tanks and vaults.
- 7 (H) Construction or architectural fill.
- 8 (I) Other similar uses.
- 9 (6) As a raw material constituent incorporated into another
- 10 product, including the following:
- 11 (A) Flowable fill.
- 12 (B) Concrete.
- 13 (C) Asphalt.
- 14 (D) Brick.
- 15 (E) Block.
- 16 (F) Portland cement.
- 17 (G) Glass.
- 18 (H) Roofing materials.
- 19 (I) Rock wool.
- 20 (J) Plastics.
- 21 (K) Fiberglass.
- 22 (L) Mineral wool.
- 23 (M) Lightweight aggregate.
- 24 (N) Paint.
- 25 (O) Plaster.
- 26 (P) Other similar products.

27 SECTION 191. IC 13-19-3-9, AS ADDED BY P.L.189-2005,  
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2026]: Sec. 9. (a) This section does not apply to an expansion  
 30 of a solid waste landfill:

- 31 (1) that accepts only construction\demolition waste; and
- 32 (2) for which a construction\demolition waste permit was issued
- 33 before January 1, 2005.

34 (b) A solid waste landfill that accepts only construction\demolition  
 35 waste shall comply with setback requirements concerning public  
 36 schools established by the board ~~under 329 IAC 10-16-11~~ for  
 37 municipal solid waste landfills.

38 SECTION 192. IC 13-19-4-6, AS AMENDED BY P.L.154-2005,  
 39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2026]: Sec. 6. Before making a determination to deny a  
 41 application for the issuance, transfer, or major modification of a permit  
 42 under section 5 of this chapter, the commissioner ~~shall~~ **may** consider



- 1 the following mitigating factors:
- 2 (1) The nature and details of the acts attributed to the applicant or
- 3 responsible party.
- 4 (2) With respect to:
- 5 (A) a civil or an administrative complaint referred to in section
- 6 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2) (before its
- 7 repeal); or
- 8 (B) a criminal complaint referred to in section 5(a)(3) of this
- 9 chapter or IC 13-7-10.2-4(a)(3) (before its repeal);
- 10 whether the matter has been resolved.
- 11 (3) With respect to:
- 12 (A) a civil or an administrative complaint referred to in section
- 13 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2) (before its
- 14 repeal);
- 15 (B) a criminal complaint referred to in section 5(a)(3) of this
- 16 chapter or IC 13-7-10.2-4(a)(3) (before its repeal); or
- 17 (C) a judgment of conviction referred to in section 5(a)(4) of
- 18 this chapter or IC 13-7-10.2-4(a)(4);
- 19 whether any appeal is pending.
- 20 (4) The degree of culpability of the applicant or responsible party.
- 21 (5) The applicant's or responsible party's cooperation with the
- 22 state or federal agencies involved in the investigation of the
- 23 activities involved in complaints and convictions referred to in
- 24 section 5(a)(2) through 5(a)(5) of this chapter or
- 25 IC 13-7-10.2-4(a)(2) through IC 13-7-10.2-4(a)(5) (before their
- 26 repeal).
- 27 (6) The applicant's or responsible party's dissociation from any
- 28 other persons or entities convicted of acts referred to in section
- 29 5(a)(2) through 5(a)(5) of this chapter or IC 13-7-10.2-4(a)(2)
- 30 through IC 13-7-10.2-4(a)(5) (before their repeal).
- 31 (7) Prior or subsequent self-policing or internal education
- 32 programs established by the applicant to prevent activities
- 33 referred to in section 5(a) of this chapter or IC 13-7-10.2-4(a)
- 34 (before its repeal).
- 35 (8) Whether the best interests of the public will be served by
- 36 denial of the permit.
- 37 (9) Any demonstration of good citizenship by the applicant or
- 38 responsible party.
- 39 SECTION 193. IC 13-19-4-9 IS REPEALED [EFFECTIVE JULY
- 40 1, 2026]. ~~Sec. 9: IC 4-21.5 governs determinations, notice, hearings,~~
- 41 ~~and appeal of determinations under this chapter.~~
- 42 SECTION 194. IC 13-20-1-5 IS REPEALED [EFFECTIVE JULY



1 1, 2026]. Sec. 5: The board shall adopt rules under IC 4-22-2 and  
 2 IC 13-14-9 to implement this chapter.

3 SECTION 195. IC 13-20-3-5 IS REPEALED [EFFECTIVE JULY  
 4 1, 2026]. Sec. 5: The board shall adopt rules under IC 4-22-2 and  
 5 IC 13-14-9 to implement this chapter.

6 SECTION 196. IC 13-20-6-9 IS REPEALED [EFFECTIVE JULY  
 7 1, 2026]. Sec. 9: The board shall adopt rules under IC 4-22-2 to  
 8 implement this chapter.

9 SECTION 197. IC 13-20-8-1, AS AMENDED BY P.L.133-2012,  
 10 SECTION 139, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall adopt rules under  
 12 IC 4-22-2 and IC 13-14-9 to regulate the construction and operation of  
 13 incinerators under IC 13-14-8. The Any rules adopted by the board  
 14 for the construction and operation of incinerators under  
 15 IC 13-14-8 must incorporate by reference pertinent rules adopted by  
 16 the board concerning air pollution control.

17 SECTION 198. IC 13-20-10.5-1, AS ADDED BY P.L.189-2011,  
 18 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2026]: Sec. 1. (a) A person may not after June 30, 2011, start:

20 (1) construction of:

- 21 (A) a biomass an anaerobic digestion facility; or  
 22 (B) a biomass gasification facility; or

23 (2) expansion of:

- 24 (A) a biomass an anaerobic digestion facility; or  
 25 (B) a biomass gasification facility;

26 without obtaining prior approval of the department.

27 (b) A person who proposes to construct or expand a biomass an  
 28 anaerobic digestion facility or a biomass gasification facility on the  
 29 premises of a confined feeding operation must obtain the prior approval  
 30 required under subsection (a) through the approval process for confined  
 31 feeding operations under IC 13-18-10 and rules implementing that  
 32 chapter.

33 SECTION 199. IC 13-20-10.5-2, AS ADDED BY P.L.189-2011,  
 34 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2026]: Sec. 2. Except as provided in section 3 of this chapter,  
 36 a biomass An anaerobic digestion facility or a biomass gasification  
 37 facility for which the only input is biomass is not subject to regulation  
 38 as a solid waste processing facility.

39 SECTION 200. IC 13-20-10.5-3 IS REPEALED [EFFECTIVE  
 40 JULY 1, 2026]. Sec. 3: The department may determine that a biomass  
 41 anaerobic digestion facility or a biomass gasification facility for which  
 42 the input is a combination of biomass and solid waste is subject to



1 regulation as a solid waste processing facility-

2 SECTION 201. IC 13-20-10.5-3.5, AS ADDED BY P.L.27-2024,  
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2026]: Sec. 3.5. (a) The department shall make a  
5 determination under section 1 of this chapter concerning prior approval  
6 for the construction or expansion of a ~~biomass~~ an anaerobic digestion  
7 facility or ~~biomass~~ gasification facility for which the only ~~input~~ is  
8 **biomass inputs are biomass or appropriate feedstock** not later than  
9 ninety (90) days after the date on which the department receives the  
10 completed application for prior approval, including all required  
11 supplemental information, unless the department and the applicant  
12 agree to a longer time.

13 (b) Subject to subsection (a), the department may conduct any  
14 inquiry or investigation that:

- 15 (1) is consistent with the department's duties under this chapter;  
16 and  
17 (2) the department considers necessary;

18 before making a determination under section 1 of this chapter.

19 (c) If the department fails to make a determination within the time  
20 frame provided in subsection (a), the applicant may request and receive  
21 a refund of the fee paid by the applicant when the application for prior  
22 approval was submitted. The department shall continue to review the  
23 application and approve or deny the application as soon as practicable.

24 SECTION 202. IC 13-20-13-3 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The  
26 commissioner shall issue a waste tire storage site or waste tire  
27 processing operation certificate of registration to a person that owns or  
28 operates a waste tire storage site or waste tire processing operation if  
29 the person complies with the requirements of this chapter and rules  
30 adopted by the board under section 11 of this chapter.

31 (b) A certificate of registration issued under this section expires five  
32 (5) years after the date the certificate is issued.

33 (c) The commissioner may include in a certificate of registration  
34 issued under this section conditions that ensure compliance with:

- 35 (1) this chapter; and  
36 (2) rules adopted by the board under this chapter;

37 including a compliance schedule.

38 (d) The department may deny an application for a certificate of  
39 registration under this chapter if:

- 40 (1) the application is incomplete;  
41 (2) the applicant has failed to comply with the requirements of:  
42 (A) this chapter;



- 1 (B) IC 13-20-14; or
- 2 (C) a rule adopted by the board under section 11 of this
- 3 chapter; or ~~under IC 13-20-14-6; or~~
- 4 (3) an enforcement action is pending against the applicant.
- 5 SECTION 203. IC 13-20-13-5, AS AMENDED BY P.L.37-2012,
- 6 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2026]: Sec. 5. A person that obtains a certificate of
- 8 registration under section 3 of this chapter must do the following:
- 9 (1) Report annually to the department on the following:
- 10 (A) The number of passenger tire equivalents received at the
- 11 waste tire storage site or by the waste tire processing
- 12 operation.
- 13 (B) The number and manner of disposal of the passenger tire
- 14 equivalents.
- 15 (2) Maintain contingency plans to protect public health and the
- 16 environment.
- 17 (3) If the person operates a waste tire storage site, maintain
- 18 financial assurance acceptable to the department necessary for
- 19 waste tire removal, in an amount specified in rules adopted by the
- 20 board under ~~section 11(b)(3)~~ **section 11** of this chapter.
- 21 (4) Maintain a copy of the certificate of registration at the site.
- 22 (5) Comply with applicable rules and requirements established by
- 23 the fire prevention and building safety commission for indoor
- 24 waste tire storage sites.
- 25 (6) Retain a copy of manifests received from a waste tire
- 26 transporter under IC 13-20-14 for at least one (1) year and make
- 27 a copy of the manifests available to the department upon request.
- 28 SECTION 204. IC 13-20-13-8, AS AMENDED BY P.L.37-2012,
- 29 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2026]: Sec. 8. (a) Except as provided in subsection (d)(2),
- 31 (d)(3), (d)(6), and (d)(7), the waste tire management fund is established
- 32 for the following purposes:
- 33 (1) The department may use not more than thirty-five percent
- 34 (35%) of the money deposited in the fund each year for:
- 35 (A) the removal and disposal of waste tires from sites where
- 36 the waste tires have been disposed of improperly; and
- 37 (B) operating the waste tire education program under section
- 38 15 of this chapter.
- 39 (2) The department may use the remaining money deposited in
- 40 the fund each year to:
- 41 (A) provide grants and loans under section 9(b) of this chapter
- 42 to entities involved in waste tire management activities; and



- 1 (B) pay the expenses of administering the programs described
- 2 in:
- 3 (i) subdivision (1)(B); and
- 4 (ii) clause (A).
- 5 (b) The expenses of administering the fund shall be paid from
- 6 money in the fund.
- 7 (c) Money in the fund at the end of a state fiscal year does not revert
- 8 to the state general fund.
- 9 (d) Sources of money for the fund are the following:
- 10 (1) Fees paid under section 4(a)(6) of this chapter and
- 11 IC 13-20-14-5(c).
- 12 (2) Fees collected under section 7 of this chapter. All money
- 13 deposited in the fund under this subdivision may be used by the
- 14 department for waste reduction, recycling, removal, or
- 15 remediation projects.
- 16 (3) Costs and damages recovered from a person or other entity
- 17 under section 14 of this chapter or IC 13-20-14-8. All money
- 18 deposited in the fund under this subdivision may be used by the
- 19 department for removal and remediation projects.
- 20 (4) Fees established by the general assembly for the purposes of
- 21 this chapter.
- 22 (5) Appropriations made by the general assembly.
- 23 (6) Gifts and donations intended for deposit in the fund. A gift or
- 24 donation deposited in the fund under this subdivision may be
- 25 specified to be entirely for the use of the department.
- 26 (7) Civil penalties collected under IC 13-30-4 for violations of:
- 27 (A) this chapter;
- 28 (B) IC 13-20-14; and
- 29 (C) rules adopted under section 11 of this chapter. ~~and~~
- 30 ~~IC 13-20-14-6.~~
- 31 All money deposited in the fund under this subdivision may be
- 32 used by the department for eligible projects.
- 33 SECTION 205. IC 13-20-13-11, AS AMENDED BY P.L.27-2020,
- 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2026]: Sec. 11. ~~(a) The board shall adopt rules under~~
- 36 ~~IC 4-22-2 and IC 13-14-8 necessary to implement this chapter.~~
- 37 ~~(b) (a) The Any~~ rules adopted under this section by the board for
- 38 **waste tires and used tires** must include the following:
- 39 (1) Requirements for the registration of waste tire storage sites
- 40 and waste tire processing operations.
- 41 (2) Requirements concerning the following:
- 42 (A) The operation of waste tire storage sites and waste tire



- 1 processing operations.
- 2 (B) Proper storage and processing of waste tires.
- 3 (C) Contingency plans concerning the minimization of hazards
- 4 to human health and the environment at waste tire storage sites
- 5 and waste tire processing operations.
- 6 (D) Record keeping guidelines concerning the quantity of
- 7 waste tires stored and processed at waste tire storage sites and
- 8 waste tire processing operations.
- 9 (E) The transportation of waste tires and loads containing any
- 10 combination of both waste tires and used tires.
- 11 (F) Reporting requirements concerning the transportation of:
- 12 (i) waste tires; and
- 13 (ii) loads containing any combination of both waste tires and
- 14 used tires;
- 15 that include evidence of proper end point disposal or
- 16 processing of tires described in this clause.
- 17 (3) Financial assurance acceptable to the department necessary
- 18 for waste tire removal that a person that operates a waste tire
- 19 storage site must maintain. The rules shall provide for the use of
- 20 a corporate financial test that is substantially similar to the
- 21 corporate financial test set forth in 40 CFR 258.74(e) as an
- 22 optional financial assurance mechanism.
- 23 (4) The establishment of the fee required by section 4(a)(6) of this
- 24 chapter in an amount necessary to cover the costs incurred in the
- 25 following:
- 26 (A) Registering waste tire storage sites and waste tire
- 27 processing operations under this chapter.
- 28 (B) Administering this chapter.
- 29 ~~(e)~~ (b) The rules adopted under this section may establish standards
- 30 and procedures for the legitimate use, instead of disposal, of waste
- 31 tires, including standards and procedures concerning the following:
- 32 (1) Proper storage and handling.
- 33 (2) Record keeping.
- 34 (3) Circumstances under which the use of a waste tire is not
- 35 considered a legitimate use.
- 36 SECTION 206. IC 13-20-14-1, AS AMENDED BY P.L.133-2012,
- 37 SECTION 145, IS AMENDED TO READ AS FOLLOWS
- 38 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as provided in:
- 39 (1) rules adopted under subsection (d); and
- 40 (2) section 10 of this chapter;
- 41 a whole waste tire may not be disposed of at a solid waste landfill.
- 42 (b) The department may approve shredded or ground up tires for use



1 as daily cover for a solid waste landfill.

2 (c) Material approved under subsection (b) is exempt from

3 IC 13-20-22 and IC 13-21-13.

4 (d) The board ~~shall~~ **may** adopt rules that allow for the incidental

5 disposal of small amounts of whole waste tires at solid waste landfills.

6 (e) The rules adopted under subsection (d) may allow a landfill

7 operator to meet the requirements of the rule by employing procedures

8 designed to achieve the objectives of subsection (d) in lieu of a numeric

9 standard.

10 SECTION 207. IC 13-20-14-5, AS AMENDED BY P.L.37-2012,

11 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

12 JULY 1, 2026]: Sec. 5. (a) A person may not act as a waste tire

13 transporter, as defined in IC 13-11-2-252, unless the person is

14 registered with the department as a waste tire transporter. To apply for

15 a certificate of registration as a waste tire transporter, a person must

16 submit the following to the department:

17 (1) The person's name.

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

19 (3) The addresses of any offices maintained by the person in

20 Indiana.

21 (4) Evidence of financial assurance ~~maintained in accordance~~

22 ~~with rules adopted under section 6 of this chapter~~, in the amount

23 of at least ten thousand dollars (\$10,000). The financial assurance

24 must be in the form of:

25 (A) a bond for performance, executed by a corporate surety

26 licensed to do business in Indiana;

27 (B) a negotiable certificate of deposit; or

28 (C) a negotiable letter of credit;

29 payable to the department and conditional upon faithful

30 performance of the requirements of this chapter and the

31 registration.

32 (b) The ~~rules adopted under section 6 of this chapter~~ **department**

33 must adopt a manifest form and require a waste tire transporter to

34 prepare and carry a manifest based upon that form each time a waste

35 tire transporter transports waste tires. The format and wording of the

36 form must require a waste tire transporter to enter information in each

37 manifest indicating the source and number of waste tires to be

38 transported and the destination to which the waste tires are transported.

39 (c) A person who acts as a waste tire transporter in Indiana shall pay

40 an annual registration fee of twenty-five dollars (\$25) that shall be

41 deposited in the waste tire management fund and appropriated to the

42 department for the department's use in providing for the removal and



1 disposal of waste tires from sites where the waste tires have been  
2 disposed of improperly.

3 (d) A waste tire transporter shall do the following:

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

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

8 (3) ~~Report annually to the department~~ **Record** the number of  
9 passenger tire equivalents transported by the waste tire transporter  
10 **and provide the records to the department upon request.**

11 (4) Maintain financial assurance acceptable to the department in  
12 accordance with subsection (a)(4).

13 (e) The commissioner may include in a certificate of registration  
14 issued under this chapter conditions that ensure compliance with:

15 (1) this chapter; and

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

17 including a compliance schedule.

18 (f) The department may deny an application to register under this  
19 chapter if:

20 (1) the application is incomplete;

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

22 (A) this chapter;

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

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

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

27 SECTION 208. IC 13-20-14-5.6, AS AMENDED BY P.L.128-2024,  
28 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2026]: Sec. 5.6. (a) A certificate of registration issued by the  
30 department under this chapter may be revoked or modified by the  
31 commissioner, or by a designated staff member of the department, after  
32 notification in writing is sent in accordance with IC 13-14-2-1 to the  
33 holder of the certificate, for:

34 (1) failure to disclose all relevant facts;

35 (2) making a misrepresentation in obtaining the registration; or

36 (3) failure to correct, within the time established by the  
37 department, a violation of:

38 (A) a condition of the registration;

39 (B) this chapter; or

40 (C) a rule adopted by the board. ~~under section 6 of this~~  
41 ~~chapter.~~

42 (b) A person aggrieved by the revocation or modification of a



1 certificate of registration may appeal the revocation or modification to  
 2 the office of administrative law proceedings under IC 4-15-10.5.  
 3 Pending the decision resulting from a hearing under IC 4-21.5-3  
 4 concerning the revocation or modification, the registration remains in  
 5 force. However, subsequent to revocation or modification, the  
 6 commissioner may seek injunctive relief concerning the activity  
 7 described in the registration.

8 SECTION 209. IC 13-20-14-6 IS REPEALED [EFFECTIVE JULY  
 9 1, 2026]. ~~Sec. 6. The board shall adopt rules under IC 4-22-2 and~~  
 10 ~~IC 13-14-9 to implement this chapter.~~

11 SECTION 210. IC 13-20-14-9.5, AS AMENDED BY P.L.133-2012,  
 12 SECTION 147, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2026]: Sec. 9.5. (a) Except as provided in rules  
 14 adopted under subsection (c), an operator of a transfer station shall  
 15 remove whole waste tires present in solid waste that is being  
 16 transferred from a vehicle or container to another vehicle or container  
 17 at the transfer station.

18 (b) Whole waste tires removed by an operator of a transfer station  
 19 under subsection (a) shall be disposed of as provided in this chapter.

20 (c) The board ~~shall~~ **may** adopt rules that allow for the incidental  
 21 transfer of small amounts of whole waste tires under subsection (a).

22 (d) The rules adopted under subsection (c) may allow a transfer  
 23 station operator to meet the requirements of the rule by employing  
 24 procedures designed to achieve the objectives of subsection (c) in lieu  
 25 of a numeric standard.

26 SECTION 211. IC 13-20-15-1, AS AMENDED BY P.L.133-2012,  
 27 SECTION 148, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall administer  
 29 and implement this chapter to protect the public health, safety, and  
 30 welfare from the toxic effects and environmental dangers of PCB. The  
 31 board ~~shall~~ **may** adopt ~~the~~ rules ~~required by~~ **under** this chapter under  
 32 IC 4-22-2 and IC 13-14-9.

33 SECTION 212. IC 13-20-15-3 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A person may  
 35 apply to the commissioner for an exemption certificate on forms  
 36 provided by the department. The department may require additional  
 37 information or materials to accompany the application as considered  
 38 necessary for an accurate evaluation of the application.

39 (b) The commissioner, according to rules adopted by the board, may  
 40 grant an exemption for an item, a product, or a material:

- 41 (1) manufactured for sale;
- 42 (2) sold for use; or



1 (3) used by the person;  
 2 in the person's business if the item, product, or material contains  
 3 incidental concentrations of PCB.  
 4 (c) In granting a certificate of exemption, the commissioner ~~shall~~  
 5 **may** impose conditions on the exemption so that the exemption covers  
 6 only incidental concentrations of PCB.  
 7 SECTION 213. IC 13-20-17.7-4, AS ADDED BY P.L.170-2006,  
 8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2026]: Sec. 4. (a) The commissioner shall do the following:  
 10 (1) Not more than thirty (30) days after receiving a plan  
 11 developed by a motor vehicle manufacturer or a group of motor  
 12 vehicle manufacturers under section 1 of this chapter, issue a  
 13 public notice of a period of at least thirty (30) days during which  
 14 the public may submit written comments on the plan to the  
 15 commissioner.  
 16 (2) Not more than one hundred twenty (120) days after receiving  
 17 a plan, determine whether the entire plan complies with this  
 18 chapter and:  
 19 (A) if the entire plan complies with this chapter, approve the  
 20 plan in its entirety;  
 21 (B) if no part of the plan complies with this chapter, reject the  
 22 plan in its entirety; or  
 23 (C) if only part of the plan complies with this chapter, approve  
 24 that part and reject the rest of the plan.  
 25 (b) If a plan is approved in its entirety under subsection (a)(2)(A),  
 26 the motor vehicle manufacturers shall begin implementing the plan not  
 27 more than thirty (30) days after the date the plan is approved. If an  
 28 entire plan is rejected under subsection (a)(2)(B), the commissioner  
 29 shall inform the motor vehicle manufacturers why the plan was  
 30 rejected, and the manufacturers shall submit a new plan not more than  
 31 thirty (30) days after the commissioner informs the manufacturers that  
 32 the entire plan was rejected. If a plan is approved in part and rejected  
 33 in part under subsection (a)(2)(C), the manufacturers shall immediately  
 34 implement the approved part of the plan and submit a revision of the  
 35 rejected part of the plan not more than thirty (30) days after the  
 36 commissioner informs the manufacturers of the commissioner's partial  
 37 approval. The commissioner shall make a determination on a revised  
 38 plan not more than thirty (30) days after receiving the revised plan.  
 39 (c) Not more than two hundred forty (240) days after receiving a  
 40 plan developed by motor vehicle manufacturers under section 1 of this  
 41 chapter, the commissioner shall complete, on behalf of the  
 42 manufacturer, any part of the plan that has not yet been approved.



1 (d) After a plan has been approved under this section, the  
 2 commissioner shall:

3 (1) review the plan three (3) years after the original date of  
 4 approval of the plan and every three (3) years thereafter; and

5 (2) work with the motor vehicle manufacturers to agree with the  
 6 manufacturers on appropriate modifications to the plan.

7 (e) Motor vehicle manufacturers are not required to resubmit a plan  
 8 modified under subsection (d) to the commissioner for approval.

9 SECTION 214. IC 13-20-22-1, AS AMENDED BY P.L.250-2019,  
 10 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2026]: Sec. 1. (a) A fee is imposed on the disposal or  
 12 incineration of solid waste in a final disposal facility in Indiana. Except  
 13 as provided in section 14 of this chapter, the amount of the fee is as  
 14 follows:

15 (1) For solid waste generated in Indiana, fifty cents (\$0.50) a ton.

16 (2) For solid waste generated outside Indiana:

17 (A) fifty cents (\$0.50) a ton; and

18 (B) if the board has adopted rules under subsection (b), an  
 19 additional amount imposed under the rules.

20 (b) The board may adopt rules to establish and impose a fee on the  
 21 disposal or incineration of solid waste that is:

22 (1) generated outside Indiana; and

23 (2) disposed of or incinerated in a final disposal facility in  
 24 Indiana.

25 If rules are adopted under this subsection, the fee shall be set at an  
 26 amount necessary to offset the costs incurred by the state or a county,  
 27 municipality, or township that can be attributed to the importation of  
 28 the solid waste into Indiana and the presence of the solid waste in  
 29 Indiana.

30 (c) If solid waste has been subject to a fee under this section, the  
 31 total amount of the fee paid shall be credited against any other fee to  
 32 which the solid waste may later be subject under this section.

33 (d) A fee may not be imposed upon material used as alternate daily  
 34 cover pursuant to ~~under~~ a permit issued by the department ~~under 329~~  
 35 ~~IAC 10-20-13~~ or a rule adopted by the board.

36 SECTION 215. IC 13-20-25-1, AS ADDED BY P.L.126-2014,  
 37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2026]: Sec. 1. The goal of the state is to recycle or divert at  
 39 least fifty percent (50%) of its municipal waste.

40 SECTION 216. IC 13-20-25-9, AS AMENDED BY P.L.147-2015,  
 41 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2026]: Sec. 9. (a) A recycler shall report the recycler's



1 recycling activities under this section. A recycler may elect to report  
 2 the recycler's recycling activities on an annual basis under subsection  
 3 (b). ~~or on a quarterly basis under subsection (c):~~  
 4 (b) A recycler that elects to report on an annual basis shall, in 2016  
 5 and each succeeding calendar year, before March 1, shall submit to the  
 6 commissioner a completed recycling activity report concerning the  
 7 recycling activities conducted by the recycler during the calendar year  
 8 that ended on the most recent December 31.  
 9 (c) A recycler **may elect to report more frequently than is**  
 10 **required under subsection (a).** ~~that elects to report on a quarterly~~  
 11 ~~basis shall, for the July through September quarter of 2014 and each~~  
 12 ~~succeeding quarter, not more than thirty (30) days after the end of the~~  
 13 ~~quarter, submit to the commissioner a completed recycling activity~~  
 14 ~~report concerning the recycling activities conducted by the recycler~~  
 15 ~~during the quarter. A quarterly report submitted under this subsection~~  
 16 ~~must concern the recycling activities conducted by the recycler during~~  
 17 ~~the period of:~~  
 18 (1) July through September;  
 19 (2) October through December;  
 20 (3) January through March; or  
 21 (4) April through June.  
 22 (d) A recycler shall submit a separate recycling activity report under  
 23 this section for each reporting ~~period, whether annual or quarterly;~~  
 24 **period** for each facility:  
 25 (1) that was owned or operated by the recycler; and  
 26 (2) at which the recycler conducted recycling activities;  
 27 during the reporting period.  
 28 (e) **A person who operates a composting facility that must be**  
 29 **registered under this chapter shall submit an annual report to the**  
 30 **commissioner that indicates the volume of material processed by**  
 31 **the composting facility during the preceding year.**  
 32 SECTION 217. IC 13-20-25-10, AS AMENDED BY P.L.104-2024,  
 33 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2026]: Sec. 10. (a) A person:  
 35 (1) who:  
 36 (A) is not required to submit a recycling activity report under  
 37 section 9 of this chapter; but  
 38 (B) recycled recyclable materials during a calendar year;  
 39 (2) who:  
 40 (A) meets the definition of "scrap metal processing facility" set  
 41 forth in IC 8-23-1-36;  
 42 (B) meets the definition of "automotive salvage recycler" set



- 1           forth in IC 9-13-2-10;
- 2           (C) meets the definition of "recycling facility" set forth in
- 3           IC 9-13-2-150.3;
- 4           (D) is engaged in business subject to IC 9-22-3;
- 5           (E) meets the definition of "automotive salvage rebuilder" set
- 6           forth in IC 9-32-2.1-5;
- 7           (F) meets the definition of "scrap metal processor" set forth in
- 8           IC 13-11-2-196.5;
- 9           (G) meets the definition of "core buyer" set forth in
- 10          IC 25-37.5-1-0.2; or
- 11          (H) meets the definition of "valuable metal dealer" set forth in
- 12          IC 25-37.5-1-1(b); or

13       (3) who:

- 14           (A) is not required to submit a recycling activity report under
- 15           section 9 of this chapter; but
- 16           (B) took action during a calendar year to recover, from the
- 17           solid waste stream, for purposes of:
- 18               (i) use or reuse;
- 19               (ii) conversion into raw materials; or
- 20               (iii) use in the production of new products;

21           materials that were not municipal waste;

22       may voluntarily submit a recycling activity report to the commissioner

23       concerning the person's recycling activity during the calendar year.

24       (b) The commissioner ~~shall~~ **may** include information reported to the

25       commissioner under this section in the annual reports that the

26       commissioner is required to submit under IC 4-23-5.5-6.

27       SECTION 218. IC 13-20-25-11, AS AMENDED BY THE

28       TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL

29       ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

30       JULY 1, 2026]: Sec. 11. (a) ~~Except as provided in subsection (b);~~ A

31       recycling activity report submitted to the commissioner under this

32       chapter must be submitted ~~on the uniform recycling activity report form~~

33       **posted in a format required** by the commissioner ~~on~~ **through** the

34       department's ~~Internet web site~~ **website**. ~~under section 12 of this~~

35       chapter.

36       (b) ~~If a uniform recycling activity report form is not posted on the~~

37       department's ~~Internet web site~~ by July 1 in a calendar year in which a

38       recycler is required to submit a completed recycling activity report

39       under section 9(a) of this chapter, the recycler may satisfy the recycler's

40       duties under this chapter by submitting to the commissioner, by a letter

41       postmarked before August 1 of the calendar year, the types of

42       information about the recycler's recycling activities during the calendar



1 year that are set forth in section 12 of this chapter.

2 (b) The recycling activity report form must be posted on the  
3 department's website and must do the following:

4 (1) Provide for reporting of the:

5 (A) name and location of; and

6 (B) principal business activities conducted at;  
7 the recycler's establishment.

8 (2) Include:

9 (A) an appropriate space for; and

10 (B) instructions requiring the completion of;  
11 an appropriate certification, by signature of the recycler (if  
12 the recycler is an individual) or a senior official with  
13 management responsibility for the recycler (if the recycler is  
14 not an individual), of the accuracy and completeness of the  
15 recycling activity report.

16 (3) Provide for reporting of the quantity, in tons, of each type  
17 of recyclable material listed in subsection (c) that was  
18 transported from the reporting recycler's establishment, or  
19 (in the case of a recycler that is a recyclable materials broker)  
20 that was transported or delivered by arrangement of the  
21 recycler, to any of the following:

22 (A) Other recyclers located in Indiana.

23 (B) Persons that are located in Indiana but are not  
24 recyclers, including persons that may employ the  
25 recyclable material as a raw material or a new product  
26 without further recycling.

27 (C) Persons located outside Indiana.

28 (c) A uniform recycling activity report form posted on the  
29 department's website under subsection (a) must specify that the  
30 information to be reported by a recycler under subsection (b)(3)  
31 must be reported separately for each of the following types of  
32 recyclable materials:

33 (1) Glass.

34 (2) Metal, including white goods (ferrous).

35 (3) Metal (nonferrous).

36 (4) Paper and paper products (all grades).

37 (5) Plastic and plastic products.

38 (6) Single stream recyclable materials.

39 (7) Any other distinct type of recyclable material not specified  
40 in subdivisions (1) through (6).

41 SECTION 219. IC 13-20-25-12 IS REPEALED [EFFECTIVE JULY  
42 1, 2026]. Sec. 12: (a) Not later than July 1, 2015, the commissioner



1 shall post on the department's Internet web site a uniform recycling  
2 activity report form. The form must do the following:

3 (1) Provide for reporting of the:

4 (A) name and location of; and

5 (B) principal business activities conducted at;  
6 the recycler's establishment.

7 (2) Include:

8 (A) an appropriate space for; and

9 (B) instructions requiring the completion of;

10 an appropriate certification, by signature of the recycler (if the  
11 recycler is an individual) or a senior official with management  
12 responsibility for the recycler (if the recycler is not an individual);  
13 of the accuracy and completeness of the recycling activity report.

14 (3) Provide for reporting of the quantity, in tons, of each type of  
15 recyclable material listed in subsection (b) that was in storage at  
16 the reporting recycler's establishment:

17 (A) at the start of the calendar year; and

18 (B) at the close of the calendar year.

19 (4) Provide for reporting of the quantity, in tons, of each type of  
20 recyclable material listed in subsection (b) that was transported  
21 from the reporting recycler's establishment; or (in the case of a  
22 recycler that is a recyclable materials broker) that was transported  
23 or delivered by arrangement of the recycler; to any of the  
24 following:

25 (A) Other recyclers located in Indiana.

26 (B) Persons that are located in Indiana but are not recyclers;  
27 including persons who may employ the recyclable material as  
28 a raw material or a new product without further recycling.

29 (C) Persons located outside Indiana.

30 (b) The uniform recycling activity report form posted on the  
31 department's Internet web site under subsection (a) must specify that  
32 the information to be reported by a recycler under subsection (a)(3) and  
33 (a)(4) must be reported separately for each of the following types of  
34 recyclable materials:

35 (1) Glass.

36 (2) Metal, including white goods (ferrous).

37 (3) Metal (nonferrous).

38 (4) Paper and paper products (all grades).

39 (5) Plastic and plastic products.

40 (6) Single stream recyclable materials.

41 (7) Any other distinct type of recyclable material not specified in  
42 subdivisions (1) through (6).



1 SECTION 220. IC 13-20-26-3, AS ADDED BY P.L.153-2023,  
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2026]: Sec. 3. To implement the second round of grants  
 4 described in this chapter, the Indiana recycling market development  
 5 board ~~shall~~ **may not** award ~~not~~ more than a total of two million dollars  
 6 (\$2,000,000) to applicants.

7 SECTION 221. IC 13-20.5-1-4, AS AMENDED BY P.L.200-2017,  
 8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2026]: Sec. 4. (a) A person may not operate as a collector of  
 10 covered electronic devices from covered entities unless the person:

11 (1) has submitted to the department a completed registration  
 12 form; ~~as required by 329 IAC 16-5-1~~; and

13 (2) otherwise complies with ~~329 IAC 16-~~ **rules established by the**  
 14 **board.**

15 (b) A registration submitted under this section:

16 (1) is effective upon receipt by the department; and

17 (2) must be submitted for a program year not later than March 1  
 18 of the program year.

19 SECTION 222. IC 13-20.5-1-5, AS AMENDED BY P.L.200-2017,  
 20 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2026]: Sec. 5. (a) A person may not recycle covered electronic  
 22 devices generated by covered entities unless the person:

23 (1) has submitted to the department a completed registration  
 24 form; ~~as required by 329 IAC 16-5-1~~; and

25 (2) otherwise complies with ~~329 IAC 16-~~ **rules established by the**  
 26 **board.**

27 (b) A registered recycler may conduct recycling activities that are  
 28 consistent with this article.

29 (c) A registration submitted under this section:

30 (1) is effective upon receipt by the department; and

31 (2) must be submitted for a program year not later than March 1  
 32 of the program year.

33 SECTION 223. IC 13-20.5-1-6, AS ADDED BY P.L.178-2009,  
 34 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2026]: Sec. 6. The department may revoke the registration of  
 36 a collector or recycler that violates either or both of the following:

37 (1) This article.

38 (2) ~~329 IAC 16-~~ **Rules established by the board.**

39 SECTION 224. IC 13-20.5-3-1, AS AMENDED BY P.L.200-2017,  
 40 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2026]: Sec. 1. (a) Not later than March 1 of each year, a  
 42 manufacturer shall report to the department the total weight in pounds



1 of covered electronic devices that the manufacturer:  
2 (1) collected from eligible entities and recycled; or  
3 (2) arranged to have collected from eligible entities and recycled;  
4 during the program year that ended on the immediately preceding  
5 December 31.

6 (b) Not later than March 1 of each year, a manufacturer shall report  
7 the following to the department:

8 (1) The number of recycling credits the manufacturer purchased  
9 and sold during the program year that ended on the immediately  
10 preceding December 31.

11 (2) The number of recycling credits possessed by the  
12 manufacturer that the manufacturer intends to use in the  
13 calculation of its variable recycling fee under IC 13-20.5-2-1.

14 (3) The number of recycling credits the manufacturer retained at  
15 the beginning of the program year that began on the immediately  
16 preceding January 1.

17 (4) The **amount weight** in pounds of covered electronic devices  
18 that the manufacturer arranged for a recycler to collect and  
19 recycle during the program year that ended on the immediately  
20 preceding December 31 and that were not converted to recycling  
21 credits.

22 SECTION 225. IC 13-20.5-3-2, AS AMENDED BY P.L.200-2017,  
23 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2026]: Sec. 2. Not later than each March 1, a recycler of  
25 covered electronic devices shall do the following:

26 (1) Report to the department separately the total weight in pounds  
27 of covered electronic devices that were:

- 28 (A) recycled by the recycler; and
  - 29 (B) taken by the recycler for final disposal;
- 30 during the program year that ended on the immediately preceding  
31 December 31.

32 (2) Submit to the department a list of all collectors from whom the  
33 recycler received covered electronic devices during the program  
34 year that ended on the immediately preceding December 31.

35 (3) Certify that the recycler has complied with IC 13-20.5-5 and  
36 ~~329 IAC 16~~ **any applicable regulations** during the program year  
37 that ended on the immediately preceding December 31.

38 SECTION 226. IC 13-20.5-4-1, AS AMENDED BY P.L.200-2017,  
39 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2026]: Sec. 1. A manufacturer shall **do the following**:

41 (1) In each of the manufacturer's program years recycle or arrange  
42 for the collection and recycling from covered entities of an



1 amount of covered electronic devices equal to at least sixty  
 2 percent (60%) of the total weight of the manufacturer's video  
 3 display devices sold to households as reported in the  
 4 manufacturer's registration for the program year under  
 5 IC 13-20.5-1-1(c)(4).

6 **(2) Conduct and document due diligence assessments of**  
 7 **collectors and recyclers with which the manufacturer**  
 8 **contracts to allow the manufacturer to comply with this**  
 9 **chapter.**

10 **(3) Maintain for three (3) years documentation showing that**  
 11 **all covered electronic devices:**

12 **(A) recycled;**

13 **(B) partially recycled; or**

14 **(C) sent to downstream recycling operations by the**  
 15 **manufacturer;**

16 **are recycled in compliance with this article.**

17 **(4) Provide the department with contact information for an**  
 18 **individual who can be contacted regarding the**  
 19 **manufacturer's activities under this article.**

20 SECTION 227. IC 13-20.5-4-2 IS REPEALED [EFFECTIVE JULY  
 21 1, 2026]. Sec. 2: (a) A manufacturer shall conduct and document due  
 22 diligence assessments of collectors and recyclers with which the  
 23 manufacturer contracts to allow the manufacturer to comply with this  
 24 chapter.

25 (b) A manufacturer shall maintain for three (3) years documentation  
 26 showing that all covered electronic devices recycled; partially recycled;  
 27 or sent to downstream recycling operations by the manufacturer are  
 28 recycled in compliance with this article.

29 SECTION 228. IC 13-20.5-4-3 IS REPEALED [EFFECTIVE JULY  
 30 1, 2026]. Sec. 3: A manufacturer shall provide the department with  
 31 contact information for an individual who can be contacted regarding  
 32 the manufacturer's activities under this article.

33 SECTION 229. IC 13-20.5-7-3, AS ADDED BY P.L.178-2009,  
 34 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2026]: Sec. 3. If the revenues in the electronic waste fund  
 36 established by IC 13-20.5-2-3 exceed the amount that the department  
 37 determines is necessary for efficient and effective administration of this  
 38 article, the department shall recommend to the general assembly in a  
 39 report submitted in an electronic format under IC 5-14-6 that:

40 (1) the registration fee under IC 13-20.5-2-1(a); or

41 (2) the proportion of sales of video display devices required to be  
 42 recycled under IC 13-20.5-4-1;



1 be lowered to reduce revenues collected in the subsequent state fiscal  
 2 year by the estimated amount of the excess: **report to the standing**  
 3 **committees with subject matter jurisdiction over environmental**  
 4 **affairs for both the house of representatives and the senate.**

5 SECTION 230. IC 13-20.5-7-10 IS REPEALED [EFFECTIVE  
 6 JULY 1, 2026]. ~~Sec. 10:~~ (a) Solid waste management districts shall  
 7 conduct educational programs to provide information to the public  
 8 concerning:

- 9 (1) reuse and recycling of electronic waste;
- 10 (2) collection programs available to the public for the disposal of
- 11 electronic waste; and
- 12 (3) proper disposal of electronic waste:

13 (b) The department, with assistance from solid waste management  
 14 districts and other appropriate persons, shall provide solid waste  
 15 management districts with a curriculum model that includes  
 16 educational core principles concerning the reuse, recycling, collection,  
 17 and proper disposal of solid waste. Solid waste management districts  
 18 shall implement educational programs that meet the minimum  
 19 standards established by the department in the curriculum model:

20 SECTION 231. IC 13-21-1-1 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The commissioner:  
 22 shall do the following:

- 23 (1) **shall** adopt the state plan in final form; **and**
- 24 (2) **may** adopt rules under IC 4-22-2 to provide for the plan's
- 25 implementation.

26 SECTION 232. IC 13-21-1-2 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The state plan must  
 28 provide for solid waste management in Indiana for the twenty (20)  
 29 years following the adoption of the state plan. The state plan ~~must~~ **may**  
 30 include the following, in order of priority:

- 31 (1) The establishment of voluntary statewide goals for source
- 32 reduction.
- 33 (2) The establishment of criteria for alternatives to final disposal,
- 34 including the following:
  - 35 (A) Recycling.
  - 36 (B) Composting.
  - 37 (C) The availability of markets.
- 38 (3) The establishment of general criteria for the siting,
- 39 construction, operation, closing, and monitoring of final disposal
- 40 facilities.
- 41 (4) Criteria and other elements to be considered in the adoption
- 42 of district solid waste management plans.



1 SECTION 233. IC 13-21-1-3 IS REPEALED [EFFECTIVE JULY  
2 1, 2026]. ~~Sec. 3: Revisions of the state plan must be implemented using  
3 the procedures set forth in section 4 of this chapter.~~

4 SECTION 234. IC 13-21-1-4, AS ADDED BY P.L.37-2012,  
5 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2026]: Sec. 4. (a) ~~In 2015 and every fifth year thereafter,~~ The  
7 legislative council ~~shall~~ **may** require an interim study committee or a  
8 statutory study committee to:

- 9 (1) assess solid waste management districts; and  
10 (2) determine whether any changes should be made to the statutes  
11 governing solid waste management districts.

12 (b) An interim study committee or a statutory study committee that  
13 assesses solid waste management districts under subsection (a) shall  
14 issue a final report, in an electronic format under IC 5-14-6, to the  
15 legislative council containing the committee's findings and  
16 recommendations, including any recommended legislation, not later  
17 than November 1 of the year in which an assessment is conducted.

18 SECTION 235. IC 13-21-13-1, AS AMENDED BY P.L.104-2022,  
19 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2026]: Sec. 1. (a) A board may impose fees on the disposal of  
21 solid waste in a final disposal facility located within the district. A fee  
22 imposed by a board in a county with a population of more than one  
23 hundred twelve thousand (112,000) and less than one hundred twenty  
24 thousand (120,000) under this section may not exceed two dollars and  
25 fifty cents (\$2.50) a ton. A fee imposed by a board in other counties  
26 under this section may not exceed:

- 27 (1) two dollars and fifty cents (\$2.50) a ton; or  
28 (2) the amount of a fee imposed by the board;  
29 (A) under this section; and  
30 (B) in effect on January 1, 1993;

31 whichever is greater.

32 (b) The board shall do the following:

- 33 (1) Set the amount of fees imposed under this section after a  
34 public hearing.  
35 (2) Give public notice of the hearing.

36 (c) If solid waste has been subject to a district fee under this section,  
37 the total amount of the fee that was paid shall be credited against a  
38 district fee to which the solid waste may later be subject under this  
39 section.

40 (d) Except as provided in section 4 of this chapter, fees imposed  
41 under this chapter shall be imposed uniformly on public facilities and  
42 on privately owned or operated facilities throughout the district.



1 (e) A resolution adopted by a board that establishes fees under this  
 2 chapter may contain a provision that authorizes the board to impose a  
 3 penalty of not more than five hundred dollars (\$500) per day because  
 4 of:

- 5 (1) nonpayment of fees; or
- 6 (2) noncompliance with a condition in the resolution.

7 (f) A board may not impose fees for material used as alternate daily  
 8 cover pursuant to a permit issued by the department under ~~329~~  
 9 ~~IAC 10-20-13~~. **the rules adopted by the board.**

10 SECTION 236. IC 13-22-2-2 IS REPEALED [EFFECTIVE JULY  
 11 1, 2026]. ~~Sec. 2: The board shall adopt rules under IC 4-22-2 and~~  
 12 ~~IC 13-14-9 to implement this chapter through IC 13-22-8;~~  
 13 ~~IC 13-22-11.5, and IC 13-22-13 through IC 13-22-14.~~

14 SECTION 237. IC 13-22-2-3, AS AMENDED BY P.L.93-2024,  
 15 SECTION 118, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The board ~~shall adopt rules~~  
 17 ~~under IC 4-22-2 and IC 13-14-8 to~~ **may** develop criteria for  
 18 determining hazardous waste. In developing ~~those~~ **criteria for**  
 19 **determining hazardous waste**, the board shall determine whether any  
 20 waste to be or being disposed of meets any of the following conditions:

- 21 (1) Presents immediate or persistent hazards to humans or  
 22 wildlife.
- 23 (2) Is resistant to natural degradation or detoxification.
- 24 (3) Is bioconcentrative, flammable, reactive, toxic, corrosive, or  
 25 infectious in addition to any other harmful characteristics.

26 (b) The board shall do the following:

- 27 (1) Compile and maintain a listing of wastes that have been  
 28 determined to be hazardous:
- 29 (A) under the criteria described in subsection (a); or
- 30 (B) by regulation of the United States Environmental  
 31 Protection Agency.
- 32 (2) Issue the listing by adopting rules under IC 4-22-2.

33 ~~(c) (3) The board shall~~ Consider actions taken by adjoining states  
 34 and the federal government for purposes of uniform criteria  
 35 relating to the listing and delisting of waste under this section.

36 ~~(d)~~ **(c)** The commissioner may exclude a waste produced at a  
 37 particular generating facility from the listing under subsection (b) if the  
 38 person seeking exclusion of the waste demonstrates to the satisfaction  
 39 of the commissioner that the waste does not meet any of the criteria  
 40 under which the waste was listed as a hazardous waste and:

- 41 (1) the person seeking exclusion has already obtained exclusion  
 42 of the waste from the listing maintained under 40 CFR 261 by the



1 United States Environmental Protection Agency; or  
 2 (2) if the department has received authority from the United  
 3 States Environmental Protection Agency to delist waste under 40  
 4 CFR 260.20 and 260.22, the person petitions the commissioner to  
 5 consider the removal of a waste from the listing, and the  
 6 commissioner follows the authorized procedure for delisting.  
 7 ~~(e)~~ (d) The department shall establish a procedure by which a  
 8 person may petition the commissioner to consider the removal of a  
 9 specific waste from the lists maintained under subsection (b).  
 10 SECTION 238. IC 13-22-2-4 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall  
 12 adopt rules under IC 4-22-2 and IC 13-14-8 on the proper and safe  
 13 transportation, treatment, storage, and disposal of hazardous wastes.  
 14 Whenever possible, the rules adopted under this section must allow for  
 15 variation in Indiana with regard to population density, climate, and  
 16 geology.  
 17 (b) Rules adopted under this section concerning incinerators used  
 18 as hazardous waste facilities may establish requirements more stringent  
 19 than the requirements for hazardous waste incinerators established by  
 20 regulations adopted by the Administrator of the United States  
 21 Environmental Protection Agency under the following statutes:  
 22 (1) The federal Resource Conservation and Recovery Act (42  
 23 U.S.C. 6901 et seq.).  
 24 (2) The federal Clean Air Act (42 U.S.C. 7401 et seq.), as  
 25 amended by the federal Clean Air Act Amendments of 1990  
 26 (P.L.101-549). **amended.**  
 27 SECTION 239. IC 13-22-2-6 IS REPEALED [EFFECTIVE JULY  
 28 1, 2026]. ~~Sec. 6: The board shall do the following:~~  
 29 ~~(1) Adopt rules under IC 4-22-2 and IC 13-14-9 setting standards~~  
 30 ~~for closure and postclosure monitoring and maintenance plans.~~  
 31 ~~(2) Include in the rules a requirement for prior notice of closure~~  
 32 ~~and a time limit for completion of closure.~~  
 33 SECTION 240. IC 13-22-2-7, AS AMENDED BY P.L.133-2012,  
 34 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2026]: Sec. 7. The board ~~shall adopt rules under~~  
 36 ~~IC 4-22-2 and IC 13-14-9 setting~~ **may set** standards for corrective  
 37 action for all releases of hazardous waste or constituents from any solid  
 38 waste management unit at a hazardous waste facility. ~~The Any~~  
 39 standards **adopted by the board** must require that corrective action be  
 40 taken beyond the facility boundary where necessary to protect human  
 41 health and the environment, unless the owner or operator of the facility  
 42 concerned demonstrates to the satisfaction of the commissioner that,



1 despite the best efforts of the owner or operator, the owner or operator  
 2 is unable to obtain the necessary permission to undertake that action.  
 3 The rules adopted under this section apply to the following:

- 4 (1) All facilities operating under permits issued under IC 13-22-3.  
 5 ~~or IC 13-7-8.5 (before its repeal)~~;  
 6 (2) All landfills, surface impoundments, and waste piles,  
 7 including any new units, replacements of existing units, and  
 8 lateral expansions of existing units, that receive hazardous waste  
 9 after July 26, 1982.

10 SECTION 241. IC 13-22-3-3 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Before allowing  
 12 the operation of a landfill for the disposal of hazardous waste, the  
 13 commissioner and all the owners of the land upon which the landfill is  
 14 located must execute and record a restrictive covenant upon the land  
 15 involved. The department shall file the instrument imposing the  
 16 restrictive covenant for record in the recorder's office in the county in  
 17 which the landfill is located.

18 (b) The covenant must state that:

- 19 (1) the land has been or may be used as a landfill for disposal of  
 20 hazardous waste; and  
 21 (2) neither the property owners, agents, or employees, nor any of  
 22 their heirs, successors, lessees, or assignees, may engage in  
 23 filling, grading, excavating, building, drilling, or mining on the  
 24 property following the completion and closure of the landfill  
 25 without authorization of the commissioner.

26 (c) Before the commissioner grants an authorization for the  
 27 activities prohibited in the covenant, the commissioner shall ~~review~~  
 28 **consider** the following:

- 29 (1) The original design of the landfill.  
 30 (2) The type of operation.  
 31 (3) The hazardous waste deposited there.  
 32 (4) The state of decomposition of the hazardous wastes.

33 SECTION 242. IC 13-22-7.5-1, AS ADDED BY P.L.172-2005,  
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2026]: Sec. 1. This chapter applies to a person that transports:

- 36 (1) a chemical munition ~~referred to in 329 IAC 3.1-6-3, as in~~  
 37 ~~effect on January 1, 2005; as defined in IC 13-11-2-25; or~~  
 38 (2) hazardous waste derived from the bulk neutralization and  
 39 destruction of the agent VX referred to in IC 13-11-2-25(6).

40 SECTION 243. IC 13-22-8-1, AS AMENDED BY P.L.133-2012,  
 41 SECTION 152, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board ~~shall~~ **may** adopt



1 rules under IC 4-22-2 and IC 13-14-9 on standards of financial  
 2 responsibility for the following:

- 3 (1) Closure.
- 4 (2) Postclosure monitoring at hazardous waste facilities.
- 5 (3) Any required corrective action at those facilities.

6 (b) ~~The~~ Any rules adopted under this section must reflect the  
 7 provisions for financial responsibility prescribed by section 2 of this  
 8 chapter.

9 SECTION 244. IC 13-22-11-1 IS REPEALED [EFFECTIVE JULY  
 10 1, 2026]. Sec. 1: (a) The office shall do the following:

- 11 (1) Continuously gather information on secondary material  
 12 utilization or waste reduction practices and technology from  
 13 sources within and outside Indiana.
- 14 (2) Provide information and advice on secondary material  
 15 utilization or waste reduction in response to a request from a  
 16 business or business organization that is active in Indiana.

17 (b) In the absence of a request, the office may, at the direction of the  
 18 commissioner, present advice on secondary material utilization or  
 19 waste reduction to a business that:

- 20 (1) is active in Indiana; and
- 21 (2) in the judgment of the commissioner, could:
  - 22 (A) significantly reduce;
  - 23 (B) eliminate; or
  - 24 (C) avoid;

25 the generation and disposal of hazardous waste through waste  
 26 reduction or secondary material utilization under IC 13-22-11.5.  
 27 The office shall study the information to be presented with advice  
 28 under this subsection:

29 SECTION 245. IC 13-22-11-2 IS REPEALED [EFFECTIVE JULY  
 30 1, 2026]. Sec. 2: In directing the office to present advice to businesses  
 31 under section 1(b) of this chapter, the commissioner shall establish a  
 32 priority among types of businesses according to the following:

- 33 (1) The degree or magnitude of waste reduction that could be  
 34 achieved by a type of business, in comparison to the waste  
 35 reduction that could be achieved by other businesses.
- 36 (2) The financial and technical feasibility of the waste reduction  
 37 practices and technologies available to various types of  
 38 businesses.
- 39 (3) The statewide waste reduction impact likely to be achieved  
 40 through presenting advice to a type of business due to the  
 41 prevalence of that type of business in Indiana.
- 42 (4) Any other factors that, in the judgment of the commissioner;



- 1           may affect the overall effectiveness of the office in promoting  
2           waste reduction in Indiana.
- 3           SECTION 246. IC 13-23-1-2, AS AMENDED BY P.L.38-2012,  
4           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5           JULY 1, 2026]: Sec. 2. (a) ~~The board shall adopt rules under IC 4-22-2,~~  
6           ~~IC 13-14-8, and IC 13-14-9 for the establishment and operation of the~~  
7           ~~program established under section 1 of this chapter.~~
- 8           **(b) (a) The Any rules adopted by the board establishing and**  
9           **operating the program established under section 1 of this chapter**  
10          must not be less stringent than the regulations adopted by the  
11          Administrator of the United States Environmental Protection Agency  
12          under Section 9003 of the federal Solid Waste Disposal Act, as  
13          amended (42 U.S.C. 6991b, as amended).
- 14          **(c) (b) The rules adopted under subsection (a) section 1 of this**  
15          **chapter must include the following:**
- 16           (1) Requirements for maintaining:
    - 17               (A) a leak detection system;
    - 18               (B) an inventory control system coupled with tank testing; or
    - 19               (C) a comparable system or method;
  - 20           designed to identify releases in a manner consistent with the  
21           protection of human health and the environment.
  - 22           (2) Requirements for maintaining records of any:
    - 23               (A) monitoring;
    - 24               (B) leak detection system;
    - 25               (C) inventory control system or tank testing; or
    - 26               (D) comparable system.
  - 27           (3) Requirements for reporting of:
    - 28               (A) any releases; and
    - 29               (B) corrective action taken in response to a release.
  - 30           (4) Requirements for ordering or taking corrective action in  
31           response to a release.
  - 32           (5) Requirements for closure of underground storage tanks to  
33           prevent future releases of regulated substances into the  
34           environment.
  - 35           (6) Requirements for maintaining evidence of financial  
36           responsibility for:
    - 37               (A) taking corrective action; and
    - 38               (B) compensating third parties for bodily injury and property  
39               damage caused by sudden and nonsudden accidental releases  
40               arising from the operation of an underground storage tank.
  - 41           (7) Standards of performance for new underground storage tanks.
  - 42           (8) Requirements for the following:



- 1 (A) Providing notice to the department of the existence of
- 2 operational and nonoperational underground storage tanks, as
- 3 required under 42 U.S.C. 6991a(a).
- 4 (B) Providing the information required on the form prescribed
- 5 under 42 U.S.C. 6991a(b)(2).
- 6 (C) Providing notice, by any person who sells a tank intended
- 7 to be used as an underground storage tank, to the purchaser of
- 8 that tank of the owner's notification requirements established
- 9 by this article and 42 U.S.C. 6991a(a).
- 10 (9) Requirements for the delivery prohibition program prescribed
- 11 under 42 U.S.C. 6991k, including:
- 12 (A) notice to owners or operators when an underground
- 13 storage tank is declared ineligible for delivery, deposit, or
- 14 acceptance of a regulated substance; and
- 15 (B) procedures to enforce the delivery prohibition that include
- 16 the use of a temporary emergency order under IC 4-21.5-4 for
- 17 violations of section 4(a) of this chapter.
- 18 SECTION 247. IC 13-23-3-1, AS AMENDED BY P.L.176-2023,
- 19 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2026]: Sec. 1. (a) The department shall, under rules adopted
- 21 by the board under IC 4-22-2 and IC 13-14-9, establish a certification
- 22 program for persons who supervise, manage, or direct underground
- 23 storage tank or aboveground storage tank:
- 24 (1) installation or retrofitting;
- 25 (2) testing;
- 26 (3) cathodic protection procedures; or
- 27 (4) decommissioning.
- 28 (b) A person may be certified by the department if the person
- 29 submits evidence to the department that the person has successfully
- 30 completed:
- 31 (1) the International Fire Code Institute Council examination; or
- 32 (2) another appropriate examination approved by the department.
- 33 (c) The department may create a supplemental educational library
- 34 concerning proper installation and closure of underground storage
- 35 tanks or aboveground storage tanks, which includes the American
- 36 Petroleum Institute's series, "An Education and Certification Program
- 37 for Underground Storage Tank Professionals" and "API 653
- 38 Aboveground Storage Tank Inspector Certification Program".
- 39 SECTION 248. IC 13-23-3-2 IS AMENDED TO READ AS
- 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) To obtain a
- 41 certificate under section 1 of this chapter, a person must:
- 42 (1) take an examination that is approved;



1 (2) achieve a passing score on the examination that is established;  
 2 and  
 3 (3) pay any reasonable fees necessary to offset the costs incurred  
 4 by the ~~state fire marshal~~ **department** in administering the  
 5 examination and certification procedures that are established;  
 6 under rules adopted by the ~~fire prevention and building safety~~  
 7 ~~commission;~~ **board**.

8 (b) An examination described under subsection (a) must cover the  
 9 following subjects:

10 (1) Relevant rules adopted by the  
 11 ~~(A) board and~~  
 12 ~~(B) fire prevention and building safety commission;~~  
 13 concerning underground storage tanks.

14 (2) Any other subjects approved under rules adopted by the fire  
 15 prevention and building safety commission.

16 (c) The ~~fire prevention and building safety commission~~ **board** shall  
 17 adopt rules establishing the following:

18 (1) The number of times a person who fails an examination  
 19 described under this section may take the examination again.

20 (2) The period of time a person who fails an examination  
 21 described under this section must wait before taking the  
 22 examination again.

23 (d) The ~~state fire marshal~~ **department** may, under rules adopted by  
 24 the ~~fire prevention and building safety commission;~~ **board**, certify a  
 25 person:

26 (1) under section 1 of this chapter; and  
 27 (2) by ~~reciprocity; equivalency;~~  
 28 if the person is licensed or certified by another state that has  
 29 certification requirements that are substantially similar to the  
 30 requirements established under this section.

31 SECTION 249. IC 13-23-4-1 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The rules adopted  
 33 under ~~IC 13-23-1-2(c)(6)~~ **IC 13-23-1-2(b)(6)** may allow evidence of  
 34 financial responsibility in one (1) or a combination of the following  
 35 forms:

- 36 (1) Insurance.
- 37 (2) Guarantee.
- 38 (3) Surety bond.
- 39 (4) Letter of credit.
- 40 (5) Qualification as a self-insurer.
- 41 (6) Any other method satisfactory to the commissioner and the
- 42 Administrator of the United States Environmental Protection



1 Agency.

2 SECTION 250. IC 13-23-4-2 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The rules adopted  
4 under ~~IC 13-23-1-2(c)(6)~~ **IC 13-23-1-2(b)(6)** may require the use of  
5 certain policy provisions or contract terms, including provisions or  
6 terms concerning the following:

7 (1) The minimum amount of coverage required for various classes  
8 and categories of underground storage tanks established under  
9 section 4 of this chapter.

10 (2) Conditions or defenses that are necessary or unacceptable in  
11 establishing evidence of financial responsibility.

12 SECTION 251. IC 13-23-4-4 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The rules adopted  
14 under ~~IC 13-23-1-2(c)(6)~~ **IC 13-23-1-2(b)(6)** may require a minimum  
15 amount of coverage for particular classes or categories of underground  
16 storage tanks containing petroleum. Minimum coverage amounts  
17 established under this subsection must be at least one million dollars  
18 (\$1,000,000) for each occurrence, with an appropriate aggregate  
19 amount.

20 (b) The board may by rule set minimum coverage amounts lower  
21 than the amount set forth in subsection (a) for underground storage  
22 tanks containing petroleum that are:

23 (1) not located at facilities engaged in the production, refining, or  
24 marketing of petroleum; and

25 (2) not used to handle substantial quantities of petroleum.

26 (c) In adopting rules establishing classes and categories of  
27 underground storage tanks containing petroleum for purposes of this  
28 section, the board may consider the following factors:

29 (1) The:

30 (A) size, type, location, storage, and handling capacity of  
31 underground storage tanks in the class or category; and

32 (B) volume of petroleum handled by those tanks.

33 (2) The:

34 (A) likelihood of release; and

35 (B) potential extent of damage from any release;  
36 from underground storage tanks in the class or category.

37 (3) The economic impact of the limits on the owners and  
38 operators of each class or category, particularly relating to the  
39 small business segment of the petroleum marketing industry.

40 (4) The availability of methods of financial responsibility in  
41 amounts greater than the amount established by this section.

42 (5) Any other factors that the board considers pertinent.



1 SECTION 252. IC 13-23-7-5, AS AMENDED BY P.L.96-2016,  
 2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2026]: Sec. 5. The treasurer of state shall invest the money in  
 4 the ELTF not currently needed to meet the obligations of the ELTF in  
 5 the same manner as other public money may be invested. Interest that  
 6 accrues from these investments shall be deposited in the ELTF. ~~At least~~  
 7 ~~one (1) time each year, the treasurer of state shall provide the financial~~  
 8 ~~assurance board a report detailing the investments made under this~~  
 9 ~~section.~~

10 SECTION 253. IC 13-23-8-4, AS AMENDED BY P.L.9-2024,  
 11 SECTION 344, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The administrator shall pay  
 13 ELTF claims that are:

- 14 (1) for costs related to eligible releases;
- 15 (2) submitted by eligible parties; and
- 16 (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.

17 (b) **The administrator, if appropriate, may allow** an eligible party  
 18 **may to** assign the **eligible party's** right to receive payment of an ELTF  
 19 claim to another person.

20 (c) Not more than forty-five (45) business days after an ELTF claim  
 21 is submitted, the administrator shall do one (1) of the following:

- 22 (1) Approve the ELTF claim and, under IC 13-23-9-2(c), forward  
 23 the ELTF claim to the state comptroller for payment.
- 24 (2) Send to the claimant a written notice that:  
 25 (A) states that a correction, a clarification, or additional  
 26 information is needed before the ELTF claim can be approved;  
 27 and  
 28 (B) provides a clear explanation:  
 29 (i) of the correction, clarification, or additional information  
 30 that is needed; and  
 31 (ii) of why it is needed.

- 32 (3) Deny the claim and provide the claimant with a statement of  
 33 the reasons for the denial under IC 13-23-9-2(b).

34 SECTION 254. IC 13-23-9-1.7, AS AMENDED BY P.L.149-2024,  
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2026]: Sec. 1.7. (a) The administrator may pay an ELTF claim  
 37 for fifty percent (50%) of the costs of decommissioning or replacing an  
 38 underground petroleum storage tank, provided that:

- 39 (1) the applicant is the owner of the tank;
- 40 (2) such decommissioning or replacement is necessary, in the  
 41 judgment of the administrator, to protect human health and the  
 42 environment considering the age, obsolescence, and level of



- 1 deterioration of the tank; and
- 2 (3) the costs:
  - 3 (A) are reasonable and cost effective; and
  - 4 (B) result from or reimburse the claimant for work performed
  - 5 decommissioning the tank or replacing the tank with a new
  - 6 aboveground storage tank as defined in IC 13-11-2-0.4 or
  - 7 underground storage tank as defined in IC 13-11-2-241.
- 8 (b) **Subject to subsection (c)**, the expenses described in subsection
- 9 (a) that are paid from the ELTF in a state fiscal year may not exceed:
  - 10 (1) ten million dollars (\$10,000,000) each year for claims
  - 11 submitted by applicants owning not more than twelve (12)
  - 12 underground petroleum storage tanks;
  - 13 (2) seven million five hundred thousand dollars (\$7,500,000) each
  - 14 year for claims submitted by applicants owning more than twelve
  - 15 (12) but not more than one hundred (100) underground petroleum
  - 16 storage tanks; and
  - 17 (3) two million five hundred thousand dollars (\$2,500,000) each
  - 18 year for claims submitted by applicants owning more than one
  - 19 hundred (100) underground petroleum storage tanks.
- 20 (c) At the end of each state fiscal year, any funds that were allocated
- 21 for the decommissioning or replacement of underground petroleum
- 22 storage tanks, as described in subsection (b), but that were not spent
- 23 shall roll over to the next state fiscal year and be used to decommission
- 24 or replace underground petroleum storage tanks within the same
- 25 category as allocated in the prior state fiscal year pursuant to
- 26 subsection (b)(1), (b)(2), and (b)(3).
- 27 SECTION 255. IC 13-23-9-4 IS REPEALED [EFFECTIVE JULY
- 28 1, 2026]. ~~Sec. 4: If the administrator denies an ELTF claim under this~~
- 29 ~~chapter, the claimant may appeal the denial under IC 4-21.5 to the~~
- 30 ~~office of administrative law proceedings under IC 4-15-10.5.~~
- 31 SECTION 256. IC 13-23-11-2, AS AMENDED BY P.L.176-2023,
- 32 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JULY 1, 2026]: Sec. 2. (a) The board consists of the following ~~nine (9)~~
- 34 **ten (10)** members:
  - 35 (1) The administrator or the administrator's designee.
  - 36 (2) One (1) member nominated by the treasurer of state in
  - 37 consultation with the commissioner of the department of state
  - 38 revenue.
  - 39 (3) One (1) member representing the independent petroleum
  - 40 wholesale distributor-marketer industry. ~~In making this~~
  - 41 ~~appointment, the governor may consider the recommendation of~~
  - 42 ~~the Indiana petroleum marketers and convenience store~~



- 1 association:
- 2 (4) One (1) member representing the petroleum refiner-supplier
- 3 industry. ~~In making this appointment, the governor may consider~~
- 4 ~~the recommendation of the Indiana petroleum council.~~
- 5 (5) One (1) member of the financial lending community who has
- 6 experience with loan guaranty programs.
- 7 (6) One (1) member representing the convenience store operator
- 8 industry or independent petroleum retail distributor-marketer
- 9 industry. ~~In making this appointment, the governor may consider~~
- 10 ~~the recommendation of the Indiana petroleum marketers and~~
- 11 ~~convenience store association.~~
- 12 (7) One (1) member representing environmental interests.
- 13 (8) One (1) member representing an environmental consulting
- 14 firm that performs work involving underground storage tank or
- 15 aboveground storage tank corrective actions.
- 16 (9) One (1) member representing the property and casualty
- 17 insurance industry.
- 18 **(10) One (1) member representing airports.**
- 19 (b) The governor shall appoint the members specified in subsection
- 20 (a)(2) through ~~(a)(9)~~ **(a)(10)** for terms of ~~two (2)~~ **four (4)** years.
- 21 **(c) The governor may consider nomination and**
- 22 **recommendations for members appointed under subsection (a)(2)**
- 23 **through (a)(10) from representative constituencies.**
- 24 SECTION 257. IC 13-23-11-4 IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) If an appointed
- 26 member of the board is not able to serve the member's full term, the
- 27 governor shall appoint an individual to serve for the remainder of the
- 28 unexpired term.
- 29 (b) The term of an appointed member of the board continues until
- 30 the member's successor has been appointed. ~~and qualified.~~
- 31 **(c) No member may serve more than two (2) consecutive terms.**
- 32 SECTION 258. IC 13-23-11-5 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. ~~The board, at the~~
- 34 ~~board's first meeting of each year, shall elect~~ **The governor may**
- 35 **designate** from among the board's members a chairperson and other
- 36 officers necessary to transact business.
- 37 SECTION 259. IC 13-23-11-6, AS AMENDED BY P.L.113-2014,
- 38 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2026]: Sec. 6. (a) The board must have a quorum to transact
- 40 business. Five (5) members constitute a quorum.
- 41 (b) An affirmative vote of the majority of members present is
- 42 required for the board to take action.



- 1 (c) The board shall meet upon:
- 2 (1) the request of the chairperson; or
- 3 (2) the written request of three (3) of the board's members:
- 4 (d) A meeting must be held not later than fourteen (14) days after a
- 5 request is made:
- 6 SECTION 260. IC 13-23-11-7, AS AMENDED BY P.L.176-2023,
- 7 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2026]: Sec. 7. (a) The board shall do the following:
- 9 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to do
- 10 the following:
- 11 (A) Carry out the duties of the board under this article.
- 12 (B) Establish standards and procedures under which:
- 13 (i) eligible parties may submit ELTF claims; and
- 14 (ii) the administrator of the ELTF may pay ELTF claims.
- 15 (C) Establish standards for determining the reasonableness and
- 16 cost effectiveness of corrective action for purposes of
- 17 reimbursement from the ELTF under IC 13-23-9-1.5(a)(1).
- 18 (D) Establish standards for priorities in the payment of ELTF
- 19 claims, including a priority for claims associated with releases
- 20 from USTs and ASTs that pose an immediate and significant
- 21 threat to the environment.
- 22 (E) Provide reimbursement from the petroleum storage tank
- 23 excess liability trust fund for fifty percent (50%) of costs of
- 24 decommissioning or replacing underground petroleum storage
- 25 tanks that meet the criteria under IC 13-23-9-1.7.
- 26 (F) Establish procedures to reopen ELTF eligibility and
- 27 funding for a release previously granted "no further action"
- 28 (NFA) status by the department should either the department
- 29 or the owner of the underground petroleum storage tank or
- 30 aboveground petroleum storage tank subsequently decide to
- 31 permanently decommission the use of the site as a ~~petroleum~~
- 32 ~~facility~~ **UST facility or AST facility** and undertake the
- 33 investigation and remediation of any residual contamination
- 34 arising from the site's former use as a ~~petroleum facility.~~ **UST**
- 35 **facility or AST facility.** Before reopening ELTF eligibility
- 36 and funding, the administrator may require that the applicant
- 37 provide information regarding the planned future use of the
- 38 site.
- 39 (2) ~~Take testimony and~~ Receive a ~~written~~ report at every meeting
- 40 of the board from the administrator or the administrator's designee
- 41 regarding the financial condition and operation of the ELTF,
- 42 including:



1 (A) a ~~detailed~~ breakdown of contractual and administrative  
 2 expenses the department is claiming from the ELTF under  
 3 IC 13-23-7-1(a)(4); and  
 4 (B) a claims statistics report consisting of:  
 5 (i) the status and amounts of claims submitted to the ELTF;  
 6 and  
 7 (ii) ELTF claims payments made.  
 8 ~~Testimony shall be taken and a written report shall be received~~  
 9 ~~under this subdivision at every meeting of the board. However,~~  
 10 ~~the testimony and written report are not required more than one~~  
 11 ~~(1) time during any thirty (30) day period.~~  
 12 (3) Consult with the department on administration of the ELTF in  
 13 developing uniform policies and procedures for revenue  
 14 collection and claims administration of the ELTF.  
 15 (b) The department shall consult with the board on administration  
 16 of the ELTF. The consultation must include evaluation of alternative  
 17 means of administering the ELTF in a cost effective and efficient  
 18 manner.  
 19 (c) ~~At each meeting of the board, the department shall provide the~~  
 20 ~~board with a written report on the financial condition and operation of~~  
 21 ~~the ELTF.~~  
 22 SECTION 261. IC 13-23-11-9 IS ADDED TO THE INDIANA  
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2026]: **Sec. 9. This chapter expires July 1,**  
 25 **2031.**  
 26 SECTION 262. IC 13-23-13-1, AS AMENDED BY P.L.176-2023,  
 27 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2026]: Sec. 1. (a) Subject to subsections (b)(1) and ~~(d)~~; ~~(e)~~,  
 29 the commissioner may, under rules adopted under IC 13-23-1-2:  
 30 (1) issue an order under IC 13-14-2-7 or IC 4-21.5-4; or  
 31 (2) proceed under IC 13-14-2-6;  
 32 to require the owner or operator of an underground storage tank or  
 33 aboveground storage tank to undertake corrective action with respect  
 34 to any release of a regulated substance.  
 35 (b) Except as provided in subsection ~~(d)~~; ~~(e)~~, the commissioner may  
 36 not, with respect to a release of petroleum from an underground storage  
 37 tank or aboveground storage tank:  
 38 (1) take action under subsection (a); or  
 39 (2) if a reportable quantity of the released petroleum remains or  
 40 may remain underground at the site of the underground storage  
 41 tank or aboveground storage tank:  
 42 (A) request that the owner or operator of the underground



1 storage tank or aboveground storage tank execute a restrictive  
 2 covenant (as defined in IC 13-11-2-193.5) applying to the site  
 3 of the underground storage tank or aboveground storage tank;  
 4 (B) make a determination of no further action being required  
 5 at the site of the underground storage tank or aboveground  
 6 storage tank; or  
 7 (C) approve closure, or its equivalent, of the site of the  
 8 underground storage tank or aboveground storage tank;  
 9 unless ~~the commissioner has all of the requirements under~~  
 10 **subsection (c) are met.**

11 **(c) The following must occur before an action described in**  
 12 **subsection (b)(1) or (b)(2) is taken:**

13 **(1) received and reviewed Either:**

14 **(A) the commissioner has received and reviewed the initial**  
 15 **site characterization of the site of the release; or**

16 **(B) an alternative evaluation is prepared for submittal to the**  
 17 **commissioner in accordance with subsection ~~(c)~~ (d).**

18 **(2) The commissioner has received and reviewed an**  
 19 **evaluation of potential remedial activities to achieve remedial**  
 20 **objectives. The evaluation must include:**

21 **(A) closure options, environmental deed restrictions, and**  
 22 **remediation methods to achieve a no further action**  
 23 **determination; and**

24 **(B) estimated costs and time frames sufficient for the**  
 25 **commissioner to evaluate the adequacy of the proposed**  
 26 **response.**

27 **However, an evaluation under subdivision (2) is not required if the**  
 28 **site is administered by the Indiana Finance Authority.**

29 ~~(c)~~ **(d)** When necessary and feasible as determined by a qualified  
 30 environmental professional, an initial site characterization shall  
 31 include:

32 (1) site-specific geologic information obtained from a minimum  
 33 of three (3) continuously sampled soil borings; and

34 (2) hydrogeologic information, including depth to ground water  
 35 and ground water flow directions and gradients, obtained from a  
 36 minimum of three (3) monitoring wells screened across the water  
 37 table.

38 A qualified environmental professional, on behalf of the owner or  
 39 operator of an underground storage tank or an aboveground storage  
 40 tank from which there has been a release of petroleum, may submit for  
 41 approval by the commissioner an alternative procedure for initial site  
 42 characterization and request a waiver of the requirements in this



1 subsection. The commissioner may approve the request for a waiver  
 2 and alternative procedure only if the alternative procedure provides  
 3 substantially equal protection for human health and the environment.  
 4 If an initial site characterization does not define the nature and extent  
 5 of the contaminant plume, additional investigation shall be performed  
 6 when necessary and feasible as determined by a qualified  
 7 environmental professional.

8 ~~(d)~~ (e) The commissioner may take action under subsection (a)  
 9 without having received and reviewed the initial site characterization  
 10 if the commissioner reasonably believes that the release from the  
 11 underground storage tank or aboveground storage tank creates a threat  
 12 to human health or the environment sufficient to necessitate action  
 13 under subsection (a) before the initial site characterization is submitted  
 14 to the department.

15 ~~(e)~~ (f) If the commissioner:

16 (1) requires corrective action under subsection (a); and  
 17 (2) determines that the corrective action will be done properly and  
 18 promptly by the owner or operator of the underground storage  
 19 tank or aboveground storage tank from which the release occurs;  
 20 the commissioner may enter into an agreed order with the owner or  
 21 operator to implement necessary corrective action.

22 SECTION 263. IC 13-23-13-2, AS AMENDED BY P.L.176-2023,  
 23 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2026]: Sec. 2. The commissioner, under rules adopted under  
 25 IC 13-23-1-2, may undertake corrective action with respect to any  
 26 release of a regulated substance into the environment from an  
 27 underground storage tank or aboveground storage tank if:

28 (1) that action is necessary, in the judgment of the commissioner,  
 29 to protect human health and the environment; and

30 (2) at least one (1) of the following conditions exists:

31 (A) A person cannot be found not later than ninety (90) days  
 32 after a suspected or confirmed release is identified (or a  
 33 shorter time necessary to protect human health and the  
 34 environment) who is:

35 (i) an owner or operator of the underground storage tank or  
 36 aboveground storage tank;

37 (ii) subject to the rules concerning corrective action; and

38 (iii) capable of properly carrying out corrective action with  
 39 respect to the release.

40 (B) An existing situation requires prompt action by the  
 41 commissioner under this section to protect human health and  
 42 the environment.



1 (C) The cost of corrective action at the site of an underground  
2 storage tank exceeds the amount of financial responsibility  
3 required under ~~IC 13-23-1-2(e)(6)~~, **IC 13-23-1-2(b)(6)**,  
4 IC 13-23-4-4, and IC 13-23-4-5 and, considering the class or  
5 category of underground storage tank from which the release  
6 occurred, expenditures by the state are necessary to ensure an  
7 effective corrective action.

8 (D) The owner or operator of the underground storage tank or  
9 aboveground storage tank has failed or refused to comply with  
10 an order of the commissioner or a judgment of a court of  
11 competent jurisdiction under section 1 of this chapter to take  
12 corrective action with respect to the release.

13 SECTION 264. IC 13-23-13-9 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. In determining the  
15 equities for seeking the recovery of costs under section 8 of this  
16 chapter, the commissioner may consider the following:

- 17 (1) The amount of financial responsibility required to be  
18 maintained under ~~IC 13-23-1-2(e)(6)~~. **IC 13-23-1-2(b)(6)**.
- 19 (2) The factors considered in establishing that amount for  
20 underground storage tanks containing petroleum under  
21 IC 13-23-4-4.

22 SECTION 265. IC 13-23-16-2, AS AMENDED BY P.L.176-2023,  
23 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2026]: Sec. 2. If the department receives a report concerning:

- 25 (1) the discovery of released regulated substances at an  
26 underground storage tank or aboveground storage tank site or in  
27 the surrounding area under ~~329 IAC 9-4-1(1)~~; **40 CFR 280.50**; or
  - 28 (2) a spill or overfill under ~~329 IAC 9-4-4(a)~~; **40 CFR 280.53**;
- 29 the department shall, not more than seven (7) days after receiving the  
30 report, provide notice of the release, spill, or overfill to the county  
31 health officer of each county in which the release, spill, or overfill  
32 occurred.

33 SECTION 266. IC 13-23-16-3, AS ADDED BY P.L.221-2007,  
34 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2026]: Sec. 3. Not more than seven (7) days after receiving a  
36 notice from the department under section 2 of this chapter, a county  
37 health officer shall **make a reasonable effort to** do the following:

- 38 (1) Publish notice of the release, spill, or overfill in a newspaper  
39 **or other media** of general circulation in the county health  
40 officer's county.
- 41 (2) Provide any other notice of the release, spill, or overfill the  
42 county health officer considers necessary or appropriate.



1 SECTION 267. IC 13-23-16-4, AS ADDED BY P.L.221-2007,  
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 4. Notice provided by a county health officer  
4 under section 3 of this chapter must include:

5 (1) the same information reported to the department under ~~329~~  
6 ~~IAC 9-4-1(1) or 329 IAC 9-4-4(a);~~ **40 CFR 280.50 or 40 CFR**  
7 **280.53;** and

8 (2) any other information the county health officer considers  
9 necessary or appropriate.

10 SECTION 268. IC 13-24-1-1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The  
12 commissioner may issue an order under:

13 (1) IC 13-14-2-7;

14 (2) IC 4-21.5-4; or

15 (3) IC 4-21.5-3-6;

16 to require an owner or operator or a responsible person to undertake  
17 removal or remedial action with respect to a release of petroleum at a  
18 petroleum facility.

19 (b) If the commissioner determines that the removal or remedial  
20 action will be done properly and promptly by the owner, operator, or  
21 responsible person, the commissioner may enter into an agreed order  
22 with the owner, operator, or responsible person to implement necessary  
23 removal or remedial action.

24 ~~(c) If the commissioner and the owner or operator or the responsible~~  
25 ~~party fail to agree on the appropriate and necessary removal or~~  
26 ~~remedial action to be taken, the dispute shall be resolved under~~  
27 ~~IC 4-21.5.~~

28 SECTION 269. IC 13-24-1-8 IS REPEALED [EFFECTIVE JULY  
29 1, 2026]. Sec. 8: ~~IC 4-21.5~~ applies to:

30 ~~(1) determinations;~~

31 ~~(2) notices;~~

32 ~~(3) hearings; and~~

33 ~~(4) appeal determinations;~~

34 ~~under this chapter.~~

35 SECTION 270. IC 13-25-2-6.5 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) The department  
37 shall work with interested stakeholders, including the federal  
38 government, the general public, members of the general assembly, and  
39 businesses, to evaluate the feasibility of simplifying and expediting  
40 notification under IC 13-25-2-6. Options to be evaluated include:

41 (1) connecting persons required to provide notice under  
42 IC 13-25-2-6 with the National Response Center; and



- 1 (2) recommending any appropriate changes in federal law.
- 2 (b) The department shall implement an option evaluated under
- 3 subsection (a) if the option:
- 4 (1) is practical to implement;
- 5 (2) is technically feasible;
- 6 (3) is economically feasible;
- 7 (4) is protective of human health and the environment; and
- 8 (5) would adequately serve persons required to provide notice
- 9 under IC 13-25-2-6.
- 10 (c) The department shall provide a toll free long distance telephone
- 11 line through which a person required to provide notice under
- 12 IC 13-25-2-6 may contact ~~the office described in IC 13-13-3-1 of this~~
- 13 ~~chapter.~~ **the department.**

14 SECTION 271. IC 13-25-4-7, AS AMENDED BY P.L.133-2012,  
 15 SECTION 154, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2026]: Sec. 7. The board ~~shall~~ **may** adopt rules  
 17 establishing criteria for determining the commissioner's priorities in  
 18 selecting hazardous substance response sites. ~~Until these rules have~~  
 19 ~~been adopted, the commissioner shall give priority to those sites~~  
 20 ~~presenting a significant threat to public health and environment.~~

21 SECTION 272. IC 13-25-4-11 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. **(a)** After a response  
 23 is initiated under:

- 24 (1) section 9 of this chapter; or
  - 25 (2) IC 13-24-1;
- 26 the ~~state~~ **department** may impose a lien on the property on which the  
 27 response is undertaken. The lien may secure the payment to the state  
 28 of an amount of money equal to the amount expended from the fund  
 29 under section 1(a)(3) of this chapter to finance the response.

30 **(b) The board may adopt rules under IC 4-22-2 and IC 13-14-9**  
 31 **to set forth procedures to allow the department to impose a lien as**  
 32 **described in this section.**

33 SECTION 273. IC 13-25-4-12 IS REPEALED [EFFECTIVE JULY  
 34 1, 2026]. ~~Sec. 12: For a lien arising under section 11 of this chapter to~~  
 35 ~~be perfected, notice of the lien must be filed in the office of the county~~  
 36 ~~recorder of the county in which the real property subject to the lien is~~  
 37 ~~located: Before notice of a lien may be filed in the office of the county~~  
 38 ~~recorder, the department shall provide notice of the intention to file the~~  
 39 ~~lien as provided by section 19 of this chapter.~~

40 SECTION 274. IC 13-25-4-13 IS REPEALED [EFFECTIVE JULY  
 41 1, 2026]. ~~Sec. 13: The department shall provide notice of the filing of~~  
 42 ~~a lien to the owner of the property if the owner can be identified. If the~~



1 owner of record cannot be identified, the department shall notify the  
2 tenant or other person having control of the property.

3 SECTION 275. IC 13-25-4-14 IS REPEALED [EFFECTIVE JULY  
4 1, 2026]. Sec. 14. When a notice of a lien arising under section 14 of  
5 this chapter is presented to the county recorder for filing, the county  
6 recorder shall enter the lien appropriately in the entry book and in the  
7 miscellaneous record. The entries made under this section must show  
8 the following:

- 9 (1) The date of filing.
- 10 (2) The book and page number or instrument number.
- 11 (3) The name of the person named in the notice.
- 12 (4) A legal description of the property if appropriate.
- 13 (5) A serial number or other identifying number given in the  
14 notice.

15 SECTION 276. IC 13-25-4-15 IS REPEALED [EFFECTIVE JULY  
16 1, 2026]. Sec. 15. (a) Subject to subsection (b), when a certificate of  
17 discharge of a lien arising under section 14 of this chapter or  
18 IC 13-7-8.7-10.7 (before its repeal) is:

- 19 (1) issued by an employee or a designated agent of the  
20 department; and
- 21 (2) presented for filing in the office of the county recorder of the  
22 county where the notice of lien was filed;

23 the county recorder shall record the certificate of discharge as a release  
24 of the lien.

25 (b) To be recorded under this section, the certificate must refer to  
26 the county recorder's book and page number or instrument number  
27 under which the lien was recorded.

28 SECTION 277. IC 13-25-4-16 IS REPEALED [EFFECTIVE JULY  
29 1, 2026]. Sec. 16. When recording a release of a lien under section 15  
30 of this chapter, the county recorder shall inscribe, in the margin of each  
31 entry made to record the lien under section 14 of this chapter, a  
32 reference to the place where the release is recorded.

33 SECTION 278. IC 13-25-4-17 IS REPEALED [EFFECTIVE JULY  
34 1, 2026]. Sec. 17. Upon:

- 35 (1) the recording of the certificate of discharge as a release under  
36 section 15 of this chapter; and
- 37 (2) the inscribing of the references to the release under section 16  
38 of this chapter;

39 a certificate of discharge of a lien arising under section 14 of this  
40 chapter operates as a full discharge and satisfaction of the lien unless  
41 the references to the release inscribed under section 15 of this chapter  
42 specifically note the release as a partial lien release.



1 SECTION 279. IC 13-25-4-18 IS REPEALED [EFFECTIVE JULY  
 2 1, 2026]. Sec. 18: A lien created under section 11 of this chapter or  
 3 IC 13-7-8.7-10.7 (before its repeal) continues until the earlier of the  
 4 following:

- 5 (1) The full discharge and satisfaction of the lien;
- 6 (2) The expiration of a ten (10) year period from the date of the  
 7 creation of the lien unless an action to foreclose the lien is  
 8 pending;

9 SECTION 280. IC 13-25-4-19 IS REPEALED [EFFECTIVE JULY  
 10 1, 2026]. Sec. 19: (a) At least thirty (30) days before notice of a lien  
 11 arising under this chapter may be filed under section 12 of this chapter,  
 12 the department must send a written notice:

- 13 (1) to the owner of the real property that would be subject to the  
 14 lien; or
- 15 (2) if the owner of record cannot be identified; to the tenant or  
 16 other person having control of the real property;

17 of the date on which the state intends to impose a lien under section 11  
 18 of this chapter.

19 (b) The department shall provide the county recorder of the county  
 20 in which the real property that would be subject to the lien is located  
 21 with a copy of the written notice described in subsection (a):

22 SECTION 281. IC 13-25-4-20 IS REPEALED [EFFECTIVE JULY  
 23 1, 2026]. Sec. 20: (a) Before the date on which the state intends to  
 24 impose a lien on real property under section 11 of this chapter; the  
 25 owner of the real property may request that a hearing be conducted  
 26 under IC 4-21.5: A hearing conducted under this section and IC 4-21.5  
 27 shall be limited to determining if there is probable cause to believe  
 28 that:

- 29 (1) a removal or a remedial action was conducted on the real  
 30 property under:  
 31 (A) this chapter; or  
 32 (B) IC 13-24-1; and
- 33 (2) if the removal or the remedial action was conducted under this  
 34 chapter; the owner of the real property would be subject to  
 35 liability under 42 U.S.C. 9607 (Section 107 of the federal  
 36 Comprehensive Environmental Response, Compensation, and  
 37 Liability Act);

38 (b) For the purposes of a hearing conducted under this section and  
 39 IC 4-21.5, an administrative law judge is the ultimate authority:

40 SECTION 282. IC 13-25-4-21 IS REPEALED [EFFECTIVE JULY  
 41 1, 2026]. Sec. 21: If an owner requests a hearing under section 20 of  
 42 this chapter; the state may not impose a lien on the owner's real



1 property under section 11 of this chapter until the commissioner  
2 determines after the hearing that there is probable cause to believe that:

3 (1) a removal or a remedial action was conducted on the real  
4 property under this chapter or IC 13-24-1; and

5 (2) if the removal or the remedial action was conducted under this  
6 chapter, the owner of the real property would be subject to  
7 liability under 42 U.S.C. 9607 (Section 107 of the federal  
8 Comprehensive Environmental Response, Compensation, and  
9 Liability Act).

10 SECTION 283. IC 13-25-4-22 IS REPEALED [EFFECTIVE JULY  
11 1, 2026]. Sec. 22: If the department provides a county recorder with a  
12 copy of a written notice under section 19(b) of this chapter, the  
13 department shall retrieve the copy of the written notice from the county  
14 recorder on the date a lien is imposed on the real property described in  
15 the written notice. However:

16 (1) if:

17 (A) a hearing is not held under section 20 of this chapter and  
18 IC 4-21-5; and

19 (B) a lien is not imposed:

20 (i) on the real property described in the notice; and

21 (ii) by the date indicated in the notice;

22 the department shall retrieve the copy of the notice on the day  
23 after the date the lien was to be imposed on the real property; or

24 (2) if:

25 (A) a hearing is held under section 20 of this chapter and  
26 IC 4-21-5; and

27 (B) a lien is not imposed on the real property described in the  
28 notice;

29 the department shall retrieve the copy of the notice on the day  
30 after the date the commissioner determines that a lien may not be  
31 imposed on the real property.

32 SECTION 284. IC 13-25-5-6 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If an applicant's  
34 application is rejected under section 5 of this chapter **because the**  
35 **application is incomplete**, the applicant may do the following:

36 (1) Appeal the department's decision under IC 4-21-5.

37 (2) If the application is rejected because the application is not  
38 complete, submit a completed application without submitting an  
39 additional application fee.

40 (b) If an applicant's application is rejected and the applicant:

41 (1) does not appeal the rejection; or

42 (2) loses an appeal concerning the rejection;



- 1 the department shall refund the unexpended part of the applicant's  
 2 application fee.
- 3 SECTION 285. IC 13-25-5-8 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Before the  
 5 department evaluates a proposed voluntary remediation work plan, the  
 6 applicant who submitted the work plan and the commissioner must  
 7 enter into a voluntary remediation agreement that sets forth the terms  
 8 and conditions of the evaluation and the implementation of the work  
 9 plan. A voluntary remediation agreement must include the following:
- 10 (1) Provisions for the following:
    - 11 (A) A requirement that the department provide the applicant
    - 12 with an itemized list of estimated costs the department may
    - 13 incur under this chapter.
    - 14 (B) The recovery of all reasonable costs that:
      - 15 (i) are incurred by the department in the review and
      - 16 oversight of the work plan;
      - 17 (ii) are attributable to the voluntary remediation agreement;
      - 18 and
      - 19 (iii) exceed the fee submitted by the applicant under section
      - 20 2 of this chapter.
    - 21 (C) A schedule of payments to be made by the applicant to the
    - 22 department to recover the costs to the department.
  - 23 (2) A mechanism to resolve disputes arising from the evaluation,
  - 24 analysis, and oversight of the implementation of the work plan,
  - 25 including any of the following:
    - 26 (A) Arbitration.
    - 27 (B) Adjudication under IC 4-21.5.
    - 28 (C) A dispute resolution procedure provided under the Indiana
    - 29 Rules of Court.
  - 30 (3) A provision concerning the indemnification of the parties.
  - 31 (4) A provision concerning retention of records.
  - 32 (5) A timetable for the department to do the following:
    - 33 (A) Reasonably review and evaluate the adequacy of the work
    - 34 plan.
    - 35 (B) Make a determination concerning the approval or rejection
    - 36 of the work plan.
  - 37 (6) A provision concerning applicable interagency coordination.
  - 38 (7) A provision specifying the proposed remediation objectives to
  - 39 be achieved on the site, as described in section 8.5 of this chapter.
  - 40 (8) ~~The A~~ requirement that the applicant submit to the department
  - 41 a proposed voluntary remediation work plan
  - 42 ~~(A) not later than one hundred eighty (180) days~~ **one (1) year**



- 1 after the date the voluntary remediation agreement is signed.  
 2 or  
 3 ~~(B) after a longer period if the extension is agreed to by the~~  
 4 ~~department and the applicant.~~  
 5 (9) Any other conditions considered necessary by the  
 6 commissioner or the applicant concerning the effective and  
 7 efficient implementation of this chapter.  
 8 (b) If an agreement is not reached between an applicant and the  
 9 commissioner within a reasonable time after good faith negotiations  
 10 have begun between the applicant and the commissioner:  
 11 (1) the applicant or the commissioner may withdraw from the  
 12 negotiations; and  
 13 (2) the department shall refund the unexpended part of the  
 14 applicant's application fee.  
 15 SECTION 286. IC 13-25-5-11 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Before the  
 17 commissioner approves or rejects a proposed voluntary remediation  
 18 work plan under section 10 of this chapter, the commissioner must:  
 19 (1) notify local government units located in a county affected by  
 20 the proposed voluntary remediation work plan of the work plan;  
 21 (2) provide that a copy of the proposed voluntary remediation  
 22 work plan be placed in at least one ~~(1) public library in a county~~  
 23 ~~affected by the work plan; published electronically on the~~  
 24 ~~department's website; and~~  
 25 (3) publish a notice requesting comments concerning the  
 26 proposed voluntary remediation work plan.  
 27 (b) A comment period of at least thirty (30) days must follow  
 28 publication of a notice under this section. During a comment period,  
 29 interested persons may do the following:  
 30 (1) Submit written comments to the commissioner concerning the  
 31 proposed voluntary remediation work plan.  
 32 (2) Request a public hearing concerning the proposed voluntary  
 33 remediation work plan.  
 34 (c) If the commissioner receives at least one (1) written request, the  
 35 commissioner may hold a public hearing in the geographical area  
 36 affected by the proposed voluntary remediation work plan on the  
 37 question of whether to approve or reject the work plan. The  
 38 commissioner shall consider all written comments and public  
 39 testimony.  
 40 SECTION 287. IC 13-25-5-15 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant  
 42 who submitted an approved voluntary remediation work plan proceeds



1 with the work plan, the department or a person under contract with the  
2 department shall do the following:

3 (1) Oversee and review the implementation of the voluntary  
4 remediation work plan.

5 (2) Make regular reports to the commissioner concerning the  
6 remediation.

7 **(b) Upon submission of a report to the commissioner, the**  
8 **commissioner may evaluate the remedial action to verify the action**  
9 **is achieving project goals. If project goals are not met, the**  
10 **commissioner may require modification of the voluntary**  
11 **remediation work plan.**

12 **(c) If the parties are unable to agree to a modification as**  
13 **provided for in subsection (b) within one hundred eighty (180)**  
14 **days, the commissioner or applicant may withdraw the project**  
15 **from the voluntary remediation work program. Projects**  
16 **withdrawn from the voluntary remediation work program may be**  
17 **referred to the state clean-up program.**

18 SECTION 288. IC 13-25-5-16 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If the  
20 commissioner determines that an applicant has successfully completed  
21 a voluntary remediation work plan approved under this chapter, the  
22 commissioner shall certify that the work plan has been completed by  
23 issuing the applicant a certificate of completion.

24 (b) The issuance of a certificate of completion under this section is  
25 a final agency action for purposes of IC 4-21.5.

26 (c) A person who receives a certificate under this section shall  
27 attach a copy of the certificate to the recorded deed that concerns the  
28 property on which the remediation took place.

29 **(d) If the commissioner determines that an applicant has not**  
30 **successfully completed a voluntary remediation work plan**  
31 **approved under this chapter, the commissioner shall notify the**  
32 **applicant of this determination under IC 4-21.5.**

33 SECTION 289. IC 13-25-5-17 IS REPEALED [EFFECTIVE JULY  
34 1, 2026]. Sec. 17. If the commissioner determines that an applicant has  
35 not successfully completed a voluntary remediation work plan  
36 approved under this chapter, the commissioner shall notify the  
37 applicant of this determination under IC 4-21.5.

38 SECTION 290. IC 13-26-2-5 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Upon the  
40 determination of the department that a sufficient petition has been filed  
41 in accordance with this chapter, the commissioner shall appoint a  
42 hearing officer. ~~who does not have to be a state employee.~~ If the



1 hearing officer is not a full-time state employee, the hearing officer is  
2 entitled to be paid reasonable:

- 3 (1) expenses; and  
4 (2) per diem;

5 for each day or part of a day in actual attendance at a meeting or  
6 hearing or in performance of duties. The reasonable per diem and  
7 expenses are valid claims against the department.

8 SECTION 291. IC 13-27-2-2 IS REPEALED [EFFECTIVE JULY  
9 1, 2026]. Sec. 2: The commissioner shall appoint an assistant  
10 commissioner to head the division.

11 SECTION 292. IC 13-27-2-3 IS REPEALED [EFFECTIVE JULY  
12 1, 2026]. Sec. 3: The commissioner shall hire employees of the  
13 division.

14 SECTION 293. IC 13-27-2-4 IS REPEALED [EFFECTIVE JULY  
15 1, 2026]. Sec. 4: (a) The commissioner may appoint liaison advisory  
16 panels to assist the division in the functions of the division. Individual  
17 panels must include members representing different areas of interest in  
18 and potential support of pollution prevention and environmentally  
19 related technical assistance, including the following:

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

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

34 SECTION 294. IC 13-27-2-5 IS REPEALED [EFFECTIVE JULY  
35 1, 2026]. Sec. 5: The commissioner and the assistant commissioner,  
36 through coordinated effort, shall do the following:

- 37 (1) Periodically review state environmental programs and projects  
38 for their ability and progress in promoting multimedia industrial  
39 pollution prevention.  
40 (2) Assist the division of air, the division of water, and the  
41 division of solid and hazardous waste management in identifying,  
42 within planned and existing regulatory programs of the



1 department; obstacles to pollution prevention and opportunities  
2 to promote and assist in pollution prevention; including the  
3 following:

4 (A) Encouraging regulatory flexibility to afford businesses the  
5 opportunity to develop or implement pollution prevention  
6 technologies and practices:

7 (B) Performing pollution prevention impact analyses of  
8 administrative rules before proposed rules are published and  
9 before final adoption:

10 (C) Exploring permanent funding for the program:

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

16 (A) Joint planning processes:

17 (B) Joint research and studies:

18 (C) Joint public hearings:

19 (D) Joint hazard assessments:

20 (E) Joint environmental and workplace impact statements:

21 (F) Joint pollution prevention impact analyses for existing and  
22 proposed administrative rules:

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

25 (A) Generation of municipal wastes:

26 (B) Generation of household hazardous wastes and pollutants:

27 (C) Use of toxic materials in consumer products:

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

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

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

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

41 (9) Provide source reduction and recycling technical assistance  
42 and administer the Indiana recycling grants program established



1 under IC 13-20-22-2.  
2 SECTION 295. IC 13-27-2-5.1 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2026]: **Sec. 5.1. The department may do the**  
5 **following:**  
6 (1) Periodically review state environmental programs and  
7 projects for their ability and progress in promoting  
8 multimedia industrial pollution prevention.  
9 (2) Remove obstacles to pollution prevention.  
10 (3) Develop and implement pollution prevention and  
11 environmental recognition programs to incentivize:  
12 (A) communities;  
13 (B) salvage facilities;  
14 (C) marinas;  
15 (D) companies; and  
16 (E) other entities;  
17 that exceed environmental regulatory requirements.  
18 (4) Assist businesses that seek:  
19 (A) information;  
20 (B) guidance;  
21 (C) planning assistance; or  
22 (D) recommendations;  
23 for pollution prevention by providing technical information  
24 to those businesses.  
25 (5) Work with existing environmental regulatory programs to  
26 make use of existing information gathering systems that may  
27 assist the department in assessing the progress of pollution  
28 prevention.  
29 (6) Provide source reduction and recycling technical  
30 assistance and administer the Indiana recycling grants  
31 program established under IC 13-20-22-2.  
32 SECTION 296. IC 13-27-2-6 IS REPEALED [EFFECTIVE JULY  
33 1, 2026]. ~~Sec. 6: The division shall assist other governmental regulatory~~  
34 ~~programs in devising:~~  
35 ~~(1) standards;~~  
36 ~~(2) administrative rules; and~~  
37 ~~(3) permits;~~  
38 ~~based on goals and principles of pollution prevention.~~  
39 SECTION 297. IC 13-27-2-7 IS REPEALED [EFFECTIVE JULY  
40 1, 2026]. ~~Sec. 7: To facilitate the use and coordination of reporting~~  
41 ~~requirements, the commissioner may seek unified reporting and~~  
42 ~~permitting authority from the United States Environmental Protection~~



1 Agency with respect to federal toxic material; waste management; and  
 2 pollution control laws and regulations in effect on January 1, 1990;  
 3 including the following:

4 (1) The federal Clean Air Act (42 U.S.C. 7401 et seq.);

5 (2) The Federal Water Pollution Control Act (33 U.S.C. 1251 et  
 6 seq.);

7 (3) The federal Toxic or Hazardous Substance Control Act (15  
 8 U.S.C. 2601 et seq.);

9 (4) The federal Solid Waste Disposal Act (42 U.S.C. 6901 et  
 10 seq.);

11 (5) The federal Comprehensive Environmental Response;  
 12 Compensation, and Liability Act (42 U.S.C. 9601 et seq.);

13 SECTION 298. IC 13-27-2-9 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) To:

15 (1) promote pollution prevention statewide by all industries and  
 16 companies; and

17 (2) assist in obtaining information on the progress of multimedia  
 18 reduction of environmental wastes and related environmental  
 19 policies and programs;

20 the commissioner ~~shall~~ **may** establish and operate a state information  
 21 clearinghouse for pollution prevention.

22 (b) The commissioner ~~shall~~ **may** use the clearinghouse established  
 23 under this section to do the following:

24 (1) Collect and compile the following:

25 (A) Information from organizations receiving grants under this  
 26 article.

27 (B) Information from the published technical literature.

28 (2) Mount active outreach and educational programs to further the  
 29 development and adoption of principles and techniques of  
 30 pollution prevention.

31 (c) The clearinghouse established under this section must include  
 32 data on the operation and effectiveness of industry pollution prevention  
 33 programs. The ~~division~~ **department** shall permit and facilitate free use  
 34 of this data by businesses, governmental agencies, and the general  
 35 public. A business may not be required to submit information of a  
 36 proprietary nature to the clearinghouse or to a governmental program  
 37 funded under this article.

38 (d) The ~~division~~ shall provide information for the clearinghouse  
 39 established under this section:

40 SECTION 299. IC 13-27-2-11 IS REPEALED [EFFECTIVE JULY  
 41 1, 2026]. Sec. 11. The ~~division~~ shall sponsor pilot projects to develop  
 42 and demonstrate innovative techniques for clean manufacturing. The



1 results of pilot projects sponsored under this section shall be made  
 2 available for use by the public. However, information about a pilot  
 3 project that is considered proprietary by a manufacturer involved in the  
 4 pilot project may not be disclosed to the public.

5 SECTION 300. IC 13-27-2-13 IS REPEALED [EFFECTIVE JULY  
 6 1, 2026]. Sec. 13. The commissioner may:

7 (1) ~~order all hearings and investigations necessary for the~~  
 8 ~~administration of this article; and~~

9 (2) ~~advise and assist other governmental units on matters of~~  
 10 ~~planning or program administration within the scope of the~~  
 11 ~~commissioner's powers, duties, and objectives under this article.~~

12 SECTION 301. IC 13-27-7-3 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Programs  
 14 implemented by the ~~division:~~ **department:**

15 (1) must encourage pollution prevention; and

16 (2) may not discourage the use of recycling or treatment  
 17 techniques determined to be acceptable for pollution that has not  
 18 been prevented.

19 SECTION 302. IC 13-28-3-2, AS AMENDED BY P.L.53-2014,  
 20 SECTION 128, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The assistance program  
 22 established under this chapter shall do the following:

23 (1) ~~Designate an individual to serve as a liaison and ombudsman~~  
 24 ~~to the regulated community to~~ Assist the regulated community  
 25 with specific regulatory or permit matters pending with the  
 26 department.

27 (2) Provide assistance to new and existing businesses and small  
 28 municipalities in identifying:

29 (A) applicable environmental rules and regulations; and

30 (B) permit requirements;

31 that apply to new and existing businesses and small  
 32 municipalities.

33 (3) Develop and distribute educational materials regarding:

34 (A) environmental requirements;

35 (B) compliance methods;

36 (C) voluntary environmental audits;

37 (D) pollution control technologies; and

38 (E) other compliance issues;

39 including standardized forms and procedures for completing  
 40 permit applications.

41 (4) Provide public outreach and training sessions in cooperation  
 42 with representatives of the business and municipal communities



1 regarding existing and future state and federal environmental  
2 requirements.

3 (5) Develop and operate a clearinghouse to respond to inquiries  
4 from businesses and municipalities concerning applicable  
5 environmental rules, regulations, and requirements.

6 (6) Provide technical assistance concerning pollution control  
7 techniques to local and state governmental entities and businesses  
8 and distribute educational materials regarding pollution  
9 prevention developed by the ~~pollution prevention division~~  
10 **established by IC 13-27-2-1: department.**

11 (7) Provide administrative and technical support for the  
12 compliance advisory panel established by IC 13-13-7.1-1.

13 (8) Conduct other activities as required to:

14 (A) improve regulatory compliance; and

15 (B) promote cooperation and assistance in meeting  
16 environmental requirements.

17 (b) The assistance program may ~~establish~~ **provide** limited onsite  
18 assistance to provide compliance information **and technical assistance**  
19 to a small business or small municipality, subject to the confidentiality  
20 provisions of section 4 of this chapter. The assistance program may use  
21 money from the environmental management special fund to implement  
22 this subsection. The assistance program may limit the number of  
23 inspections per year and restrict onsite assistance to specific programs.

24 SECTION 303. IC 13-28-3-7 IS ADDED TO THE INDIANA  
25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2026]: **Sec. 7. As part of the technical and**  
27 **compliance assistance program, the department shall establish a**  
28 **small business stationary source technical assistance program as**  
29 **required under Section 507 of the federal Clean Air Act (42 U.S.C.**  
30 **7661f).**

31 SECTION 304. IC 13-28-4-11, AS AMENDED BY P.L.130-2018,  
32 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2026]: Sec. 11. (a) The department shall maintain statistics on  
34 the use of environmental audit reports in department compliance and  
35 enforcement activities, including statistics on:

36 (1) ~~the number of times the reports are~~ disclosed to the  
37 department;

38 (2) ~~the number and types of~~ violations disclosed to the department  
39 through the reports; **and**

40 (3) the civil penalties collected for the violations. ~~and~~

41 (4) ~~the time necessary for the violations to be corrected.~~

42 The department shall report annually to the interim study committee on



1 environmental affairs established by IC 2-5-1.3-4 in an electronic  
2 format under IC 5-14-6 on the use of environmental audit reports:

3 (b) The department shall propose an enforcement policy, pursuant  
4 to IC 13-14-1-11.5, that provides relief from civil penalties for a  
5 voluntary disclosure that results from an internal environmental audit.  
6 In developing this enforcement policy, the department shall consider  
7 similar policies implemented by:

- 8 (1) the United States Environmental Protection Agency; and
- 9 (2) states contiguous to Indiana.

10 SECTION 305. IC 13-28-5-2 IS REPEALED [EFFECTIVE JULY  
11 1, 2026]. Sec. 2: The program must provide the following:

- 12 ~~(1) Education, training, and information on permit and~~  
13 ~~compliance requirements of the federal Clean Air Act (42 U.S.C.~~  
14 ~~7401 et seq.):~~
- 15 (2) Standardized forms and procedures for completing permit  
16 applications:
- 17 ~~(3) An ombudsman for small businesses.~~

18 SECTION 306. IC 13-28-5-3 IS REPEALED [EFFECTIVE JULY  
19 1, 2026]. Sec. 3: The ombudsman described in section 2 of this chapter  
20 shall assist as necessary each small business that applies for assistance  
21 with the following:

- 22 ~~(1) Specific regulatory matters pending before the department.~~
- 23 ~~(2) Permit applications.~~

24 SECTION 307. IC 13-28-5-4 IS REPEALED [EFFECTIVE JULY  
25 1, 2026]. Sec. 4: The department may establish the technical and  
26 environmental compliance assistance program required by this chapter  
27 as part of the technical and compliance assistance program established  
28 under IC 13-28-3:

29 SECTION 308. IC 13-29-1-13 IS REPEALED [EFFECTIVE JULY  
30 1, 2026]. Sec. 13: The board shall adopt under IC 4-22-2 and  
31 IC 13-14-9 the rules necessary to implement this chapter.

32 SECTION 309. IC 13-30-1-2 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A citizen, a  
34 partnership, a corporation, a limited liability company, an association,  
35 or a public officer or agency, as a condition precedent to maintaining  
36 an action, must give notice in writing by registered or certified mail to:

- 37 ~~(1) the department of natural resources;~~
- 38 ~~(2) (1) the department; and~~
- 39 ~~(3) (2) the attorney general.~~

40 (b) The attorney general shall promptly notify all state  
41 administrative agencies having jurisdiction over or control of the  
42 pollution, impairment, destruction, or protection of the environment for



- 1 which relief is sought.
- 2 SECTION 310. IC 13-30-10-1.5, AS AMENDED BY P.L. 181-2018,  
 3 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2026]: Sec. 1.5. (a) Except as provided in subsection (b), a  
 5 person regulated under IC 13-22 who knowingly:
- 6 (1) transports hazardous waste to an unpermitted facility;
  - 7 (2) treats, stores, or disposes of hazardous waste without a permit  
 8 issued by the department under IC 13-22; or
  - 9 (3) transports, treats, stores, disposes, recycles, or causes to be  
 10 transported used oil regulated under rules adopted by the board  
 11 without a manifest or in violation of the standards established by  
 12 the department for the management of used oil;
- 13 commits a Class B misdemeanor.
- 14 (b) Notwithstanding the maximum fine provisions of IC 35-50-3-3,  
 15 criminal fines for a person convicted of an offense described in  
 16 subsection (a) shall be assessable in a maximum amount of not less  
 17 than ten thousand dollars (\$10,000) per day per violation.
- 18 (c) Except as provided in subsection (d), a person regulated under  
 19 IC 13-17 who knowingly violates:
- 20 (1) any applicable requirements of IC 13-17-4, IC 13-17-5,  
 21 IC 13-17-6, ~~IC 13-17-7~~, IC 13-17-8, IC 13-17-9, IC 13-17-10, or  
 22 IC 13-17-13 or of rules of the board implementing the chapters  
 23 referred to in this subdivision;
  - 24 (2) any condition of a permit issued by the department under  
 25 IC 13-17; or
  - 26 (3) any fee or filing requirement in IC 13-17, including the  
 27 requirement to file an application for a permit under IC 13-17;
- 28 commits a Class C misdemeanor.
- 29 (d) Notwithstanding the maximum fine provisions of IC 35-50-3-4,  
 30 criminal fines for a person convicted of an offense described in  
 31 subsection (c) shall be assessable in a maximum amount of not less  
 32 than ten thousand dollars (\$10,000) per day per violation.
- 33 (e) Except as provided in subsection (f), a person who willfully or  
 34 negligently violates:
- 35 (1) any applicable standards or limitations of IC 13-18-3-2.4,  
 36 IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or  
 37 IC 13-18-16 or of rules of the board implementing the chapters  
 38 referred to in this subdivision;
  - 39 (2) any condition of a National Pollutant Discharge Elimination  
 40 System permit issued by the department under IC 13-18-19 or  
 41 rules adopted by the board under IC 13-18-19;
  - 42 (3) any National Pollutant Discharge Elimination System Permit



- 1 filing requirement under IC 13-18-19; or  
2 (4) any condition of a permit issued by the department in  
3 accordance with the requirements of 33 U.S.C. 1344;  
4 commits a Class A misdemeanor.
- 5 (f) Notwithstanding the maximum fine provisions of IC 35-50-3-2,  
6 criminal fines for a person convicted of an offense described in  
7 subsection (e) shall be assessable in a maximum amount of not less  
8 than ten thousand dollars (\$10,000) per day per violation.
- 9 (g) A person who willfully or recklessly violates any applicable  
10 standards or limitations of IC 13-18-8 commits a Class B misdemeanor.
- 11 (h) A person who willfully or recklessly violates any applicable  
12 standards or limitations of IC 13-18-9, IC 13-18-10, or IC 13-18-10.5  
13 commits a Class C misdemeanor.
- 14 (i) A person who:  
15 (1) knowingly commits any act described in subsection (a), (c), or  
16 (e); and  
17 (2) knows that commission of the act places another person in  
18 imminent danger of death or serious bodily injury;  
19 commits a Level 4 felony. However, the offense is a Level 3 felony if  
20 it results in serious bodily injury to any person, and a Level 2 felony if  
21 it results in the death of any person.
- 22 (j) It shall be a defense to an offense described in subsection (i) that  
23 the person charged:  
24 (1) did not know; or  
25 (2) could not reasonably have been expected to know;  
26 that the violation would place another person in imminent danger or  
27 threat of serious bodily injury. For the purposes of subsection (i), a  
28 person is responsible only for the person's own actual awareness or  
29 actual belief, and knowledge by another person may not be attributed  
30 to the person.
- 31 (k) The penalties under this section apply regardless of whether a  
32 person uses electronic submissions or paper documents to accomplish  
33 the actions described in this section.



## COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 277, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 277 as introduced.)

NIEMEYER, Chairperson

Committee Vote: Yeas 5, Nays 3

## COMMITTEE REPORT

Mr. President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 277, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 31.

Page 5, delete lines 18 through 42.

Delete page 6.

Page 7, delete lines 1 through 37.

Page 9, line 30, delete "that".

Page 9, line 31, delete "has been".

Page 10, delete lines 26 through 38.

Page 14, line 5, after "of" insert "**an underground injection well,**".

Page 14, line 5, after "landfill" insert ",".

Page 17, line 22, reset in roman "and".

Page 17, line 26, delete "product;" and insert "product.".

Page 17, delete lines 27 through 34.

Page 23, line 21, after "to" strike "the".

Page 24, delete lines 10 through 21.

Page 25, line 32, delete "has in interest in," and insert "**represents owners of,**".

Page 25, line 40, delete "has in interest in," and insert "**represents owners of,**".

ES 277—LS 6849/DI 150



Page 26, line 8, delete "who has an" and insert "**represents owners of,**".

Page 26, line 9, delete "interest in,".

Page 26, line 11, delete "has an interest" and insert "**represents owners of,**".

Page 26, line 12, delete "in,".

Page 26, line 22, after "appointing" delete "a".

Page 28, line 38, delete "nineteen (19)" and insert "**eighteen (18)**".

Page 29, delete lines 7 through 8.

Page 29, line 9, delete "(G)" and insert "**(F)**".

Page 31, delete lines 8 through 32.

Page 34, delete lines 28 through 30, begin a new paragraph and insert:

**"(g) A policy or statement put into effect by this section after July 1, 2026, expires January 1 of the fifth year after the year in which the policy or statement takes effect, unless the policy or statement expires or is repealed on an earlier date or is reauthorized under this section."**

Page 39, line 20, delete "Orders." and insert "**Orders, including those related to enforcement.**".

Page 39, delete line 21.

Page 39, line 22, delete "(4)" and insert "**(3)**".

Page 39, line 23, delete "(5)" and insert "**(4)**".

Page 39, line 24, delete "(6)" and insert "**(5)**".

Page 39, line 25, delete "(7)" and insert "**(6)**".

Page 39, line 27, delete "(8)" and insert "**(7)**".

Page 50, line 14, strike "working" and insert "**business**".

Page 60, line 19, strike "working" and insert "**business**".

Page 61, line 9, strike "working" and insert "**business**".

Page 61, line 21, strike "working" and insert "**business**".

Page 61, line 30, strike "working" and insert "**business**".

Page 61, line 38, strike "working" and insert "**business**".

Page 62, line 7, strike "working" and insert "**business**".

Page 64, line 17, delete "Commission under 10 CFR Part 50 and Part 52." and insert "**Commission.**".

Page 65, delete lines 17 through 42.

Delete pages 66 through 67.

Page 68, delete lines 1 through 17.

Page 71, delete lines 31 through 42.

Page 72, delete lines 1 through 4.

Page 84, line 28, delete "met." and insert "met;".

Page 84, line 30, reset in roman "unless required by federal law.".



- Page 88, line 13, strike "working" and insert "**business**".
- Page 89, delete lines 37 through 42.
- Page 90, delete lines 1 through 10.
- Page 91, delete lines 37 through 42.
- Page 92, delete lines 1 through 7.
- Page 99, line 5, strike "working" and insert "**business**".
- Page 99, line 8, strike "working" and insert "**business**".
- Page 99, line 17, strike "working" and insert "**business**".
- Page 99, line 19, strike "working" and insert "**business**".
- Page 99, line 30, strike "working" and insert "**business**".
- Page 99, line 32, strike "working" and insert "**business**".
- Page 100, line 1, strike "working" and insert "**business**".
- Page 100, line 3, strike "working" and insert "**business**".
- Page 107, between lines 10 and 11, begin a new paragraph and insert:  
 "SECTION 215. IC 13-20-3-5 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 5. The board shall adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter.~~"
- Page 107, delete lines 11 through 28.
- Page 107, delete lines 40 through 42.
- Page 108, delete lines 1 through 17.
- Page 108, line 38, reset in roman "for which the only input is biomass".
- Page 109, line 9, strike "input is".
- Page 109, line 10, strike "biomass" and insert "**inputs are biomass or appropriate feedstock**".
- Page 114, line 39, delete "or".
- Page 114, delete lines 40 through 41, begin a new line double block indented and insert:  
 "(B) this chapter; or  
 (C) a rule adopted by the board. ~~under section 6 of this chapter.~~"
- Page 117, delete lines 36 through 42.
- Delete page 118.
- Page 119, delete lines 1 through 6.
- Page 119, between lines 40 and 41, begin a new paragraph and insert:  
 "**(e) A person who operates a composting facility that must be registered under this chapter shall submit an annual report to the commissioner that indicates the volume of material processed by the composting facility during the preceding year.**"
- Page 120, line 35, reset in roman "IC 4-23-5.5-6."



Page 120, delete line 36.

Page 120, line 40, reset in roman "(a)".

Page 121, between lines 11 and 12, begin a new paragraph and insert:

**"(b) The recycling activity report form must be posted on the department's website and must do the following:**

**(1) Provide for reporting of the:**

**(A) name and location of; and**

**(B) principal business activities conducted at; the recycler's establishment.**

**(2) Include:**

**(A) an appropriate space for; and**

**(B) instructions requiring the completion of; an appropriate certification, by signature of the recycler (if the recycler is an individual) or a senior official with management responsibility for the recycler (if the recycler is not an individual), of the accuracy and completeness of the recycling activity report.**

**(3) Provide for reporting of the quantity, in tons, of each type of recyclable material listed in subsection (c) that was in storage at the reporting recycler's establishment:**

**(A) at the start of the calendar year; and**

**(B) at the close of the calendar year.**

**(4) Provide for reporting of the quantity, in tons, of each type of recyclable material listed in subsection (c) that was transported from the reporting recycler's establishment, or (in the case of a recycler that is a recyclable materials broker) that was transported or delivered by arrangement of the recycler, to any of the following:**

**(A) Other recyclers located in Indiana.**

**(B) Persons that are located in Indiana but are not recyclers, including persons that may employ the recyclable material as a raw material or a new product without further recycling.**

**(C) Persons located outside Indiana.**

**(c) A uniform recycling activity report form posted on the department's website under subsection (a) must specify that the information to be reported by a recycler under subsection (b)(3) and (b)(4) must be reported separately for each of the following types of recyclable materials:**

**(1) Glass.**

**(2) Metal, including white goods (ferrous).**



- (3) Metal (nonferrous).**
- (4) Paper and paper products (all grades).**
- (5) Plastic and plastic products.**
- (6) Single stream recyclable materials.**
- (7) Any other distinct type of recyclable material not specified in subdivisions (1) through (6)."**

Page 121, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 242. IC 13-20-25-12 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 12. (a) Not later than July 1, 2015, the commissioner shall post on the department's Internet web site a uniform recycling activity report form. The form must do the following:

- (1) Provide for reporting of the:
  - (A) name and location of; and
  - (B) principal business activities conducted at; the recycler's establishment.
- (2) Include:
  - (A) an appropriate space for; and
  - (B) instructions requiring the completion of; an appropriate certification; by signature of the recycler (if the recycler is an individual) or a senior official with management responsibility for the recycler (if the recycler is not an individual); of the accuracy and completeness of the recycling activity report.
- (3) Provide for reporting of the quantity; in tons; of each type of recyclable material listed in subsection (b) that was in storage at the reporting recycler's establishment:
  - (A) at the start of the calendar year; and
  - (B) at the close of the calendar year.
- (4) Provide for reporting of the quantity; in tons; of each type of recyclable material listed in subsection (b) that was transported from the reporting recycler's establishment; or (in the case of a recycler that is a recyclable materials broker) that was transported or delivered by arrangement of the recycler; to any of the following:
  - (A) Other recyclers located in Indiana.
  - (B) Persons that are located in Indiana but are not recyclers; including persons who may employ the recyclable material as a raw material or a new product without further recycling.
  - (C) Persons located outside Indiana.

(b) The uniform recycling activity report form posted on the department's Internet web site under subsection (a) must specify that the information to be reported by a recycler under subsection (a)(3) and



(a)(4) must be reported separately for each of the following types of recyclable materials:

- (1) Glass:
- (2) Metal, including white goods (ferrous):
- (3) Metal (nonferrous):
- (4) Paper and paper products (all grades):
- (5) Plastic and plastic products:
- (6) Single stream recyclable materials:
- (7) Any other distinct type of recyclable material not specified in subdivisions (1) through (6):".

Delete pages 122 through 123.

Page 124, delete lines 1 through 6.

Page 124, delete lines 13 through 42.

Delete pages 125 through 128.

Page 129, delete lines 1 through 15.

Page 130, delete lines 6 through 42.

Delete pages 131 through 132.

Page 133, delete lines 1 through 24.

Page 146, line 3, delete "The administration" and insert "**The administrator, if appropriate,**".

Page 149, delete lines 12 through 28, begin a new line double block indented and insert:

"(F) Establish procedures to reopen ELTF eligibility and funding for a release previously granted "no further action" (NFA) status by the department should either the department or the owner of the underground petroleum storage tank or aboveground petroleum storage tank subsequently decide to permanently decommission the use of the site as a ~~petroleum facility~~ **UST or AST** and undertake the investigation and remediation of any residual contamination arising from the site's former use as a ~~petroleum facility~~ **UST or AST**. Before reopening ELTF eligibility and funding, the administrator may require that the applicant provide information regarding the planned future use of the site.

- (2) ~~Take testimony and~~ Receive a ~~written~~ report at every meeting of the board from the administrator or the administrator's designee regarding the financial condition and operation of the ELTF, including:".

Page 150, delete lines 12 through 18.

Page 154, line 36, delete "property" and insert "**a facility or site**".

Page 160, line 21, delete "every two (2) years".

Page 162, reset in roman lines 16 through 17.



Page 162, line 18, reset in roman "(2)".  
Page 162, line 18, delete "(1)".  
Page 162, line 22, reset in roman "(3)".  
Page 162, line 22, delete "(2)".  
Page 162, line 27, reset in roman "(2)".  
Page 162, line 27, delete "(1)".  
Page 162, delete lines 28 through 30.  
Page 164, line 32, delete "Assist the department in removing" and insert "**Remove**".  
Page 166, delete lines 22 through 42.  
Page 167, delete lines 1 through 41.  
Page 168, delete lines 21 through 31.  
Page 173, delete lines 12 through 16.  
Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 277 as printed January 14, 2026.)

GARTEN, Chairperson

Committee Vote: Yeas 9, Nays 4.

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SENATE MOTION

Mr. President: I move that Senate Bill 277 be amended to read as follows:

Page 2, line 19, after "IC 13-28-3;" insert "**and**".  
Page 2, strike lines 20 through 21.  
Page 2, line 22, strike "(3)" and insert "**(2)**".  
Page 2, line 29, strike "work with the ombudsman".  
Page 2, line 30, strike "described in subdivision (2)".  
Page 2, line 31, strike "to".  
Page 2, line 32, strike "If applicable, the".  
Page 2, strike line 33.  
Page 2, line 34, strike "referred to in subdivision".  
Page 2, line 34, delete "(3)".  
Page 3, line 6, strike "However, in the case of a rule adopted by".  
Page 3, strike lines 7 through 10.  
Page 3, line 11, strike "designated under IC 13-28-3-2".  
Page 4, line 35, strike "ombudsman designated under".  
Page 4, line 36, strike "IC 13-28-3-2".

ES 277—LS 6849/DI 150



Page 4, line 37, strike "to coordinate" and insert "**coordinator described in IC 4-22-2-28.1(b) for**".

Page 9, line 11, delete "biomass" and insert "**biomass, appropriate feedstock, or both**".

Page 9, delete lines 33 through 41, begin a new paragraph and insert:

"SECTION 22. IC 13-11-2-114, AS AMENDED BY P.L.112-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 114. "Land application", for purposes of **section 205 of this chapter and IC 13-18-12**, means the disposal of:

- (1) septage;
  - (2) solid waste, as defined in section 205(a) of this chapter; or
  - (3) industrial waste products, as allowed under IC 13-18-12-2.5;
- by ~~burial or injection below the land surface~~, incorporation into the soil, **or spraying or spreading onto the land surface.**"

Page 10, line 5, strike "application upon or" and insert "**spraying or spreading onto the land surface**".

Page 10, line 6, after "soil" insert ",".

Page 98, line 40, strike "Except as provided in section 3 of this chapter,".

Page 98, line 41, delete "an" and insert "**An**".

Page 99, delete lines 2 through 7, begin a new paragraph and insert:

"SECTION 202. IC 13-20-10.5-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 3: ~~The department may determine that a biomass anaerobic digestion facility or a biomass gasification facility for which the input is a combination of biomass and solid waste is subject to regulation as a solid waste processing facility.~~"

Page 129, line 1, delete "UST or AST" and insert "**UST facility or AST facility**".

Page 129, line 3, delete "UST or AST." and insert "**UST facility or AST facility.**".

Page 129, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 264. IC 13-23-13-1, AS AMENDED BY P.L.176-2023, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Subject to subsections (b)(1) and (d), the commissioner may, under rules adopted under IC 13-23-1-2:

- (1) issue an order under IC 13-14-2-7 or IC 4-21.5-4; or
- (2) proceed under IC 13-14-2-6;

to require the owner or operator of an underground storage tank or aboveground storage tank to undertake corrective action with respect to any release of a regulated substance.



(b) Except as provided in subsection (d), the commissioner may not, with respect to a release of petroleum from an underground storage tank or aboveground storage tank:

- (1) take action under subsection (a); or
- (2) if a reportable quantity of the released petroleum remains or may remain underground at the site of the underground storage tank or aboveground storage tank:
  - (A) request that the owner or operator of the underground storage tank or aboveground storage tank execute a restrictive covenant (as defined in IC 13-11-2-193.5) applying to the site of the underground storage tank or aboveground storage tank;
  - (B) make a determination of no further action being required at the site of the underground storage tank or aboveground storage tank; or
  - (C) approve closure, or its equivalent, of the site of the underground storage tank or aboveground storage tank;

unless the commissioner has received and reviewed the initial site characterization of the site of the release or an alternative evaluation is prepared for submittal to the commissioner in accordance with subsection (c) **and an evaluation of potential remedial activities to achieve remedial objectives including closure options, environmental deed restrictions, and remediation methods to achieve a no further action determination, including estimated costs and time frames sufficient for the commissioner to evaluate the adequacy of the proposed response.**

(c) When necessary and feasible as determined by a qualified environmental professional, an initial site characterization shall include:

- (1) site-specific geologic information obtained from a minimum of three (3) continuously sampled soil borings; and
- (2) hydrogeologic information, including depth to ground water and ground water flow directions and gradients, obtained from a minimum of three (3) monitoring wells screened across the water table.

A qualified environmental professional, on behalf of the owner or operator of an underground storage tank or an aboveground storage tank from which there has been a release of petroleum, may submit for approval by the commissioner an alternative procedure for initial site characterization and request a waiver of the requirements in this subsection. The commissioner may approve the request for a waiver and alternative procedure only if the alternative procedure provides substantially equal protection for human health and the environment.



If an initial site characterization does not define the nature and extent of the contaminant plume, additional investigation shall be performed when necessary and feasible as determined by a qualified environmental professional.

(d) The commissioner may take action under subsection (a) without having received and reviewed the initial site characterization if the commissioner reasonably believes that the release from the underground storage tank or aboveground storage tank creates a threat to human health or the environment sufficient to necessitate action under subsection (a) before the initial site characterization is submitted to the department.

(e) If the commissioner:

- (1) requires corrective action under subsection (a); and
- (2) determines that the corrective action will be done properly and promptly by the owner or operator of the underground storage tank or aboveground storage tank from which the release occurs; the commissioner may enter into an agreed order with the owner or operator to implement necessary corrective action."

Page 131, delete lines 24 through 42.

Delete page 132.

Page 133, delete lines 1 through 11, begin a new paragraph and insert:

"SECTION 269. IC 13-24-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The commissioner may issue an order under:

- (1) IC 13-14-2-7;
- (2) IC 4-21.5-4; or
- (3) IC 4-21.5-3-6;

to require an owner or operator or a responsible person to undertake removal or remedial action with respect to a release of petroleum at a petroleum facility.

(b) If the commissioner determines that the removal or remedial action will be done properly and promptly by the owner, operator, or responsible person, the commissioner may enter into an agreed order with the owner, operator, or responsible person to implement necessary removal or remedial action.

(c) If the commissioner and the owner or operator or the responsible party fail to agree on the appropriate and necessary removal or remedial action to be taken, the dispute shall be resolved under IC 4-21.5-5."

Renumber all SECTIONS consecutively.



(Reference is to SB 277 as printed January 23, 2026.)

NIEMEYER

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 277, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 17. IC 13-11-2-49.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2026]: **Sec. 49.5. "Decision", for purposes of IC 13-14-2-10, includes standards, permits, enforcement actions, and clean up levels.**"

Page 10, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 26. IC 13-11-2-163.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2026]: **Sec. 163.3. "PFAS chemicals", for purposes of IC 13-14-2-11, means non-polymeric perfluoroalkyl substances or non-polymeric saturated polyfluoroalkyl substances that are a group of manmade chemicals that:**

- (1) are likely to be persistent in the environment; and**
- (2) have bioaccumulation potential in humans, animals, or the environment."**

Page 13, line 12, after "under" insert "**IC 13-20-13 and**".

Page 15, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 37. IC 13-11-2-221.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2026]: **Sec. 221.3. (a) "State prioritized PFAS chemicals", for purposes of IC 13-14-2-11, means non-polymeric perfluoroalkyl substances or non-polymeric saturated polyfluoroalkyl substances that are a group of manmade chemicals that:**

- (1) contain at least two (2) fully fluorinated sequential carbon atoms;**
- (2) are likely to be persistent in the environment;**
- (3) have bioaccumulation potential in humans, animals, or the environment; and**
- (4) are regulated by the United States Environmental**



**Protection Agency under the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) with respect to maximum contaminant levels.**

**(b) The term includes the following targeted fluorinated substances:**

- (1) Perfluorooctanoic acid (PFOA) and its salts.**
- (2) Perfluorooctanesulfonic acid or perfluorooctane sulfonate (PFOS) and its salts.**

**(c) The term does not include gases or substances that become gases in use."**

Page 34, delete lines 19 through 20, begin a new paragraph and insert:

**"(g) The following actions taken under this title are subject to review under IC 4-21.5 without restriction or limitation:"**

Page 35, between lines 28 and 29, begin a new paragraph and insert:

**"SECTION 84. IC 13-14-2-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) The department may not base a decision primarily on federal risk values that have not been promulgated through federal rulemaking, including:**

- (1) reference doses;**
- (2) reference concentrations;**
- (3) inhalation unit risks; or**
- (4) hazard determinations, assessments, evaluations, goals, or toxicity or risk values;**

**developed or issued under the United States Environmental Protection Agency's Integrated Risk Information System, 42 U.S.C. 300g-1, or 15 U.S.C. 2605.**

**(b) The department shall avoid the use of federal risk values that are at or below background concentrations in air, water, soil, or sediment.**

**SECTION 85. IC 13-14-2-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. The department shall focus on state prioritized PFAS chemicals when PFAS chemicals are relevant to carrying out the department's duties under this title, including research, outreach, testing, and risk communication."**

Page 38, line 11, after "must" insert ":",

Page 38, line 11, strike "be:".

Page 38, line 12, after "(1)" insert "be".

Page 38, line 13, after "(2)" insert "be".

Page 47, between lines 24 and 25, begin a new paragraph and insert:



**"(e) The board shall begin the rulemaking process to amend rules to conform to this section not later than December 1, 2027."**

Page 49, delete lines 7 through 22.

Page 51, line 6, reset in roman "Ninety (90)".

Page 51, line 6, delete "One hundred twenty (120)".

Page 58, delete lines 1 through 10.

Page 58, delete lines 36 through 42.

Page 59, delete lines 1 through 35.

Page 110, delete lines 24 through 28.

Page 110, line 29, delete "(4)" and insert "(3)".

Page 111, line 2, delete "and (b)(4)".

Page 129, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 264. IC 13-23-13-1, AS AMENDED BY P.L. 176-2023, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Subject to subsections (b)(1) and ~~(d)~~, (e), the commissioner may, under rules adopted under IC 13-23-1-2:

(1) issue an order under IC 13-14-2-7 or IC 4-21.5-4; or

(2) proceed under IC 13-14-2-6;

to require the owner or operator of an underground storage tank or aboveground storage tank to undertake corrective action with respect to any release of a regulated substance.

(b) Except as provided in subsection ~~(d)~~, (e), the commissioner may not, with respect to a release of petroleum from an underground storage tank or aboveground storage tank:

(1) take action under subsection (a); or

(2) if a reportable quantity of the released petroleum remains or may remain underground at the site of the underground storage tank or aboveground storage tank:

(A) request that the owner or operator of the underground storage tank or aboveground storage tank execute a restrictive covenant (as defined in IC 13-11-2-193.5) applying to the site of the underground storage tank or aboveground storage tank;

(B) make a determination of no further action being required at the site of the underground storage tank or aboveground storage tank; or

(C) approve closure, or its equivalent, of the site of the underground storage tank or aboveground storage tank;

unless the commissioner has all of the requirements under subsection (c) are met.

**(c) The following must occur before an action described in subsection (b)(1) or (b)(2) is taken:**

ES 277—LS 6849/DI 150



**(1) received and reviewed Either:**

**(A) the commissioner has received and reviewed** the initial site characterization of the site of the release; or

**(B) an alternative evaluation is prepared for submittal to the commissioner in accordance with subsection ~~(e)~~: (d).**

**(2) The commissioner has received and reviewed an evaluation of potential remedial activities to achieve remedial objectives. The evaluation must include:**

**(A) closure options, environmental deed restrictions, and remediation methods to achieve a no further action determination; and**

**(B) estimated costs and time frames sufficient for the commissioner to evaluate the adequacy of the proposed response.**

**However, an evaluation under subdivision (2) is not required if the site is administered by the Indiana Finance Authority.**

~~(e)~~ **(d)** When necessary and feasible as determined by a qualified environmental professional, an initial site characterization shall include:

(1) site-specific geologic information obtained from a minimum of three (3) continuously sampled soil borings; and

(2) hydrogeologic information, including depth to ground water and ground water flow directions and gradients, obtained from a minimum of three (3) monitoring wells screened across the water table.

A qualified environmental professional, on behalf of the owner or operator of an underground storage tank or an aboveground storage tank from which there has been a release of petroleum, may submit for approval by the commissioner an alternative procedure for initial site characterization and request a waiver of the requirements in this subsection. The commissioner may approve the request for a waiver and alternative procedure only if the alternative procedure provides substantially equal protection for human health and the environment. If an initial site characterization does not define the nature and extent of the contaminant plume, additional investigation shall be performed when necessary and feasible as determined by a qualified environmental professional.

~~(d)~~ **(e)** The commissioner may take action under subsection (a) without having received and reviewed the initial site characterization if the commissioner reasonably believes that the release from the underground storage tank or aboveground storage tank creates a threat to human health or the environment sufficient to necessitate action



under subsection (a) before the initial site characterization is submitted to the department.

(e) **(f)** If the commissioner:

- (1) requires corrective action under subsection (a); and
- (2) determines that the corrective action will be done properly and promptly by the owner or operator of the underground storage tank or aboveground storage tank from which the release occurs; the commissioner may enter into an agreed order with the owner or operator to implement necessary corrective action."

Delete page 130.

Page 131, delete lines 1 through 23.

Page 134, delete lines 23 through 38, begin a new paragraph and insert:

"SECTION 274. IC 13-25-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. **(a)** After a response is initiated under:

- (1) section 9 of this chapter; or
- (2) IC 13-24-1;

the **state department** may impose a lien on the property on which the response is undertaken. The lien may secure the payment to the state of an amount of money equal to the amount expended from the fund under section 1(a)(3) of this chapter to finance the response.

**(b) The board may adopt rules under IC 4-22-2 and IC 13-14-9 to set forth procedures to allow the department to impose a lien as described in this section."**

Page 141, delete lines 14 through 42.

Page 142, delete lines 1 through 20.

Page 149, delete lines 15 through 42.

Delete page 150.

Page 151, delete lines 1 through 11.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 277 as reprinted January 29, 2026.)

BAIRD

Committee Vote: yeas 6, nays 5.

