

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 277

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-22-2-28.1, AS AMENDED BY P.L.249-2023, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 28.1. (a) The following definitions apply throughout this section:

- (1) "Coordinator" refers to the small business regulatory coordinator assigned to a rule by an agency under subsection (b).
- (2) "Director" refers to the director or other administrative head of an agency.
- (3) "Small business" has the meaning set forth in IC 5-28-2-6.

(b) For each rulemaking action and rule finally adopted as a result of a rulemaking action by an agency, the agency shall assign one (1) staff person to serve as the agency's small business regulatory coordinator with respect to the proposed or adopted rule. The agency shall assign a staff person to a rule under this subsection based on the person's knowledge of, or experience with, the subject matter of the rule. A staff person may serve as the coordinator for more than one (1) rule proposed or adopted by the agency if the person is qualified by knowledge or experience with respect to each rule. The first public comment period notice published under section 23 of this chapter must include the name, address, telephone number, and electronic mail address of the small business coordinator for the proposed rule, the name, address, telephone number, and electronic mail address of the

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small business ombudsman designated under IC 5-28-17-6, and a statement of the resources available to regulated entities through the small business ombudsman designated under IC 5-28-17-6. In the case of a rule finally adopted, the final rule, as published in the Indiana Register, must include the name, address, telephone number, and electronic mail address of the coordinator.

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

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

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

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

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

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

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

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

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

(2) How the agency determines or measures compliance with the rule, including any deadlines for action by regulated entities.

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

(4) Any other concerns of small businesses with respect to the rule, including the agency's application or enforcement of the rule



in particular situations. However, in the case of a rule adopted by the department of environmental management or a board listed in IC 13-14-9-1, the coordinator assigned to the rule may refer a small business with concerns about the application or enforcement of the rule in a particular situation to the ombudsman designated under IC 13-28-3-2; or, if applicable, under IC 13-28-5-2(3).

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

- (1) for public inspection and copying at the offices of the agency under IC 5-14-3; and
- (2) electronically through electronic gateway access.

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

- (1) not later than ten (10) days after the date on which the rule is submitted to the publisher under section 35 of this chapter; and
- (2) before July 15 of each year during which the rule remains in effect.

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

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

- (1) compile the records received from all of the agency's coordinators under subsection (f);
- (2) prepare a report that sets forth:
 - (A) the number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved;
 - (B) the number of complaints or questions reported under clause (A) that were resolved to the satisfaction of the agency and the small businesses involved;
 - (C) the total number of staff serving as coordinators under this section during the most recent state fiscal year;
 - (D) the agency's costs in complying with this section during



- the most recent state fiscal year; and
- (E) the projected budget required by the agency to comply with this section during the current state fiscal year; and
- (3) deliver the report to the legislative council in an electronic format under IC 5-14-6 and to the small business ombudsman designated under IC 5-28-17-6.

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

- (1) Work with state agencies to permit increased enforcement flexibility and the ability to grant common sense exemptions for first time offenders of state rules and policies, including, notwithstanding any other law, policies for the compromise of interest and penalties related to a listed tax (as defined in IC 6-8.1-1-1) and other taxes and fees collected or administered by a state agency.
- (2) Work with state agencies to seek ways to consolidate forms and eliminate the duplication of paperwork, harmonize data, and coordinate due dates.
- (3) Coordinate with OMB (as defined in IC 4-3-22-3) to perform cost benefit analyses.
- (4) Work with state agencies to monitor any outdated, ineffective, or overly burdensome information requests from state agencies to small businesses.
- (5) Carry out the duties specified under IC 4-22-2-28 and IC 4-22-2.1 to review proposed rules and participate in rulemaking actions that affect small businesses.
- (6) Coordinate with the ~~ombudsman designated under IC 13-28-3-2 and the office of voluntary compliance established by IC 13-28-1-1~~ **to coordinate coordinator described in IC 4-22-2-28.1(b) for the provision of services required under IC 4-22-2-28.1 and IC 13-28-3.**
- (7) Prepare written and electronic information for periodic distribution to small businesses describing the small business services provided by coordinators (as defined in IC 4-22-2-28.1(a)) and work with the office of technology established by IC 4-13.1-2-1 to place information concerning the availability of these services on state websites that the small business ombudsman or a state agency determines are most likely to be visited by small business owners and managers.



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

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

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

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

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

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

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

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

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

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

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

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

~~(1) an actual; or~~

~~(2) a potential;~~

~~alternative to incineration.~~

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

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

(2) includes a methane recovery system.

SECTION 6. IC 13-11-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9.5. "Appropriate feedstock", for purposes of this chapter, means a specific solid waste stream segregated from other



solid wastes and that can be successfully processed with other solid waste or products for recovery of materials or energy through an anaerobic digestion facility or a gasification facility.

SECTION 7. IC 13-11-2-15 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 15. "Assistant commissioner"; for purposes of IC 13-27; refers to the individual appointed by the commissioner under IC 13-27-2-2 to the highest position in the division of pollution prevention:

SECTION 8. IC 13-11-2-16.6, AS ADDED BY P.L.189-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16.6. "Biomass", for purposes of sections ~~16.7~~ and ~~16.8~~ **7.3, 88.7, 205, and 212** of this chapter and IC 13-20-10.5, means biological material that is available on a renewable recurring basis and is used as a source of renewable energy, including the following:

- (1) Agricultural crops.
- (2) Agricultural wastes and residues.
- (3) Wood and wood byproducts, including the following:
 - (A) Wood residue.
 - (B) Forest thinning.
 - (C) Mill residue wood.
- (4) Animal wastes and byproducts, including manure.
- (5) Aquatic plants.
- (6) Algae.
- (7) Byproducts of processing agricultural crops.

SECTION 9. IC 13-11-2-16.7 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 16.7. "Biomass anaerobic digestion facility"; for purposes of IC 13-20-10.5:

- (1) means a facility that incorporates equipment that promotes the decomposition of biomass to simple organics and biogas products in the oxygen free environment of a closed, sealed chamber; and
- (2) includes a methane recovery system.

SECTION 10. IC 13-11-2-16.8 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 16.8. "Biomass gasification facility"; for purposes of IC 13-20-10.5; means a facility that incorporates equipment to carry out a thermochemical process that, with little or no oxygen present, converts biomass into a synthesis gas:

SECTION 11. IC 13-11-2-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 17.5. "Beneficial use facility", for purposes of section 212 of this chapter, means an operation in which sludge, waste products, or wastewater generated by industrial, municipal, or semipublic facilities are blended,



composted, or processed for the purpose of land application.

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

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

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

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

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

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

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

SECTION 16. 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.**

SECTION 17. IC 13-11-2-60 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 60: "~~Division~~", for purposes of IC 13-27, refers to the division of pollution prevention.

SECTION 18. IC 13-11-2-77, AS AMENDED BY P.L.176-2023, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 77. (a) "Facility", for purposes of IC 13-15-1-3,



means a structure or an area of land used for the disposal, treatment, storage, recovery, processing, or transferring of solid waste **or** hazardous waste. ~~or atomic radiation.~~ The term includes the following:

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

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

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

a regulated air pollutant.

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

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

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

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

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

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

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

~~(g)~~ **(f)** "Facility", for purposes of IC 13-25-4, has the meaning set forth in 42 U.S.C. 9601(9).

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

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

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

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

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

- (1) IC 13-23-4-1 or IC 13-23-4-2; and
- (2) the rules adopted under ~~IC 13-23-1-2(c)(6)~~: **IC 13-23-1-2(b)(6).**

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

- (1) meets the criteria ~~in 327 IAC 5-13-2(f)~~; **set forth in the applicable rules or regulations;** and
- (2) has been approved by the commissioner in accordance with ~~327 IAC 5-13-4~~: **the applicable rules or regulations.**

SECTION 23. 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.

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

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

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

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

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

SECTION 28. IC 13-11-2-165, AS AMENDED BY P.L.189-2018, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 165. "Pollution control laws" refers to the following:

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

SECTION 29. IC 13-11-2-168 IS REPEALED [EFFECTIVE JULY

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1, 2026]. Sec. 168. "Potential emissions", for purposes of IC 13-17-7, means emissions calculated:

(1) before:

(A) the installation of air pollution control equipment; and

(B) the application of any applicable state or federal:

(i) rule;

(ii) regulation; or

(iii) statute;

that establishes emission limitations or standards; and

(2) after consideration of any physical or operational limitation on the capacity of a facility or source.

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

(b) The term includes:

(1) devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or compatible industrial wastes; and

(2) a municipality (as defined in Section 502(4) of the Clean Water Act) that has jurisdiction over the indirect discharges to and the discharges from a treatment works.

(c) The term does not include:

(1) pipes;

(2) sewers; or

(3) other conveyances;

not connected to a facility providing treatment.

SECTION 31. IC 13-11-2-199.4 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. ~~199.4~~. "~~Septage management vehicle~~", for purposes of IC 13-18-12-2.2, has the meaning set forth in ~~IC 13-18-12-2.2(b)~~.

SECTION 32. IC 13-11-2-201, AS AMENDED BY P.L.107-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 201. (a) "Sewage disposal system", for purposes of this chapter, IC 13-18-12 (~~except as provided in subsection (b)~~), and IC 13-20-17.5, means septic tanks, septic tank soil absorption systems, septage holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:

(1) store;

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- (2) treat;
- (3) make inoffensive; or
- (4) dispose of;

human excrement or liquid carrying wastes of a domestic nature.

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

SECTION 33. IC 13-11-2-203.5, AS AMENDED BY P.L.1-2010, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 203.5. (a) Except as provided in subsection (b), "small business", for purposes of section 47.7 of this chapter, means a business that satisfies all the following:

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

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

SECTION 34. IC 13-11-2-205, AS AMENDED BY P.L.54-2023, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 205. (a) "Solid waste", for purposes of IC 13-18-12, IC 13-19, IC 13-21, IC 13-20-22, and environmental management laws, except as provided in subsection (b), and subject to subsection (d), means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. The term does not include:

- (1) solid or dissolved material in:
 - (A) domestic sewage; or
 - (B) irrigation return flows or industrial discharges;
 - that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);
- (2) source, special nuclear, or byproduct material (as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.));
- (3) manures or crop residues returned to the soil as fertilizers or



soil conditioners as part of a total farm operation;

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

(5) material that is discarded if:

(A) the material is not:

(i) spent lead acid batteries regulated under IC 13-20-16; ~~and 329 IAC 3-1-11.1;~~

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

(iii) alternative fuels regulated under 329 IAC 11.7;

(iv) used oil regulated under 329 IAC 13;

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

(vi) electronic waste regulated under 329 IAC 16;

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

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

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

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

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

(B) the material is otherwise:

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

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

(C) the material is used:

(i) by a manufacturer as an ingredient in or a component of a product; or

(ii) as a commodity in a process that results in a product.

(b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and IC 13-21, and subject to subsection (d), does not include the following:

(1) A waste that is regulated under the following:

(A) IC 13-22-1 through IC 13-22-8.

(B) IC 13-22-13 through IC 13-22-14.

(2) An infectious waste (as defined in IC 16-41-16-4) that is disposed of at an incinerator permitted under rules adopted by the board to dispose of infectious waste.

(c) "Solid waste", for purposes of IC 13-26, and subject to subsection (d), means all putrescible and nonputrescible solid and



semisolid wastes, except human excreta. The term includes garbage, rubbish, ashes, street cleanings, dead animals, offal, and solid commercial, industrial, and institutional wastes.

(d) The term "solid waste" does not include post-use polymers and recovered feedstocks that are:

- (1) converted at an advanced recycling facility; or
- (2) held at an advanced recycling facility before conversion.

SECTION 35. IC 13-11-2-212, AS AMENDED BY P.L.54-2023, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 212. (a) "Solid waste processing facility", for purposes of IC 13-19-3-8.2, IC 13-19-4, IC 13-20-1, IC 13-20-4, and IC 13-20-6, and subject to subsection (b), means a facility at which at least one (1) of the following is located:

- (1) A solid waste incinerator.
- (2) A transfer station.
- (3) A solid waste baler.
- (4) A solid waste shredder.
- (5) A resource recovery system.
- (6) A composting facility.
- (7) A garbage grinding system.
- (8) A medical or an infectious waste treatment facility.
- (9) A solid waste solidification facility that is not located on an operating, permitted landfill.
- (10) A facility that uses plasma arc or another source of heat to treat solid waste.

(b) The term "solid waste processing facility" does not include the following:

- (1) A facility or operation that generates solid waste.
- (2) An advanced recycling facility.

(3) A facility that:

(A) processes solely:

- (i) biomass, appropriate feedstock, or recyclable material; or**
- (ii) a mixture of the materials described in item (i); and**

(B) is located at a permitted beneficial use facility or an anaerobic digestion facility or gasification facility.

SECTION 36. IC 13-11-2-213 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 213. "Source", for purposes of IC 13-17-3, and ~~IC 13-17-7~~, means an aggregation of one (1) or more facilities that are:

- (1) located on:
 - (A) one (1) piece of property; or



- (B) contiguous or adjacent properties; and
 (2) owned, operated, or controlled by the same person.

SECTION 37. IC 13-11-2-214 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 214. "Source reduction", for purposes of ~~IC 13-17-7~~ and IC 13-21, means a reduction in the amount of solid waste generated that is achieved through actions affecting the source of the solid waste.

SECTION 38. IC 13-11-2-224 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 224. "Stormwater permit", for purposes of IC 13-18-20, refers to a permit issued to a facility regulated under 327 IAC 15-5 or 327 IAC 15-6.~~

SECTION 39. IC 13-11-2-232 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 232. "Title V operating permit", for purposes of IC 13-17-7, means a permit required by 42 U.S.C. 7661a.~~

SECTION 40. IC 13-11-2-245, AS AMENDED BY P.L.198-2016, SECTION 636, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 245. (a) "Vehicle", for purposes of IC 13-17-5, refers to a vehicle required to be registered with the bureau of motor vehicles and required to have brakes. The term does not include the following:

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

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

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

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

SECTION 41. IC 13-12-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The general assembly recognizes the following:

- (1) The profound impact of human activity on the interrelations of all components of the natural environment, particularly the



profound influences of the following:

- (A) ~~Population growth.~~
 - (B) (A) High-density urbanization.
 - (C) (B) Industrial expansion.
 - (D) (C) Resource exploitation.
 - (E) (D) New and expanding technological advances.
- (2) The critical importance of restoring and maintaining environmental quality to the overall welfare and development of humans.
 - (3) That each person should enjoy a healthful environment.
 - (4) That each person has a responsibility to contribute to the preservation and enhancement of the environment.

SECTION 42. IC 13-12-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. To carry out the policy set forth in this chapter, it is the continuing responsibility of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate state plans, functions, programs, and resources to the end that the state may do the following:

- (1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
- (2) Assure for all citizens of Indiana safe, healthful, productive, and esthetically and culturally pleasing surroundings.
- (3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.
- (4) Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.
- (5) ~~Achieve a balance between population and resource use that will permit~~ **Maintain** high standards of living and a wise sharing of life's amenities.
- (6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

SECTION 43. IC 13-12-4-5, AS AMENDED BY P.L.133-2012, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. To the fullest extent possible:

- (1) the policies, rules, and statutes of the state shall be interpreted and administered in accordance with the policies set forth in this chapter; and
- (2) all state agencies shall do the following:

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(A) Use a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making that may have an impact on the environment.

(B) Identify and develop methods and procedures that will ensure that unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations.

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

(i) The environmental impact of the proposed action:

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

(iii) Alternatives to the proposed action:

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

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

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

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

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



environment:

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

(G) Initiate and use ecological information in the planning and development of resource oriented projects.

SECTION 44. IC 13-12-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. All state agencies shall review their:

- (1) statutory authority;
- (2) administrative rules; and
- (3) current policies and procedures;

to determine whether there are any deficiencies or inconsistencies that prohibit full compliance consistency with the purposes and provisions of this chapter.

SECTION 45. IC 13-12-4-8 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 8: This chapter may not be construed to require an environmental impact statement for the issuance of a license or permit by any state agency.

SECTION 46. IC 13-12-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. Any state agency that is required by the federal National Environmental Policy Act (P.L. 91-190) (42 U.S.C. 4321 et seq.) to file a federal environmental impact statement is not required to file a statement with the state government as provided under sections 5 and 6 of this chapter unless the action contemplated requires state legislation or state appropriations: **exempt from the requirements of this chapter with respect to the action requiring the statement.**

SECTION 47. IC 13-12-5-1 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 1: The general assembly recognizes that there are two (2) approaches to environmental protection:

- (1) clean manufacturing; or
- (2) waste management, which is also known as pollution control.

SECTION 48. IC 13-12-5-2 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 2: Clean manufacturing consists of economically feasible practices that reduce, avoid, or eliminate the unnecessary use of harmful industrial materials and the generation of industrial wastes, pollutants, emissions, and discharges at the point of production. Clean manufacturing practices are limited to the following:

- (1) Product reformulation.
- (2) Input substitution.
- (3) Equipment redesign.

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(4) Improved operations and procedures.

SECTION 49. IC 13-12-5-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 3. Waste management or pollution control consists of environmental protection practices employed after industrial wastes, pollutants, discharges, and emissions have been generated. Waste management or pollution control practices include the following:

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

SECTION 50. IC 13-13-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner ~~shall~~ **may** appoint individuals to the other positions in the department.

SECTION 51. IC 13-13-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner may establish an ad hoc group to study and make recommendations regarding critical environmental issues. The ad hoc group may include the following:

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

(5) Small business and agriculture representatives.

SECTION 52. IC 13-13-3-1 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 1. The department ~~must~~ include the following offices:

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

SECTION 53. IC 13-13-3-2, AS AMENDED BY P.L.114-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The department ~~must~~ **may** include the following: ~~divisions:~~

- (1) ~~An air pollution control division.~~ **An office of air quality.**
- (2) ~~A water pollution control division.~~ **An office of water**



quality.

(3) ~~A solid waste management division. An office of land quality.~~

(4) ~~An administrative services division. An office of legal counsel.~~

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

SECTION 54. IC 13-13-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. Except as provided in IC 14-37, the department is designated as the following:

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

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

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

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

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

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

SECTION 55. IC 13-13-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. **(a)** The department may take any action necessary to secure for Indiana the benefits of the statutes described in section 1 of this chapter.

(b) To achieve the goals of cooperative federalism, the department shall actively engage with its federal counterparts through comments, petitions, letters, advisory committees, rulemaking activities, and other means, to ensure federal environmental laws and their implementation serve the state of



Indiana under this title. The department shall prioritize opportunities to address federal actions that are unnecessary, create barriers to environmentally beneficial projects, or are inconsistent with the law or best available science.

SECTION 56. IC 13-13-7.1-1, AS ADDED BY P.L.53-2014, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The compliance advisory panel is established **to carry out the duties required by 42 U.S.C. 7661f.**

SECTION 57. IC 13-13-7.1-2, AS AMENDED BY P.L.42-2024, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The panel consists of the following members:

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

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

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

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

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

(A) are not owners of, or representatives of owners of, a



small business stationary source; and

(B) will represent the general public.

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

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

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

SECTION 58. IC 13-13-7.1-3, AS AMENDED BY P.L.42-2024, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. ~~(a)~~ **The term of a member appointed to the panel under section 2(1) or 2(2) of this chapter is two (2) years and expires June 30 of each odd-numbered year.**

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

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

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

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

(2) whose term has not expired on or before July 1, 2026;

may finish the remainder of the term. The person appointed to fill that position serves for a four (4) year term as described in subsection (a).

SECTION 59. IC 13-13-7.1-5, AS ADDED BY P.L.53-2014, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The individual serving on the panel under ~~section 2(4)~~ **section 2(6)** of this chapter is a nonvoting member.

SECTION 60. IC 13-13-7.1-6, AS AMENDED BY P.L.1-2025, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. ~~The chairperson of the legislative council~~ **governor** shall appoint the chair of the panel from the members appointed under ~~section 2(1) or 2(2)~~ **section 2** of this chapter. The chair of the panel serves at the pleasure of the ~~chairperson of the legislative council.~~ **governor.** The panel shall meet at the call of the chair of the panel.



SECTION 61. IC 13-13-7.1-11 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 11. The panel shall carry out the duties required of a compliance advisory panel under Section 507 of the federal Clean Air Act (42 U.S.C. 7661f).~~

SECTION 62. IC 13-13-7.1-12, AS AMENDED BY P.L.42-2024, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. The department of ~~environmental management~~ shall ~~may~~ provide administrative and technical support to the panel, as ~~provided in IC 13-28-3-2~~, including duties related to the development and dissemination of reports and advisory opinions.

SECTION 63. IC 13-13-7.1-13, AS AMENDED BY P.L.42-2024, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. Except as provided in section 9 of this chapter, the expenses of the panel shall be paid from appropriations to the department. ~~of environmental management.~~

SECTION 64. IC 13-13-7.1-14 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 14. The panel shall submit an annual report to the legislative council in an electronic format under IC 5-14-6.~~

SECTION 65. IC 13-13-8-2, AS ADDED BY P.L.133-2012, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The following entities are abolished on January 1, 2013:

- (1) The air pollution control board (established by IC 13-17-2 before its repeal).
- (2) The water pollution control board (established by IC 13-18-1 before its repeal).
- (3) The solid waste management board (established by IC 13-19-2 before its repeal).

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

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

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

- (1) The rules adopted before January 1, 2013, by the air pollution control board abolished under subsection (a)(1):
 - (A) shall be treated as though the rules were adopted by the environmental rules board; and
 - (B) shall be administered and implemented by the air pollution



control division of the department described in IC 13-13-3-2(1).

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

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

(B) shall be administered and implemented by the water pollution control division of the department described in IC 13-13-3-2(2).

(3) The rules adopted before January 1, 2013, by the solid waste management board abolished under subsection (a)(3):

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

(B) shall be administered and implemented by the solid waste management division of the department described in IC 13-13-3-2(3).

(e) A member of an entity abolished under subsection (a) may serve until December 31, 2012. The initial members of the environmental rules board shall be appointed under section 4 of this chapter not later than December 31, 2012.

SECTION 66. IC 13-13-8-4, AS AMENDED BY P.L.250-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board consists of the following ~~sixteen~~ **(16) eighteen (18)** members:

(1) The following ex officio members:

(A) The commissioner, or the commissioner's designee, who serves as a nonvoting member of the board.

(B) The director of the department of natural resources **or the director's designee.**

(C) The lieutenant governor: **director of the state department of agriculture or the director's designee.**

(D) The secretary of commerce or the secretary's designee.

(E) The chairperson appointed under IC 13-13-7.1-6, who serves as a nonvoting member of the board.

(F) The chairperson selected under IC 13-23-11-5, who serves as a nonvoting member of the board.

(2) The following twelve (12) members, who shall be appointed by the governor based on recommendations from representative constituencies:

(A) One (1) representative of agriculture.

(B) One (1) representative of manufacturing.

(C) One (1) representative of environmental interests.



- (D) One (1) representative of labor.
- (E) One (1) representative of local government.
- (F) One (1) representative of small business.
- (G) One (1) health professional. ~~who holds a license to practice in Indiana.~~
- (H) One (1) representative of the solid waste management industry.
- (I) One (1) representative of a public utility. ~~that engages in the production and transmission of electricity.~~
- (J) One (1) representative of the ~~residential or commercial~~ construction industry.
- (K) Two (2) representatives of the general public. ~~who cannot qualify for membership on the board under clauses (A) through (J).~~

(b) An individual appointed under subsection (a)(2) must possess knowledge, experience, or education qualifying the individual to represent the constituency the individual is being recommended to represent.

(c) In appointing members under subsection (a)(2), the governor may consider geographic location, political affiliation, and other factors to ensure viewpoints are fairly balanced.

SECTION 67. IC 13-13-8-5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 5: ~~Except as provided in section 4(a)(1)(A) of this chapter, an ex officio member of the board may designate in writing a technical representative to serve as a voting member of the board when the ex officio member is unable to attend a board meeting.~~

SECTION 68. IC 13-13-8-6 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 6: ~~Not more than six (6) of the appointed members of the board may be members of the same political party.~~

SECTION 69. IC 13-13-8-7, AS ADDED BY P.L.133-2012, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) An appointed member of the board serves a term of four (4) years. **A member may not serve more than two (2) consecutive terms.**

(b) The term of each member of the board continues until a successor is appointed. ~~and qualified.~~

(c) ~~If a vacancy occurs in the appointed membership of the board, the governor shall appoint a member not later than ninety (90) days after the vacancy occurs for the remainder of the unexpired term created by the vacancy. The board shall suspend the exercise of the board's duties if the vacancy has not been filled within ninety (90) days after the vacancy occurs.~~ **If a vacancy occurs in the appointed**



membership of the board, the governor shall appoint an individual to fill the unexpired term of the vacating member. A member appointed to fill a vacancy must meet the same qualifications specified under section 4 of this chapter for the vacating member.

(d) The governor may remove an appointed member of the board ~~for cause. Cause includes the repeated failure to attend meetings.~~ **at any time with or without cause.**

SECTION 70. IC 13-13-8-10, AS ADDED BY P.L.133-2012, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. The governor ~~shall annually select:~~ **may designate:**

- (1) one (1) of the appointed members of the board to serve as chairperson; and
- (2) another of the appointed members to serve as vice chairperson.

SECTION 71. IC 13-13-8-11, AS ADDED BY P.L.133-2012, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. Each member of the board shall fully disclose any potential conflicts of interest ~~relating to permits or enforcement orders and recuse themselves as appropriate for particular matters before the board~~ under the:

- (1) federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended; ~~by the Clean Air Act Amendments of 1990;~~
- (2) federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.);
- (3) federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the federal Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601 through 9675);
- (4) federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and
- (5) federal Safe Drinking Water Act (42 U.S.C. 300f through 300j).

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

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

- (1) ~~Advise the board on legal matters or proceedings arising from the exercise of the board's duties.~~

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

(c) (b) Provisions of this chapter concerning terms of appointment, vacancies, and compensation of appointed board members apply to the legal counsel. The legal counsel is not a voting member of the board.

SECTION 73. IC 13-13-8-14, AS ADDED BY P.L.133-2012, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. The board may establish advisory committees for the purpose of giving advice on any matters pertaining to the business of the board. **Board members may also be members of an advisory committee.** A member appointed to an advisory committee, **who is not a member of the board**, shall serve at the pleasure of the board and is not entitled to a salary, per diem, or reimbursement of expenses.

SECTION 74. IC 13-14-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The department shall develop and implement a program of public awareness and participation to assure maximum programs to maximize public awareness, participation, and citizen involvement in the evolution and continuation of the environmental programs of the state.

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

SECTION 76. IC 13-14-1-9, AS AMENDED BY P.L.133-2012, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) The commissioner shall **may** issue permits, licenses, orders, and variances as authorized by:

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

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

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

SECTION 77. IC 13-14-1-10 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 10: The department shall encourage and assist units of



local government in developing programs and facilities for the following:

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

SECTION 78. IC 13-14-1-11.5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.5. (a) If the department proposes to utilize a policy or statement that:

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

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

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

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

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



is presented to the appropriate board.

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

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

(d) The department shall:

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

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

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

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

- (1) The publisher of the Indiana Register.
- (2) The Indiana library and historical department.

(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.

SECTION 79. IC 13-14-1-11.7, AS ADDED BY P.L.218-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.7. (a) ~~Before July 1 of each year,~~ The department shall ~~report~~ **make available in an electronic format:**

- (1) any administrative rule that has been:
 - (A) proposed by the department; or
 - (B) adopted by the board; **and**
- ~~(2) any operating policy or procedure that has been instituted or altered by the department; and~~

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~~(3)~~ **(2)** any nonrule policy or statement that has been proposed or put into effect under section 11.5 of this chapter; since the ~~preceding July 1~~ that constitutes a change in the policy previously followed by the department under this title and the rules adopted by the board.

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

SECTION 80. IC 13-14-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. **(a)** The commissioner shall establish and administer monitoring and reporting requirements as necessary to carry out the duties and to exercise the powers provided in the following:

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

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

SECTION 81. IC 13-14-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. The department ~~shall~~ **may** do the following:

- (1) Develop and maintain an information clearinghouse on the following subjects:
 - (A) Source separation.
 - (B) Recycling.
 - (C) Composting.
 - (D) Solid waste minimization.
 - (E) Solid waste reduction.
 - (F) Hazardous waste minimization.
 - (G) Hazardous waste reduction.
- (2) Assist in the development and implementation of public education programs on:
 - (A) source separation;
 - (B) recycling;
 - (C) composting;
 - (D) solid waste reduction;
 - (E) solid waste minimization;
 - (F) hazardous waste minimization;



- (G) hazardous waste reduction; and
- (H) other alternatives to final disposal in landfills.

- (3) Take action in any other matter involving:
- (A) solid waste minimization;
 - (B) solid waste reduction;
 - (C) hazardous waste minimization; or
 - (D) hazardous waste reduction;

as directed by the commissioner.

SECTION 82. IC 13-14-1-17 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 17. (a) Before November 1 of each year, the department shall submit an annual report to the governor and to the legislative council in an electronic format under IC 5-14-6:

(b) The report under subsection (a) must include the following:

(1) A summary of the:

- (A) reviews conducted; and
- (B) agreements approved;

in the preceding state fiscal year under IC 13-17-13:

(2) Information on the following:

- (A) Waste tire management as required by IC 13-20-13.
- (B) The status of the waste tire management fund and the programs funded by the fund.
- (C) Recommendations for revisions to waste tire management programs.

(3) An evaluation of the actions taken by the department to improve the department's process of issuing permits that must include the following information:

(A) A description of the reduction or increase in the backlog of permit applications in each department permit program during the preceding twelve (12) month period:

(B) The amount of:

- (i) permit fees collected; and
- (ii) expenditures made from fee revenue;

during the preceding twelve (12) month period:

(C) A discussion of possible increases or decreases in the operating costs of each department permit and inspection program:

(D) A discussion of the measures that have been taken by the department to improve the operating efficiency of the permit and inspection programs:

(E) The number of notices issued by the department under IC 13-15-4-10:

(F) A discussion of the department's operational goals for the



next twelve (12) months.

(G) A permit status report that includes the following information:

(i) The facility name and type of each permit application pending on January 1 of the previous year and the date each application was filed with the department.

(ii) The action taken on each application by December 31 of the previous year.

(iii) The facility name and type of each permit application pending on December 31 of the previous year and the date each was filed with the department.

(4) Information concerning permits that have been administratively extended that includes for each permit:

(A) the number of months that the permit has been administratively extended;

(B) the number of months that the department has extended a period under IC 13-15-4-8 or suspended processing of a permit application under IC 13-15-4-10;

(C) the type of permit according to the types identified in IC 13-18-20-2 through IC 13-18-20-11; and

(D) the dates when public notice of a draft permit was given.

(5) Information concerning the progress of remedial actions commenced under IC 13-25-4.

(6) Information concerning the pollution prevention information gathered under IC 13-27-6, including the following:

(A) A description of the operations and activities of the programs under IC 13-27-6.

(B) Recommendations the commissioner has for legislative action.

(C) A quantitative assessment of statewide pollution prevention progress among all types of industries.

(D) An identification of regulations and government policies that are inhibiting pollution prevention and opportunities in existing regulatory programs to promote and assist in pollution prevention, including reductions in the use of toxins in production and commerce.

(E) An assessment of how programs under IC 13-27-6 have promoted and assisted pollution prevention and the costs and benefits to government and industry of those programs.

(F) A statement concerning the identification of opportunities and development of priorities for research and development in pollution prevention techniques, economic analyses, and



management techniques useful in supporting pollution prevention. The report may not include information considered by a business to be a trade secret of that business.

(G) Recommendations concerning incentives and policies needed to:

(i) encourage investment in research and development in pollution prevention; and

(ii) make greater use of programs established under IC 13-27-6.

(7) Information concerning activities conducted under IC 13-28-3; including the following:

(A) The number and types of inquiries the program received under IC 13-28-3.

(B) The services provided by the program.

(8) Information concerning the designation of outstanding state resource waters and the use of the outstanding state resource water improvement fund under IC 13-18-3.

(9) Information concerning mercury switches tracked under IC 13-20-17.7-2(a)(5).

(10) Information concerning the implementation of IC 13-20.5; including the following:

(A) The total weight of covered electronic devices recycled in the state program year and a summary of information in the reports submitted by manufacturers and recyclers under IC 13-20.5-3.

(B) The various collection programs used by manufacturers to collect covered electronic devices; information regarding covered electronic devices that are being collected by persons other than registered manufacturers; collectors; and recyclers; and information about covered electronic devices; if any; being disposed of in landfills in Indiana.

(C) A description of enforcement actions under IC 13-20.5 during the state fiscal year.

(D) Other information received by the department regarding the implementation of IC 13-20.5.

SECTION 83. IC 13-14-2-1, AS AMENDED BY P.L.263-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) This section applies to any:

(1) determination made by the commissioner;

(2) order issued by the commissioner; and

(3) notice issued by the department;

under this title.

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(b) The commissioner may issue orders and make determinations.

(c) An order issued under this section may address multiple sites for the purpose of arranging for site investigations and the establishment of priority of sites.

(d) Notice of a determination made or an order issued by the commissioner must be given under IC 4-21.5-3-1, unless a person provides a written request to the department for a different method of notice that is reasonably available to the department.

(e) The department:

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

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

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

(g) The following actions taken under this title are subject to review under IC 4-21.5:

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

(2) Orders, including those related to enforcement.

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

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

(5) Emergency orders.

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

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

(8) Failure to issue an order or to perform any other duty, function, or activity in this section.

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

SECTION 84. IC 13-14-2-9, AS ADDED BY P.L.220-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) This section applies to a restrictive covenant created in connection with a remediation project conducted under:

(1) IC 13-23;

(2) IC 13-24;

(3) IC 13-25-4; or



(4) IC 13-25-5.

(b) If:

- (1) a change of conditions or an advancement in science or technology permits a modification of the conditions and restrictions imposed by a restrictive covenant; and
- (2) the modification of the conditions and restrictions imposed by the restrictive covenant would not increase the potential hazards to human health or the environment;

the commissioner may, under subsection (c), authorize the filing in the office of the county recorder of a supplemental recording recognizing the modification of the conditions and restrictions of the restrictive covenant to reflect the change in conditions or advancement in science or technology.

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

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

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

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

SECTION 85. 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 solely 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.

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

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

SECTION 87. IC 13-14-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. (Notice to Department of Plans and Programs Affecting the Environment).

SECTION 88. IC 13-14-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. **(a) Except as provided in section 3 of this chapter,** The designated agent of the department conducting the inspection must provide the property owner **or representative of the property owner** with the following:

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

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

SECTION 89. IC 13-14-5-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 3: ~~If the designated agent of the department completes the inspection at a time when the property owner is not available to receive an oral report under section 2 of this chapter,~~ the designated agent shall send a written summary of the inspection in accordance with ~~IC 13-14-2-1 to the property owner not later than forty-five (45) calendar days following the inspection.~~

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SECTION 90. 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 91. 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 92. 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 93. 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:
 - (A) concerning occurrences, emergencies, or pollution; or
 - (B) on other short term conditions constituting an acute danger to health or to the environment.

SECTION 94. IC 13-14-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. In adopting rules and establishing standards, ~~a~~ **the board shall take into account may consider** the following:

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

SECTION 95. IC 13-14-8-5, AS AMENDED BY P.L.133-2012, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Any person may present written proposals for the adoption, amendment, or repeal of a rule by the board. A proposal presented under this section must: ~~be:~~

- (1) ~~be supported by a statement of reasons; and~~
- (2) ~~be accompanied by a petition signed by at least two hundred (200) persons who reside in Indiana; and~~
- (3) **include suggested text for the rule.**

(b) **If a majority of the voting members of the board finds that the proposal**

- (1) ~~is not plainly devoid of merit; meritorious and authorized under this title, and~~
- (2) ~~does not deal with a subject on which a hearing was held within the previous six (6) months of the submission of the proposal;~~

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

SECTION 96. IC 13-14-8-6 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Each hearing on a proposed rule must be open to the public, and a reasonable opportunity to be heard with respect to the subject of a hearing shall be afforded to any person. **The board may define reasonable procedures to conduct an orderly hearing.**

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

(c) A person who:

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

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

SECTION 97. IC 13-14-8-7, AS AMENDED BY P.L.250-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~(a) Without limiting the generality of the regulatory authority of the board under this title,~~ The board may adopt rules under IC 4-22-2 and IC 13-14-9 prescribing the following:

- (1) Standards or requirements for discharge or emission specifying the maximum permissible short term and long term concentrations of various contaminants of the air, water, or land.
- (2) Procedures for the administration of a system of permits for:
 - (A) the discharge of any contaminants;
 - (B) the construction, installation, or modification of any:
 - (i) facility;
 - (ii) equipment; or
 - (iii) device;
 that may be designed to control or prevent pollution; or
 - (C) the operation of any:
 - (i) facility;
 - (ii) equipment; or
 - (iii) device;
 to control or to prevent pollution.
- (3) Standards and conditions for the use of any fuel or vehicle determined to constitute an air pollution hazard.
- (4) Standards for the filling or sealing of abandoned:
 - (A) water wells;
 - (B) water holes; and
 - (C) drainage holes;
 to protect ground water against contamination.



(5) Alert criteria and abatement standards for pollution episodes or emergencies constituting an acute danger to health or to the environment, including priority lists for terminating activities that contribute to the hazard, whether or not the activities would meet all discharge requirements of the board under normal conditions.

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

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

(A) monitoring contaminant discharges at their sources;

(B) the collection of samples; and

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

(8) Standards or requirements to control:

(A) the discharge; or

(B) the pretreatment;

of contaminants introduced or discharged into publicly owned treatment works.

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

(10) Any other matter authorized by this title.

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

SECTION 98. IC 13-14-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. ~~A~~ **The** board may adopt rules under IC 4-22-2 to specify the following with respect to any of the board's rules:

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

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

SECTION 99. IC 13-14-8-11, AS AMENDED BY P.L.128-2024, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) A person affected by a decision of the



commissioner under sections 8 and 9 of this chapter may, within fifteen (15) days after receipt of notice of the decision, appeal the decision to the office of administrative law proceedings. ~~All proceedings under this section to appeal the commissioner's decision are governed by IC 4-21-5.~~

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

SECTION 100. IC 13-14-8-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.5. (a) The department shall prepare and publish in the Indiana Register guidance on the application process and criteria for obtaining a site-specific limitation for a National Pollutant Discharge Elimination System (NPDES) permit. Criteria to be considered must include wet weather events, water effects ratio, and other site-specific considerations as determined by the department. Water effects ratio shall be the ratio of the aquatic toxicity of a parameter in the water of the receiving stream compared to the aquatic toxicity of the parameter in the laboratory water used to determine the standard.

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

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

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

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

SECTION 101. IC 13-14-8-11.6, AS AMENDED BY P.L. 113-2014, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.6. (a) A discharger is not required to obtain a state permit for the modification or construction of a water pollution treatment or control facility if the discharger has an effective:

- (1) National Pollutant Discharge Elimination System (NPDES)



industrial permit for direct discharges to surface water; or
 (2) industrial waste pretreatment permit not issued by the department for discharges to a publicly owned treatment works.

(b) If a modification is for the treatment or control of any new influent pollutant or increased levels of any existing pollutant, within thirty (30) days after commencement of operation, the discharger shall file with the department a notice of installation for the additional pollutant control equipment and a design summary of any modifications.

(c) The board ~~shall~~ **may** adopt a general permit rule for the approval of sanitary collection system plans, lift station plans, and force main plans.

SECTION 102. IC 13-14-9-0.1 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 0-1: The amendments made to sections 3 and 4 of this chapter by P.L.100-2006 apply only to proposed rules for which the department of environmental management provides notice under section 3 of this chapter, as amended by P.L.100-2006, after June 30, 2006.~~

SECTION 103. IC 13-14-9-3, AS AMENDED BY P.L.249-2023, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Before publication of the notice described in IC 4-22-2-23, the department may provide notice in the Indiana Register of a public comment period regarding potential rulemaking. A notice provided under this section must do the following:

- (1) Identify the authority under which the proposed rule is to be adopted.
- (2) Describe the subject matter and the basic purpose of the proposed rule. The description required by this subdivision must:
 - (A) list all alternatives being considered by the department at the time of the notice;
 - (B) state whether each alternative listed under clause (A) creates:
 - (i) a restriction or requirement more stringent **or burdensome** than a restriction or requirement imposed under federal law; or
 - (ii) a restriction or requirement in a subject area in which federal law does not impose restrictions or requirements;
 - (C) state the extent to which each alternative listed under clause (A) differs from federal law;
 - (D) include any information known to the department about the potential fiscal impact of each alternative under clause (A) that creates:



(i) a restriction or requirement more stringent **or burdensome** than a restriction or requirement imposed under federal law; or

(ii) a restriction or requirement in a subject area in which federal law does not impose restrictions or requirements; and

(E) set forth the basis for each alternative listed under clause (A).

(3) Describe the relevant statutory or regulatory requirements or restrictions relating to the subject matter of the proposed rule that exist before the adoption of the proposed rule.

(4) Request the submission of alternative ways to achieve the purpose of the proposed rule.

(5) Request the submission of comments, including suggestions of specific language for the proposed rule.

(6) Include a detailed statement of the issue to be addressed by adoption of the proposed rule.

SECTION 104. IC 13-14-9-4, AS AMENDED BY P.L.93-2024, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) In addition to the requirements of IC 4-22-2-23 and (if applicable) IC 4-22-2-24, the notice of public comment period submitted by the department to the publisher must do the following:

(1) Contain a summary of the response of the department to written comments submitted under section 3 of this chapter, if applicable.

(2) Request the submission of comments, including suggestions of specific amendments to the language contained in the proposed rule.

(3) Identify each element of the proposed rule that imposes a restriction or requirement on persons to whom the proposed rule applies that:

(A) is more stringent **or burdensome** than a restriction or requirement imposed under federal law; or

(B) applies in a subject area in which federal law does not impose a restriction or requirement.

(4) With respect to each element identified under subdivision (3), identify:

(A) the environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement to protect human health and the environment;

(B) examples in which federal law is inadequate to provide the



protection referred to in clause (A); and

(C) the:

- (i) estimated fiscal impact; and
- (ii) expected benefits;

based on the extent to which the proposed rule is more stringent **or burdensome** than the restrictions or requirements of federal law, or on the creation of restrictions or requirements in a subject area in which federal law does not impose restrictions or requirements.

(5) For any element of the proposed rule that imposes a restriction or requirement that is more stringent **or burdensome** than a restriction or requirement imposed under federal law or that applies in a subject area in which federal law does not impose restrictions or requirements, describe the availability for public inspection of all materials relied upon by the department in the development of the proposed rule, including, if applicable:

- (A) health criteria;
- (B) analytical methods;
- (C) treatment technology;
- (D) economic impact data;
- (E) environmental assessment data;
- (F) analyses of methods to effectively implement the proposed rule; and
- (G) other background data.

(b) If the notice provided by the department concerning a proposed rule identifies an element of the proposed rule that imposes a restriction or requirement more stringent **or burdensome** than a restriction or requirement imposed under federal law, the proposed rule shall not become effective under this chapter until the adjournment sine die of the regular session of the general assembly that begins after the department provides the notice.

(c) Subsection (b) does not prohibit or restrict the commissioner, the department, or the board from:

- (1) adopting provisional rules under IC 4-22-2-37.1;
- (2) taking emergency action under IC 13-14-10; or
- (3) temporarily:
 - (A) altering ordinary operating policies or procedures; or
 - (B) implementing new policies or procedures;

in response to an emergency situation.

SECTION 105. IC 13-14-11-5, AS AMENDED BY P.L.133-2012, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The ~~board shall adopt rules requiring the~~

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~~execution of a confidentiality agreement~~ **department may execute confidentiality agreements** with persons employed, contracted, or subcontracted by the department that is enforceable by:

- (1) the state; and
- (2) the submitter of the information.

SECTION 106. IC 13-14-12-4, AS AMENDED BY P.L.9-2024, SECTION 341, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) **Upon request by:**

- (1) the commissioner;**
- (2) the standing committees of the house of representatives or the senate concerned with the environment; or**
- (3) the board;**

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

- (b) The report must:
 - (1) include the beginning and ending balance, disbursements, and receipts, including accrued interest or other investment earnings of the fund;
 - (2) comply with accounting standards under IC 4-13-2-7(a)(1); and
 - (3) be available to the public.

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

- ~~(1) The commissioner.~~
- ~~(2) The standing committees of the house of representatives and the senate concerned with the environment.~~
- ~~(3) The board.~~

SECTION 107. IC 13-15-1-1, AS AMENDED BY P.L.133-2012, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall establish requirements for the issuance of permits to control air pollution, ~~noise, and atomic radiation;~~ including the following:

- (1) Permits to control or limit the emission of any contaminants into the atmosphere.
- (2) Permits for the construction, installation, or modification of facilities, equipment, or devices to control or limit any discharge, emission, or disposal of contaminants into the air.
- (3) Permits for the operation of facilities, equipment, or devices to control or limit the discharge, emission, or disposal of any contaminants into the environment.

SECTION 108. IC 13-15-1-2, AS AMENDED BY P.L.133-2012,



SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The board shall establish requirements for the issuance of permits to control water pollution, ~~and atomic radiation~~, including the following:

- (1) Permits to control or limit the discharge of any contaminants into state waters or into a publicly owned treatment works.
- (2) Permits for the construction, installation, or modification of facilities, equipment, or devices to control or limit any discharge, emission, or disposal of contaminants into the waters of Indiana or into a publicly owned treatment works.
- (3) Permits for the operation of facilities, equipment, or devices to control or limit the discharge, emission, or disposal of any contaminants into the waters of Indiana or into a publicly owned treatment works.

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

SECTION 109. IC 13-15-1-3, AS AMENDED BY P.L.100-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The board shall establish requirements for the issuance of permits to control solid waste ~~and hazardous waste, and atomic radiation~~, including the following:

- (1) Permits to control or limit the disposal of any contaminants onto or into the land.
- (2) Permits for the construction, installation, or modification of facilities, equipment, or devices:
 - (A) to control or limit any discharge, emission, or disposal of contaminants into the land; or
 - (B) for the storage, treatment, processing, transferring, or disposal of solid waste or hazardous waste.
- (3) Permits for the operation of facilities, equipment, or devices:
 - (A) to control or limit the discharge, emission, transfer, or disposal of any contaminants into the land; or
 - (B) for the storage, transportation, treatment, processing, transferring, or disposal of solid waste or hazardous waste.
- (4) Permits for the disposal of coal combustion residuals in landfills and surface impoundments.

SECTION 110. IC 13-15-1-3.2, AS ADDED BY P.L.120-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.2. (a) A transfer station or any facility that holds a valid permit or authorization to haul, treat, store, dispose of, or ship



hazardous waste may haul, transfer, consolidate, process, ship, or otherwise manage solid waste without also holding a permit to haul, transfer, process, or ship solid waste.

(b) A hazardous waste treatment, storage, or disposal facility that holds a valid permit to haul, treat, store, dispose of, or ship hazardous waste may haul, transfer, treat, store, dispose of, process, or ship solid waste without also holding a permit to haul, transfer, treat, store, dispose of, process, or ship solid waste.

(c) Solid waste that is managed:

(1) at a transfer station; or

(2) at any facility that holds a valid permit to haul, treat, store, dispose of, or ship hazardous waste;

shall not be stored, treated, or disposed of in direct contact with hazardous waste.

(d) If any portion of a quantity of solid waste that is managed:

(1) at a transfer station; or

(2) at any facility that holds a valid permit to haul, treat, store, dispose of, or ship hazardous waste;

comes into direct contact with a hazardous waste, the solid waste becomes subject to 40 CFR 261.3(a)(2)(iv) and shall then be managed as a hazardous waste.

~~(e) The board shall amend 329 IAC 11 to conform to this section.~~

(e) The board shall begin the rulemaking process to amend rules to conform to this section not later than December 1, 2027.

SECTION 111. IC 13-15-2-2, AS AMENDED BY P.L.133-2012, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board may adopt rules under IC 4-22-2 and IC 13-14-9 to allow the department to issue permits that do the following:

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

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

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

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

(5) Reduce the time and money spent by owners and operators of

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facilities and the department on administrative tasks that do not benefit the environment.

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

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

- (1) Authorization of emission trading.
- (2) Consolidated reporting mechanisms.
- (3) Third party certifications.
- (4) Multimedia regulation.
- (5) Other conditions consistent with subsection (a).

(c) The rules adopted under this section must provide that a permit issued under the rules adopted under this section meets the following criteria:

- (1) Activities conducted under the permit must result in greater overall environmental protection than would otherwise be achieved under applicable law.
- (2) Upon issuance of a permit, all limits, conditions, and standards contained in the permit are enforceable under IC 13-30-3.
- (3) The permit applicant must give notice in accordance with IC 13-15-8, and the commissioner ~~shall~~ **may** give notice to the public and provide an opportunity to comment on the proposed permit in accordance with IC 13-15-5.

(d) ~~The rules adopted under this section must allow~~ The department **shall strive** to give priority to applications involving permits that are issued as described in this section based on:

- (1) the degree of environmental benefit that may be obtained under the permit;
- (2) the potential application of any innovative control technologies or regulatory procedures that may be made available to other permit applicants and permit holders; and
- (3) other criteria that the board may establish.

(e) The rules adopted under this section must be consistent with federal law for federally authorized or delegated permit programs.

SECTION 112. IC 13-15-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A public hearing shall be held on the question of:

- (1) the issuance of an original or renewal permit for a hazardous waste disposal facility under IC 13-22-3; or
- (2) the issuance of an original permit for a solid waste disposal



facility or a solid waste incinerator regulated under IC 13-20-8; as provided in subsection (b).

(b) A public hearing shall be held under subsection (a) upon:

- (1) the request of the applicant;
- (2) the filing of a petition requesting a public hearing that is signed by one hundred (100) adult individuals who:
 - (A) reside in the county where the proposed or existing facility is or is to be located; or
 - (B) own real property within one (1) mile of the site of the proposed or existing facility; or
- (3) the ~~motion~~ **determination** of the commissioner.

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

SECTION 113. IC 13-15-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. If the petition under section 3(b)(2) of this chapter requests that the public hearing be conducted at a location within a county affected by a proposed permit, the department shall **attempt to** conduct the public hearing at that location.

SECTION 114. IC 13-15-4-1, AS AMENDED BY P.L.113-2014, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as provided in sections 2, 3, and 6 of this chapter, the commissioner shall approve or deny an application filed with the department after July 1, 1995, within the following number of days:

- (1) Three hundred sixty-five (365) days for an application concerning the following **waste permits**:
 - (A) A new hazardous waste or solid waste landfill.
 - (B) A new hazardous waste or solid waste incinerator.
 - (C) A major modification of a solid waste landfill.
 - (D) A major modification of a solid waste incinerator.
 - (E) A new hazardous waste treatment or storage facility.
 - (F) A new Part B permit issued under 40 CFR 270 et seq. for an existing hazardous waste treatment or storage facility.
 - (G) A Class 3 modification under 40 CFR 270.42 to a hazardous waste landfill.
 - (H) A new solid waste processing facility other than a transfer station.
- (2) Except as provided in IC 13-18-3-2.1, two hundred seventy (270) days for an application concerning the following:
 - (A) A Class 3 modification under 40 CFR 270.42 of a hazardous waste treatment or storage facility.



- (B) A major new National Pollutant Discharge Elimination System permit.
 - (C) A major modification to a solid waste processing facility other than a transfer station.
- (3) Except as provided in IC 13-18-3-2.1, one hundred eighty (180) days for an application concerning the following:
- (A) A new transfer station or a major modification to a transfer station.
 - (B) A minor new National Pollutant Discharge Elimination System individual permit.
 - (C) A permit concerning the land application of a material.
 - (D) A permit for marketing and distribution of a biosolid or an industrial waste product.
- (4) Except as provided in IC 13-18-3-2.1, one hundred fifty (150) days for an application concerning a minor new National Pollutant Discharge Elimination System general permit.
- (5) One hundred twenty (120) days for an application concerning a Class 2 modification under 40 CFR 270.42 to a hazardous waste facility.
- (6) Ninety (90) days for an application concerning the following:
- (A) A minor modification to a **waste** permit for the following:
 - (i) A solid waste landfill.
 - (ii) A solid waste processing facility.
 - (iii) An incinerator.
 - (B) A wastewater facility or water facility construction permit.
- (7) The amount of time provided for in rules adopted by the board for an application ~~concerning the following:~~
- ~~(A) An air pollution construction permit that is subject to 326 IAC 2-2 and 326 IAC 2-3.~~
 - ~~(B) An air pollution facility construction permit (other than as defined in 326 IAC 2-2).~~
 - ~~(C) Registration of an air pollution facility. for an air pollution permit.~~
- (8) Sixty (60) days for an application concerning the following:
- (A) A Class 1 modification under 40 CFR 270.42 requiring prior written approval, to a hazardous waste:
 - (i) landfill;
 - (ii) incinerator;
 - (iii) treatment facility; or
 - (iv) storage facility.
 - (B) Any other permit not specifically described in this section for which the application fee exceeds forty-nine dollars (\$49)



and for which a time frame has not been established under section 3 of this chapter.

(b) When a person holding a valid permit concerning an activity of a continuing nature has made a timely and sufficient application for a renewal permit, ~~under the rules of one (1) of the boards~~; the commissioner shall approve or deny the application on or before the expiration date stated in the permit for which renewal is sought.

SECTION 115. IC 13-15-4-2, AS AMENDED BY P.L.1-2007, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section does not apply to permit applications described in section 1(a)(1) or 1(a)(2) of this chapter.

(b) **Unless otherwise specified in applicable rules or laws**, if the department determines that a public hearing should be held under:

- (1) IC 13-15-3-3; or
- (2) any other applicable rule or law;

the commissioner has thirty (30) days in addition to the number of days provided for in section 1 of this chapter in which to approve or deny the application.

SECTION 116. IC 13-15-4-3, AS AMENDED BY P.L.93-2024, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~The~~ board may adopt a rule under IC 4-22-2 that changes a period described under section 1 of this chapter within which the commissioner must approve or deny an application:

- (1) if:
 - (A) the general assembly enacts a statute;
 - (B) ~~a~~ **the** board adopts a rule; or
 - (C) the federal government enacts a statute or adopts a regulation;

that imposes a new requirement concerning a class of applications that makes it infeasible for the commissioner to approve or deny the application within the period;

- (2) if:
 - (A) the general assembly enacts a statute;
 - (B) ~~a~~ **the** board adopts a rule; or
 - (C) the federal government enacts a statute or adopts a regulation;

that establishes a new permit program for which a period is not described under section 1 of this chapter; or

- (3) if some other significant factor concerning a class of applications makes it infeasible for the commissioner to approve



or deny the application within the period.

(b) If ~~a~~ **the** board adopts a rule described in subsection (a) as a provisional rule under IC 4-22-2-37.1 or as an interim rule under IC 4-22-2-37.2, 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.~~

If ~~a~~ **the** board adopts a provisional rule or an interim rule under this subsection, the period described in section 1 of this chapter is suspended during the rulemaking process.

SECTION 117. IC 13-15-4-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 4: An application for a permit renewal that includes a modification shall be reviewed within the period applicable to the modification.~~

SECTION 118. IC 13-15-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Sections 1 through ~~4 3~~ and ~~section~~ 6 of this chapter do not alter the procedures and time frames set forth in the hazardous waste permit modification rules adopted by the department, except to the extent that sections 1 through ~~4 3~~ and 6 of this chapter establish specific calendar day time frames where no time frame exists under the rules.

SECTION 119. IC 13-15-4-6, AS AMENDED BY P.L.133-2012, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Notwithstanding the periods specified in sections 1 through ~~4 3~~ of this chapter and this section, a person proposing to construct, modify, or operate any equipment, facility, or pollution control device that is demonstrated to achieve pollution control or pollution prevention in excess of applicable federal, state, or local requirements may apply to the commissioner for an interim permit to construct, modify, or operate the equipment, facility, or pollution control device.

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

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

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

(2) rules adopted under this title;

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

SECTION 120. IC 13-15-4-10, AS AMENDED BY P.L.27-2024, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2026]: Sec. 10. The commissioner may suspend the processing of an application, and the period described under sections 1 through 6 of this chapter is suspended, if one (1) of the following occurs:

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

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

(B) are not consistent with applicable law.

The period described under sections 1 through 6 of this chapter shall be suspended during the first two (2) notices of deficiency sent to an applicant under this subdivision. If more than two (2) notices of deficiency are issued on an application, the period may not be suspended unless the applicant agrees in writing to defer processing of the application pending the applicant's response to the notice of deficiency. A notice of deficiency may include a request for the applicant to conduct tests or sampling to provide information necessary for the department to process the application. If an applicant's response does not contain complete information to satisfy all deficiencies described in a notice of deficiency, the department shall notify the applicant not later than thirty (30) ~~working~~ **business** days after receiving the response. The commissioner shall resume processing the application, and the period described under sections 1 through 6 of this chapter resumes on the earliest of the date the department receives and stamps as received the applicant's complete information, the date marked by the department on a certified mail return receipt accompanying the applicant's complete information, or the date a notice is sent by the department to the applicant confirming that the department has received the applicant's complete information.

(2) The commissioner receives a written request from an applicant to:

(A) withdraw; or

(B) defer processing of;

the application for the purposes of resolving an issue related to a permit or to provide additional information concerning the application.

(3) The department is required by federal law or by an agreement with the United States Environmental Protection Agency for a federal permit program to transmit a copy of the proposed permit to the administrator of the United States Environmental Protection



Agency for review and possible objections before the permit may be issued. The period described under sections 1 through 6 of this chapter ~~shall~~ **may** be suspended from the time the department submits the proposed permit to the administrator for review until:

- (A) the department receives the administrator's concurrence or objection to the issuance of the proposed permit; or
 - (B) the period established in federal law by which the administrator is required to make objections expires without the administrator having filed an objection.
- (4) A board initiates **emergency provisional or interim** rulemaking under section 3(b) of this chapter to revise the period described under sections 1 through 6 of this chapter.

SECTION 121. IC 13-15-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) If an applicant is operating pursuant to a continuation of an existing permit pending determination of an application for a new or renewed permit under IC 13-15-3-6, the applicant may proceed under this section after notifying the commissioner in writing of its intent to do so.

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

- (1) The:
 - (A) applicant may, except as provided in section 12.1 of this chapter, request and receive a refund of a permit application fee paid by the applicant; and
 - (B) commissioner shall do the following:
 - (i) Continue to review the application.
 - (ii) Approve or deny the application as soon as practicable.
 - (iii) Except as provided in section 12.1 of this chapter, refund the applicant's application fee not later than twenty-five (25) **working business** days after the receipt of the applicant's request.

- ~~(2) The:~~
 - ~~(A) applicant may:~~
 - ~~(i) except as provided in section 12.1 of this chapter, request and receive a refund of a permit application fee paid by the applicant; and~~
 - ~~(ii) submit to the department a draft permit and any required supporting technical justification for the permit; and~~



(B) commissioner shall do the following:

(i) Review the draft permit.

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

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

(3) (2) The:

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

(B) commissioner shall:

(i) review the draft permit; and

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

SECTION 122. IC 13-15-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant chooses to proceed under section ~~11(b)(3)~~ **11(b)(2)** of this chapter, the department and the applicant shall jointly:

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

(2) authorize the consultant to begin work;

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

(b) The commissioner may:

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

(2) document the communications.

SECTION 123. IC 13-15-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If an applicant chooses to proceed under section 11(b)(2) or ~~11(b)(3)~~ of this chapter, the applicant or a consultant shall prepare and submit to the commissioner the draft permit and any required supporting technical justification for the permit not later than thirty-five (35) **working business** days after

~~(1) the applicant has notified the commissioner that the applicant has chosen to proceed under section 11(b)(2) of this chapter; or~~

~~(2) the department and the applicant have authorized a consultant to begin work under section 11(b)(3) 11(b)(2) of this chapter.~~

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

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(1) approve, with or without revision; or

(2) deny;

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

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

(1) approve, with or without revision; or

(2) deny;

the draft permit not later than fifty-five (55) ~~working~~ **business** days after receipt of the draft permit.

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

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

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

(2) the commissioner fails to approve or deny the draft permit;

within the applicable time specified under subsection (a), (b), or (c), the department shall refund the applicant's permit application fee not later than twenty-five (25) ~~working~~ **business** days after expiration of the applicable period.

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

SECTION 124. IC 13-15-5-1.5, AS ADDED BY P.L.66-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. Not later than ten (10) days after the last day of a public comment period under this article or applicable rules of the board, the commissioner may decide, based on information received during the public comment period, to hold a public hearing ~~or meeting~~ before the issuance or denial of a permit. If the commissioner decides to hold a public hearing ~~or meeting~~ under this section, the department shall:

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

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

SECTION 125. IC 13-15-6-1, AS AMENDED BY P.L.128-2024, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than fifteen (15) days after being



served the notice provided by the commissioner under IC 13-15-5-3:

- (1) the permit applicant; or
- (2) any other person aggrieved by the commissioner's action;

may appeal the commissioner's action to the office of administrative law proceedings and request that an administrative law judge hold an adjudicatory hearing concerning the action under IC 4-21.5-3 and IC 4-15-10.5.

(b) Notwithstanding subsection (a) and IC 4-21.5-3-7(a)(3), a person may file an appeal of the commissioner's action in issuing an initial permit under the operating permit program under 42 U.S.C. 7661 through 7661f not later than thirty (30) days after the date the person received the notice provided under IC 13-15-5-3. ~~for a permit issued after April 30, 1999.~~

SECTION 126. IC 13-15-7-4, AS AMENDED BY P.L.133-2012, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This section applies to a facility that:

- (1) has been issued an operating permit by the ~~board;~~ **commissioner;** or
- (2) is operating without a permit but has made a timely and complete application for a permit under IC 13-17-8-10.

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

- (1) The changes are not modifications under any provision of Title I of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended. ~~by the federal Clean Air Act Amendments of 1990 (P.L.101-549).~~
- (2) The changes do not exceed emissions:
 - (A) expressed as a rate of emissions; or
 - (B) expressed as total emissions;
 allowable under the permit.
- (3) The facility provides the commissioner with written notification at least seven (7) days before the proposed changes are made. However, the board may adopt rules that provide a different period for notifications that involve emergency situations.

SECTION 127. IC 13-15-10-1, AS AMENDED BY P.L.133-2012, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board ~~shall~~ **may** adopt rules to establish a department operated training and certification program



for the following:

- (1) Operators of solid waste incinerators and waste to energy facilities.
- (2) Operators of land disposal sites.
- (3) Operators of facilities described under IC 13-15-1-3 whose operation could have an adverse impact on the environment if not operated properly.

SECTION 128. IC 13-15-10-4, AS AMENDED BY P.L.133-2012, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. The board ~~shall~~ **may** adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter. The rules ~~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 129. 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 130. 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:

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- (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 purpose of site specific studies of hazardous air pollutant:

- (1) emissions; and
- (2) impacts.

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

SECTION 131. IC 13-17-3-8 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 8: ~~The board shall carry out other duties imposed by law.~~

SECTION 132. IC 13-17-3-9 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 9: (a) ~~The commissioner shall assist and cooperate with other groups interested in and affected by air pollution.~~

(b) ~~The commissioner may do the following:~~

- (1) ~~Advise, consult, and cooperate with:~~
 - (A) ~~other state agencies;~~
 - (B) ~~towns, cities, and counties;~~
 - (C) ~~industries;~~
 - (D) ~~other states;~~
 - (E) ~~the federal government; and~~
 - (F) ~~affected groups;~~

~~in the prevention and control of new and existing air contamination sources within Indiana.~~

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

- (A) ~~Air pollution.~~
- (B) ~~The causes, effects, prevention, control, and abatement of air pollution.~~

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

- (A) ~~Air pollution.~~
- (B) ~~The prevention and control of air pollution.~~

(4) ~~Encourage voluntary cooperation by persons, towns, cities, and counties or other affected groups in restoring and preserving~~



a reasonable degree of purity of air within Indiana.

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

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

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

(8) Accept and administer grants or other money or gifts for the purpose of carrying out any of the functions of air pollution control laws.

SECTION 133. IC 13-17-5-9, AS AMENDED BY P.L.104-2022, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) After December 31, 2006, The board may not adopt a rule under air pollution control laws that requires motor vehicles to undergo a periodic test of emission characteristics in the following counties:

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

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

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

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

(d) The budget agency, after review by the budget committee, may approve in writing the implementation of a periodic vehicle inspection program for one (1) or more counties described in subsection (a) only if the budget agency determines that the implementation of a periodic vehicle inspection program in the designated counties is necessary to avoid a loss of federal highway funding for the state or a political subdivision. The approval must specify the counties to which the periodic vehicle inspection program applies and the time during which the periodic vehicle inspection program must be conducted in each designated county. The budget agency, after review by the budget committee, shall withdraw an approval given under this subsection for

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a periodic vehicle inspection program in a county if the budget agency determines that the suspension of the periodic vehicle inspection program will not adversely affect federal highway funding for the state or a political subdivision: **counties:**

- (1) in attainment of the national ambient air quality standards; or**
- (2) classified below moderate nonattainment for ozone national ambient air quality standards.**

SECTION 134. IC 13-17-5-10, AS ADDED BY P.L.187-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. Not later than December 31, 2025, the department shall do the following:

- (1) Perform a comprehensive evaluation of ambient air quality within any nonattainment areas in Indiana.
- (2) Identify air pollution reduction or regulatory relief strategies that can do the following with respect to the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended: ~~by the federal Clean Air Act Amendments of 1990 (P.L.101-549):~~
 - (A) Ensure that affected areas within Indiana are no longer designated as nonattainment.
 - (B) Result in the eventual phase out of the inspection and maintenance program for light duty vehicles.
 - (C) Meet emissions goals.
 - (D) Appropriately address air pollution contributions to nonattainment areas in Indiana from sources that cannot be addressed by state or local controls, including contributions from international, natural or background, interstate, mobile, and stationary sources as well as exceptional events that are unlikely to recur.
 - (E) Result in the withdrawal of Lake County and Porter County from the Metropolitan Chicago Interstate Air Quality Control Region.

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

SECTION 135. IC 13-17-6-10, AS AMENDED BY P.L.128-2024, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) If the commissioner finds that an asbestos project is not being performed in accordance with air pollution control laws or rules adopted under air pollution control laws, the commissioner may enjoin further work on the asbestos project without prior notice or hearing by delivering a notice to:

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



- (2) the agent or representative of the asbestos contractor.
- (b) A notice issued under this section must:
- (1) specifically enumerate the violations of law that are occurring on the asbestos project; and
 - (2) prohibit further work on the asbestos project until the violations enumerated under subdivision (1) cease and the notice is rescinded by the commissioner.

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

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

SECTION 136. IC 13-17-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The commissioner may ~~under IC 4-21.5~~ reprimand an asbestos contractor or asbestos worker or suspend or revoke the license of an asbestos contractor or the accreditation of an asbestos worker for the following reasons:

- (1) Fraudulently or deceptively obtaining or attempting to obtain a license or accreditation under this chapter.
- (2) Failing to meet the qualifications for a license or accreditation or failing to comply with the requirements of air pollution control laws or rules adopted under air pollution control laws.
- (3) Failing to meet an applicable federal or state standard for the abatement, removal, or encapsulation of asbestos.

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

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

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

SECTION 137. IC 13-17-7 IS REPEALED [EFFECTIVE JULY 1, 2026]. (Clean Air Act Permit Compliance Program).

SECTION 138. IC 13-17-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not incinerate PCB in an incinerator unless the person

- (+) holds a permit issued by the commissioner specifically



authorizing the incineration of PCB in the incinerator. and
 (2) has received the recommendation of the local plan commission that has jurisdiction over the area in which the incinerator is located and the county executive of the county in which the incinerator is located has approved the incineration of the PCB or; if an appropriate local plan commission does not exist, the county executive of the county in which the incinerator is located has approved the incineration of the PCB.

SECTION 139. IC 13-17-10-2 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 2: The commissioner may not:

- (1) issue; or
- (2) consider an application for;

a permit specifically authorizing the incineration of PCB until the study required by section 3 of this chapter is concluded.

SECTION 140. IC 13-17-10-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 3: The department, in cooperation with the United States Environmental Protection Agency; an applicant for a permit issued under this chapter; and a city or town in which an incinerator described under section 1 of this chapter is or will be located; shall conduct a study of alternative PCB technologies. The study must include an assessment of the efficacy and the technical and economic feasibility of the following:

- (1) Alternative technologies such as the following:
 - (A) The application of lime to break down PCB.
 - (B) The low temperature thermal disorption process.
 - (C) Disorption and vaporization extraction.
 - (D) Plasma torch technology.
 - (E) Bacterial remediation.
- (2) Other technologies identified by the commissioner as having possible value in the treatment or disposal of PCB in Indiana.

SECTION 141. IC 13-17-10-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 4: (a) The study required by section 3 of this chapter must be concluded before January 1, 1996:

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

- (1) present the report to:
 - (A) the governor; and
 - (B) the general assembly; and
- (2) make copies of the report available to the public.

SECTION 142. IC 13-17-12-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 4: An air pollution control agency shall submit annual reports as requested by the department.

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SECTION 143. IC 13-17-15-6 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 6: A unit described in section 4 of this chapter is not required to have a separate approval under IC 13-17-7 if the unit:

- (1) is being operated under a valid existing operating permit issued under IC 13-17-7; and
- (2) is in compliance with the applicable federal requirements listed in section 4 of this chapter;

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

SECTION 144. IC 13-18-2-3, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The department shall prepare a list of impaired waters for the purpose of complying with federal regulations implementing Section 303(d) of the federal Clean Water Act (33 U.S.C. 1313(d)). In determining whether a water body is impaired, the department shall consider all existing and readily available water quality data and related information. The department, before submitting the list to the United States Environmental Protection Agency, shall:

- (1) post the list to the department's ~~Internet web site;~~ **website;**
 - (2) publish in the Indiana Register a link to the list posted to the department's ~~Internet web site;~~ **website;**
 - (3) make the list available for public comment for at least forty-five (45) days; and
 - (4) provide information about the list to the board.
- (b) The board shall adopt a rule that:
- (1) establishes the methodology to be used in identifying waters as impaired; and
 - (2) specifies the methodology and criteria for including and removing waters from the list of impaired waters.

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

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

- (1) The department:
 - (A) is unable, in identifying the surface water as described in subsection (c), to identify the pollutant or pollutants under consideration for the establishment of the total maximum daily



load; and

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

(2) The department:

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

(B) determines, after identifying the pollutant or pollutants as described in clause (A), that one (1) or more other pollutants should be under consideration for establishment of the total maximum daily load.

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

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

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

(B) The surface water:

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

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

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

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

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

SECTION 145. IC 13-18-3-1, AS AMENDED BY P.L.133-2012, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall adopt rules for the control and prevention of pollution in waters of Indiana. ~~with any substance:~~

(+) that is deleterious to:

(A) the public health; or

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

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(2) by which:

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

(B) the growth or propagation of fish life or beneficial animal or vegetable life is prevented or injuriously affected:

SECTION 146. IC 13-18-3-2, AS AMENDED BY P.L.112-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board may adopt rules under IC 4-22-2 that are necessary to the implementation of:

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

(2) the federal Safe Drinking Water Act (42 U.S.C. 300f through 300j), as in effect January 1, 1988;

except as provided in IC 14-37.

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

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

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

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

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

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

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

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

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

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

(5) Whether the designation of the water body as an outstanding



state resource water is necessary to protect the unique or special ecological, recreational, or aesthetic significance of the water body.

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

(i) **Upon request by the house of representatives or senate committees on environmental affairs**, the commissioner shall present a summary of the comments received from the comment period and information that supports a water body designation as an outstanding state resource water to the interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6. not later than one hundred twenty (120) days after the rule regarding the designation is finally adopted by the board.

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

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

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

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

- (1) A definition of significant lowering of water quality that includes a de minimis quantity of additional pollutant load:
 - (A) for which a new or increased permit limit is required; and
 - (B) below which antidegradation implementation procedures do not apply.
- (2) Provisions allowing the permittee to choose application of one (1) of the following for each activity undertaken by the permittee that will result in a significant lowering of water quality in the outstanding state resource water:
 - (A) Implementation of a water quality project in the watershed of the outstanding state resource water that will result in an



overall improvement of the water quality of the outstanding state resource water.

(B) Payment of a fee, not to exceed five hundred thousand dollars (\$500,000), based on the type and quantity of increased pollutant loadings, to the department for deposit in the outstanding state resource water improvement fund established under section 14 of this chapter for use as permitted under that section.

(3) Criteria for the submission and timely approval of projects described in subdivision (2)(A).

(4) A process for public input in the approval process.

(5) Use of water quality data that is less than seven (7) years old and specific to the outstanding state resource water.

(6) Criteria for using the watershed improvement fees to fund projects in the watershed that result in improvement in water quality in the outstanding state resource water.

(m) For a water body designated as an outstanding state resource water after June 30, 2000, the board shall provide by rule antidegradation implementation procedures before the water body is designated in accordance with this section.

(n) A water body may be designated as an outstanding national resource water only by the general assembly after recommendations for designation are made by the board and the interim study committee on environmental affairs established by IC 2-5-1.3-4.

(o) Before recommending the designation of an outstanding national resource water, the department shall provide for an adequate public notice and comment period regarding the designation. The commissioner shall present a summary of the comments and information received during the comment period and the department's recommendation concerning designation to the ~~interim study committee on environmental affairs established by IC 2-5-1.3-4~~ **house of representatives or senate committees on environmental affairs** in an electronic format under IC 5-14-6 not later than ninety (90) days after the end of the comment period. The committee shall consider the comments, information, and recommendation received from the department, and shall convey its recommendation concerning designation to the general assembly within six (6) months after receipt.

(p) This subsection applies to all surface waters of the state. The department shall complete an antidegradation review of all NPDES general permits. The department may modify the general permits for purposes of antidegradation compliance. After an antidegradation review of a permit is conducted under this subsection, activities



covered by an NPDES general permit are not required to undergo an additional antidegradation review. An NPDES general permit may not be used to authorize a discharge into an outstanding national resource water or an outstanding state resource water, except that a short term, temporary storm water discharge to an outstanding national resource water or to an outstanding state resource water may be permitted under an NPDES general permit if the commissioner determines that the discharge will not significantly lower the water quality downstream of the discharge.

(q) Subsection (r) applies to:

- (1) an application for an NPDES permit subject to IC 13-15-4-1(a)(2)(B), IC 13-15-4-1(a)(3)(B), or IC 13-15-4-1(a)(4); or
- (2) an application for a modification or renewal of an NPDES permit;

that proposes new or increased discharge that would result in a significant lowering of water quality as defined in subsection (l)(1).

(r) For purposes of an antidegradation review with respect to an application referred to in subsection (q), the applicant shall demonstrate at the time the application is submitted to the department, and the commissioner shall review:

- (1) an analysis of alternatives to the proposed discharge; and
- (2) subject to subsection (s), social or economic factors indicating the importance of the proposed discharge if alternatives to the proposed discharge are not practicable.

(s) Subject to subsection (t), the commissioner shall consider the following factors in determining whether a proposed discharge is necessary to accommodate important economic or social development in the area in which the waters are located under antidegradation standards and implementation procedures:

- (1) Creation, expansion, or maintenance of employment.
- (2) The unemployment rate.
- (3) The median household income.
- (4) The number of households below the poverty level.
- (5) Community housing needs.
- (6) Change in population.
- (7) The impact on the community tax base.
- (8) Provision of fire departments, schools, infrastructure, and other necessary public services.
- (9) Correction of a public health, safety, or environmental problem.
- (10) Production of goods and services that protect, enhance, or



improve the overall quality of life and related research and development.

- (11) The impact on the quality of life for residents in the area.
- (12) The impact on the fishing, recreation, and tourism industries.
- (13) The impact on threatened and endangered species.
- (14) The impact on economic competitiveness.
- (15) Demonstration by the permit applicant that the factors identified and reviewed under subdivisions (1) through (14) are necessary to accommodate important social or economic development despite the proposed significant lowering of water quality.
- (16) Inclusion by the applicant of additional factors that may enhance the social or economic importance associated with the proposed discharge, such as an approval that:
 - (A) recognizes social or economic importance; and
 - (B) is given to the applicant by:
 - (i) a legislative body; or
 - (ii) other government officials.
- (17) Any other action or recommendation relevant to the antidegradation demonstration made by a:
 - (A) state;
 - (B) county;
 - (C) township; or
 - (D) municipality;
 potentially affected by the proposed discharge.
- (18) Any other action or recommendation relevant to the antidegradation demonstration received during the public participation process.
- (19) Any other factors that the commissioner:
 - (A) finds relevant; or
 - (B) is required to consider under the Clean Water Act.
- (t) In determining whether a proposed discharge is necessary to accommodate important economic or social development in the area in which the waters are located under antidegradation standards and implementation procedures, the commissioner:
 - (1) must give substantial weight to any applicable determinations by governmental entities; and
 - (2) may rely on consideration of any one (1) or a combination of the factors listed in subsection (s).
- (u) Each exceptional use water (as defined in IC 13-11-2-72.5, before its repeal) designated by the board before June 1, 2009, becomes an outstanding state resource water on June 1, 2009, by operation of



law.

(v) Beginning June 1, 2009, all waters of the state are classified in the following categories:

- (1) Outstanding national resource waters.
- (2) Outstanding state resource waters.
- (3) Waters of the state as ~~described in 327 IAC 2-1-2(1); as in effect on January 1, 2009.~~ **defined in IC 13-11-2-265.**
- (4) High quality waters as described in ~~327 IAC 2-1-2(2); as in effect on January 1, 2009.~~ **40 CFR 131.12(a)(2).**
- (5) ~~Waters of the state as described in 327 IAC 2-1.5-4(a); as in effect on January 1, 2009.~~
- (6) ~~High quality waters as described in 327 IAC 2-1.5-4(b); as in effect on January 1, 2009.~~

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

SECTION 147. IC 13-18-3-2.5, AS AMENDED BY P.L.54-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) A CSO wet weather limited use subcategory is established for waters affected by receiving combined sewer overflows, as specified in an approved long term control plan. The CSO wet weather limited use subcategory applies to a specific water body after implementation of an approved long term control plan for the combined sewer system whose overflow discharges affect those waters is implemented and the conditions of subsection (b) are satisfied. The following requirements apply to the CSO wet weather limited use subcategory:

- (1) The water quality based requirements associated with the CSO wet weather limited use subcategory that apply to waters affected by wet weather combined sewer overflows are determined by an approved long term control plan for the combined sewer system. The water quality based requirements remain in effect during the time and to the physical extent that the recreational use designation that applied to the waters immediately before the application to the waters of the CSO wet weather limited use subcategory is not attained, but for not more than four (4) days after the date the overflow discharge ends.
- (2) At all times other than those described in subdivision (1), the water quality criteria associated with the appropriate recreational use designation that applied to the waters immediately before the application to the waters of the CSO wet weather limited use subcategory apply unless there is a change in the use designation

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as a result of a use attainability analysis.

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

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

(2) the approved long term control plan:

(A) is incorporated into:

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

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

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

(C) specifies the water quality based requirements that apply to combined sewer overflows during and immediately following wet weather events, as provided in subsection (a)(1);

(3) the NPDES permit holder has implemented the approved long term control plan; and

(4) subject to subsection (c), 40 CFR 131.10, 40 CFR 131.20, and 40 CFR 131.21 are satisfied.

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

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

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

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

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

SECTION 148. IC 13-18-3-2.6, AS ADDED BY P.L.54-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.6. (a) Where appropriate, permits shall contain schedules of compliance requiring the permittee to take specific steps



to achieve expeditious compliance with applicable standards, limitations, and other requirements.

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

(c) The department shall, at the request of the NPDES permit holder, incorporate in the permit a schedule of compliance for meeting the water quality based requirements associated with combined sewer overflows during the period of development, approval, and implementation of the long term control plan. The schedules of compliance:

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

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

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

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

SECTION 149. IC 13-18-3-5 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 5. The board shall carry out other duties imposed by law.~~

SECTION 150. IC 13-18-3-11 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 11. Since the water pollution control laws are necessary for the public health, safety, and welfare, the water pollution control laws shall be liberally construed to effectuate the purposes of the water pollution control laws.~~

SECTION 151. IC 13-18-3-12, AS AMENDED BY P.L.113-2014, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. ~~The board shall adopt rules providing that~~ **whenever department may not require a permit, permission, or review from a person submits who develops plans to a unit** concerning the design or construction of:

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- (1) a sanitary sewer or public water main, if:
 - (A) a professional engineer who is registered under IC 25-31 prepared the plans;
 - (B) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and
 - (C) all other requirements specified in rules adopted by the board are met; or
- (2) a sanitary sewer extension for and within a subdivision, if:
 - (A) a qualified professional surveyor who is registered under IC 25-21.5 prepared the plans;
 - (B) the subdivision is being laid out or having been laid out by the professional surveyor subject to IC 25-21.5-7;
 - (C) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and
 - (D) all other requirements specified in rules adopted by the board are met;

the plans are not required to be submitted to any state agency for a permit, permission, or review, unless required by federal law.

SECTION 152. IC 13-18-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. If a violation of ~~327 IAC 15-5~~ **the department's construction storm water general permit** occurs, the department shall determine which person is responsible for committing the violation. ~~In making this determination, the department shall, if appropriate, consider:~~

- ~~(1) public records of ownership;~~
- ~~(2) building permits issued by local units of government; or~~
- ~~(3) other relevant information.~~

~~The department's determination to proceed against a person responsible for committing a violation must be based on the specific facts and circumstances related to a particular violation.~~

SECTION 153. IC 13-18-3-14, AS AMENDED BY P.L.130-2018, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) The outstanding state resource water improvement fund is established. All money collected under section 2 of this chapter and any money accruing to the fund are continuously appropriated to the fund to carry out the purposes of section 2 of this chapter. Money in the fund at the end of a state fiscal year does not revert to the state general fund, unless the outstanding state resource water improvement fund is abolished.

(b) The outstanding state resource water improvement fund shall be administered as follows:

- (1) The fund may be used by the department of environmental



management to fund projects that will lead to overall improvement to the water quality of the affected outstanding state resource water.

(2) The treasurer of state may invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(3) Any interest received accrues to the fund.

(4) The expenses of administering the fund shall be paid from the fund.

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

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

(2) The balance in the fund.

SECTION 154. IC 13-18-3-15, AS ADDED BY P.L.81-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) Subject to subsection (c), the board shall ~~amend 327 IAC 5 and 327 IAC 15 to eliminate:~~

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

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

(A) contained in that article; and

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

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

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

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

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

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

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

SECTION 155. IC 13-18-4-2 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 2: A rule or determination made by the board or the commissioner under sections 1 through 4 of this chapter shall be filed of record in the office of the department.~~

SECTION 156. IC 13-18-4-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 4: The commissioner may take appropriate steps to prevent any pollution that is determined to be unreasonable and against public interests in view of the condition in any stream or other waters of Indiana.~~

SECTION 157. IC 13-18-4-6, AS AMENDED BY P.L.263-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Whenever the commissioner determines that a person:

(1) is violating; or

(2) is about to violate;

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

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

(1) cease the violation; and

(2) abate the condition of pollution;

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

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

SECTION 158. IC 13-18-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Notwithstanding any rules of the board, the commissioner shall allow for a mixing zone in permits that involve a discharge into Lake Michigan if the applicant can demonstrate to the commissioner that the mixing zone will not cause harm to human health or aquatic life.

(b) For mixing zones allowed under subsection (a), surface water quality standards for bioaccumulative chemicals of concern, **as defined in 40 CFR 132.2**, shall be applied to the undiluted discharge, rather



than at a point outside the mixing zone.

SECTION 159. IC 13-18-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board ~~shall~~ **may** adopt rules under IC 4-22-2 to require the following:

- (1) The construction or installation of secondary containment structures at facilities in which hazardous materials are stored or transferred for the purpose of preventing released hazardous materials from entering surface water or groundwater.
- (2) The development by the owner or operator of each facility at which hazardous materials are stored or handled of a plan for responding to the release of a hazardous material at that facility.
- (3) The rules must be consistent with applicable safety and fire code laws.

SECTION 160. IC 13-18-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department shall enforce this chapter under IC 13-30-3 or IC 13-14-2-6.

(b) ~~The board shall adopt rules under IC 4-22-2 for the disposition of any detergent carried over on September 1, 1974. However,~~ The commissioner may approve the use of phosphates by a manufacturer or processor for cleaning plant or equipment upon application to the commissioner by the manufacturer or processor. The commissioner shall require phosphate removal from the water so used by criteria established by the board.

SECTION 161. IC 13-18-10-2.1, AS AMENDED BY P.L.199-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.1. (a) The department:

- (1) shall make a determination on an application submitted under section 2 of this chapter not later than ninety (90) days after the date the department receives the completed application, including all required supplemental information, unless the department and the applicant agree to a longer time; and
- (2) may conduct any inquiry or investigation, consistent with the department's duties under this chapter, the department considers necessary before making a determination.

(b) If the department fails to make a determination on an application not later than ninety (90) days after the date the department receives the completed application, the applicant may request and receive a refund of an approval application fee paid by the applicant, and the commissioner shall:

- (1) continue to review the application;
- (2) approve or deny the application as soon as practicable; and
- (3) refund the applicant's application fee not later than twenty-five

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(25) ~~working~~ **business** days after the receipt of the applicant's request.

(c) The commissioner may suspend the processing of an application and the ninety (90) day period described under this section if the department determines within thirty (30) days after the department receives the application that the application is incomplete and has mailed a notice of deficiency to the applicant that specifies the parts of the application that:

- (1) do not contain adequate information for the department to process the application; or
- (2) are not consistent with applicable law.

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

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

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

- (1) A responsible party intentionally misrepresented or concealed any material fact in either or both of the following:
 - (A) An application for approval under section 1 of this chapter.
 - (B) A disclosure statement required by section 1.4 of this chapter.
- (2) An enforcement action was resolved against a responsible party as described in either or both of the following:
 - (A) Section 1.4(c)(5) of this chapter.
 - (B) Section 1.4(c)(6) of this chapter.

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

- (1) The nature and details of the acts attributed to the responsible party.
- (2) The degree of culpability of the responsible party.
- (3) The responsible party's cooperation with the state, federal, or foreign agencies involved in the investigation of the activities involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6) of this chapter.
- (4) The responsible party's dissociation from any other persons or



entities convicted in a criminal enforcement action referred to in section 1.4(c)(5) and 1.4(c)(6) of this chapter.

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

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

- (1) include a statement of ultimate fact; and
- (2) be accompanied by a concise statement of the underlying basic facts of record to support the findings.

(h) If the commissioner denies an application under subsection (e), the commissioner is not required to explain the extent to which any of the factors set forth in subsection (f) influenced the denial.

(i) The department may amend an approval under section 1 of this chapter or revoke an approval under section 1 of this chapter:

- (1) for failure to comply with:
 - (A) this chapter;
 - (B) rules adopted under this chapter;
 - (C) the water pollution control laws; or
 - (D) rules adopted under the water pollution control laws; and
- (2) as needed to prevent discharges of manure into the environment that pollute or threaten to pollute the waters of the state.

SECTION 162. IC 13-18-10-4, AS AMENDED BY P.L.127-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board may adopt rules under IC 4-22-2 and IC 13-14-9 and the department may adopt policies or statements under IC 13-14-1-11.5 that are necessary for the proper administration of this chapter. The rules, policies, or statements may concern construction, expansion, and operation of confined feeding operations and may include uniform standards for:

- (1) construction, expansion, and manure containment that are appropriate for a specific site; and
- (2) manure application and handling that are consistent with best management practices:
 - (A) designed to reduce the potential for manure to be conveyed off a site by runoff or soil erosion; **and**
 - (B) that are appropriate for a specific site; **and**
 - (C) **accurately reflect differences between dry and liquid manure.**



(b) Standards adopted in a rule, policy, or statement under subsection (a) must:

(1) consider confined feeding standards that are consistent with standards found in publications from:

- (A) the United States Department of Agriculture;
- (B) the Natural Resources Conservation Service of the United States Department of Agriculture;
- (C) the Midwest Plan Service; and
- (D) postsecondary educational institution extension bulletins; and

(2) be developed through technical review by the department, postsecondary educational institution specialists, and other animal industry specialists.

SECTION 163. IC 13-18-11-1.5, AS AMENDED BY P.L.133-2012, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. The board ~~shall~~ **may** adopt regulations to implement certification programs for operators of water treatment plants or water distribution systems. The certification program for the operators shall be classified in accordance with the complexity, size, and source of the water for the treatment system and the complexity and size for the distribution system.

SECTION 164. IC 13-18-11-8, AS AMENDED BY P.L.128-2024, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The commissioner may suspend or revoke the certificate of an operator issued under this chapter ~~following a hearing under IC 13-15-7-3 and IC 4-21.5~~, if any of the following conditions are found:

- (1) The operator has practiced fraud or deception in any state or other jurisdiction.
- (2) Reasonable care, judgment, or the application of the operator's knowledge or ability was not used in the performance of the operator's duties.
- (3) The operator is incompetent or unable to properly perform the operator's duties.
- (4) A certificate of the operator issued:
 - (A) under this chapter; or
 - (B) by any other state or jurisdiction for a purpose comparable to the purpose for which a certificate is issued under this chapter;
 has been revoked.
- (5) The operator has been convicted of a crime related to a certificate of the operator issued:

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- (A) under this chapter; or
- (B) by any other state or jurisdiction for a purpose comparable to the purpose for which a certificate is issued under this chapter.

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

SECTION 165. IC 13-18-12-2.2, AS AMENDED BY P.L.250-2019, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. (a) ~~As used in this section:~~

- (1) ~~"chemical toilet" has the meaning set forth in 327 IAC 7.1-2-6; and~~
- (2) ~~"sewage disposal system" has the meaning set forth in 327 IAC 7.1-2-36;~~

~~on February 1, 2016.~~

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

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

- (1) ~~the date on which the septage was removed from the sewage disposal system; or~~
- (2) ~~the amount of septage removed from the sewage disposal system;~~

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

SECTION 166. IC 13-18-12-2.5, AS AMENDED BY P.L.250-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) The department and the board may allow a person to use industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute to be land applied if:

- (1) the industrial waste products are not hazardous wastes;
- (2) the industrial waste products:
 - (A) have a beneficial use (as defined in 327 IAC 6.1-2-6); or
 - (B) otherwise provide a benefit to the process of creating the soil amendments or soil substitute or to the final soil amendment, soil substitute, or material to be land applied, such as bulking;



- (3) the finished soil amendment, soil substitute, or material to be land applied satisfies the applicable criteria in ~~327 IAC 6.1~~; **rules established by the board**;
- (4) the finished soil amendment, soil substitute, or material to be land applied has a beneficial use;
- (5) the requirements of subsection (b) are satisfied; and
- (6) the person pays a permit fee in an amount determined under rules adopted by the board that does not exceed the costs incurred by the department to issue the permit.

For purposes of this subsection, "beneficial use" means the use of a solid waste for fertilizing or soil conditioning properties to provide nutrients for growing plants or crops, increase organic matter, provide pH adjustment capabilities, or provide other benefits to the soil or crops as shown to the satisfaction of the commissioner through an approved research or demonstration project.

(b) The department:

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

- (A) in a land application operation; or
- (B) as ingredients in a soil amendment or soil substitute to be land applied;

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

(2) may not:

- (A) discriminate against the use of industrial waste products on the basis that the industrial waste products lack biological carbon;
- (B) impose requirements beyond applicable criteria in ~~327 IAC 6.1~~; **rules established by the board**, unless additional requirements are necessary for the protection of human health and the environment;
- (C) require that the finished soil amendment, soil substitute, or material to be land applied must be of a particular economic value; or
- (D) for any pollutant that has a pollutant limit or concentration in 327 IAC 6.1, require that an industrial waste product or the finished soil amendment, soil substitute, or material to be land applied satisfies:

- (i) the department's remediation closure guidance; or
- (ii) any other standards other than criteria in 327 IAC 6.1;

(3) for any pollutant present in the industrial waste products that does not have a pollutant limit or concentration in 327 IAC 6.1,



shall consider the benefits of the finished soil amendment, soil substitute, or material to be land applied as compared to the measurable risks to human health and the environment based on the anticipated use of the finished soil amendment, soil substitute, or material to be land applied; and

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

(c) ~~The board may adopt rules for pollutant limits or concentrations for pollutants for which limits or concentrations do not exist in 327 IAC 6.1 as of July 1, 2011.~~

SECTION 167. IC 13-18-12-3, AS AMENDED BY P.L.192-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~The board shall initiate;~~ **department shall administer**, in accordance with IC 13-15, a septage management permit program for all persons who offer to perform or are performing septage management services.

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

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

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

SECTION 168. IC 13-18-12-4, AS AMENDED BY P.L.112-2016, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) ~~The board shall;~~ **may**, in accordance with IC 13-14-9, adopt rules to establish the following:

- (1) Standards for the following:
 - (A) The issuance of permits for:
 - (i) septage management under section 3 of this chapter; and
 - (ii) land application of authorized septage, solid waste, and industrial waste products.
 - (B) Transportation, storage, treatment, and disposal of septage.
 - (2) Procedures and standards for approval of sites for land application.
- (b) The board may designate a county or city health agency as the



board's agent to approve land application sites in accordance with rules adopted under this section.

SECTION 169. IC 13-18-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner may ~~initiate action under IC 4-21.5-3~~ to assess a civil penalty against a permit holder who fails to take action to correct or prevent contamination of the sanitary or chemical quality of the water supply after the permit holder knew or should have known that the action should be taken. The civil penalty assessed under this section may not exceed one thousand dollars (\$1,000) for each day of violation.

SECTION 170. IC 13-18-16-8, AS AMENDED BY P.L.233-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2 and IC 13-14-9 establishing requirements for public water systems, including the following:

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

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

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

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

SECTION 171. IC 13-18-17-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 3. (a) The department, with the assistance of other state agencies as requested, shall establish and operate a groundwater quality clearinghouse within the department.~~

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

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

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

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

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

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

SECTION 172. IC 13-18-17-5, AS AMENDED BY P.L.56-2023,

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

- (1) To establish minimum compliance levels for groundwater quality monitoring at regulated facilities.
- (2) To ban the discharge of effluents into potable groundwater.
- (3) To establish health protection goals for untreated water in water supply wells.
- (4) To establish concentration limits for contaminants in ambient groundwater.

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

- (1) The department.
- (2) The department of natural resources.
- (3) The Indiana department of health.
- (4) The office of the state chemist.
- (5) The department of homeland security.

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

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

SECTION 173. IC 13-18-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to establish protection zones around community water system wells.

(b) The state agencies referred to in section 5(b) of this chapter may not permit activities within the zones established under subsection (a) that would violate the rules or interfere with the purposes of the rules.

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



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

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

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

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

SECTION 174. IC 13-18-17-7 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 7. (a) The board shall adopt rules under IC 4-22-2 for the construction and monitoring of surface impoundments, including pits, ponds, and lagoons, used for the storage or treatment of nonhazardous waste and wastewater.~~

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

SECTION 175. IC 13-18-27-1 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 1. As used in this chapter, "327 IAC 15-5" refers to the administrative rule of the environmental rules board in effect on March 25, 2019, concerning storm water runoff associated with construction activity.~~

SECTION 176. IC 13-18-27-3, AS ADDED BY P.L.248-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. As used in this chapter, "construction plan" means a written plan that:

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

SECTION 177. IC 13-18-27-9, AS ADDED BY P.L.248-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. As used in this chapter, "project site owner" means the person required to comply with ~~327 IAC 15-5~~, the general



permit, or the applicable ordinance of an MS4 community with respect to a construction project. The term includes the following:

- (1) A developer.
- (2) A person who has financial and operational control of construction activities and construction project plans and specifications, including the ability to make modifications to those plans and specifications.

SECTION 178. IC 13-18-27-15, AS ADDED BY P.L.248-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) Except as provided in subsection (b), an MS4 community may not require erosion and sediment control measures that are more stringent than the erosion and sediment control measures required by ~~327 IAC 15-5~~ or the general permit.

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

- (1) the erosion and sediment control measures required by an MS4 community at a very small construction activity site may not be more stringent than the erosion and sediment control measures required by ~~327 IAC 15-5~~ or by the general permit at a small construction activity site; and
- (2) the review authority to which a construction plan for a very small construction activity site is submitted is subject to the time limit set forth in section 16 of this chapter for notifying the project site owner of the review authority's preliminary determination concerning the construction plan.

SECTION 179. IC 13-18-27-16, AS ADDED BY P.L.248-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) A review authority to which a construction plan is submitted must make a preliminary determination whether the construction plan is substantially complete before the end of:

- (1) the tenth ~~working~~ **business** day after the day on which the construction plan is submitted to the review authority, in the case of a small or very small construction activity site; or
- (2) the fourteenth ~~working~~ **business** day after the day on which the construction plan is submitted to the review authority, in the case of a large construction activity site.

(b) If a review authority to which a construction plan is submitted under subsection (a):

- (1) makes a preliminary determination that the construction plan



is substantially complete; and

(2) notifies the project site owner of its favorable preliminary determination;

before the end of the tenth **working business** day after the day on which the construction plan is submitted to the review authority, in the case of a small or very small construction activity site, or the fourteenth **working business** day after the day on which the construction plan is submitted to the review authority, in the case of a large construction activity site, the project site owner may submit a notice of intent letter including the information required by ~~327 IAC 15-5-5~~ or the general permit and, forty-eight (48) hours after submission of the notice of intent letter, may begin the construction project, including the land disturbing activities of the construction project.

(c) If a review authority to which a construction plan for a small or very small construction activity site or a large construction activity site is submitted under subsection (a) does not notify the project site owner before the end of the tenth **working business** day after the day on which the construction plan is submitted to the review authority, in the case of a small or very small construction activity site, or the fourteenth **working business** day after the day on which the construction plan is submitted to the review authority, in the case of a large construction activity site, of its preliminary determination as to whether the construction plan is substantially complete, the project site owner may submit a notice of intent letter including the information required by ~~327 IAC 15-5-5~~ or the general permit and, forty-eight (48) hours after submission of the notice of intent letter, may begin the construction project, including the land disturbing activities of the construction project.

(d) If a review authority to which a construction plan is submitted under subsection (a) notifies the project site owner before the end of the tenth **working business** day after the day on which the construction plan is submitted to the review authority, in the case of a small or very small construction activity site, or the fourteenth **working business** day after the day on which the construction plan is submitted to the review authority, in the case of a large construction activity site, of its preliminary determination that the construction plan is not substantially complete, the project site owner may not submit a notice of intent letter until the review authority makes a conclusive favorable determination concerning the construction plan under ~~327 IAC 15-5~~, the general permit or the applicable ordinance of the MS4 community.

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

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

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

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

SECTION 180. IC 13-19-1-2, AS AMENDED BY P.L.97-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The goal of the state is to encourage solid waste source reduction, recycling, and other alternatives to conserve environmental resources.

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

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

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

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

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

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

SECTION 181. IC 13-19-3-1, AS AMENDED BY P.L.120-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. ~~(a)~~ The board shall do the following:

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

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

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

~~(2) Consult with the department concerning the regulation of solid waste and hazardous waste.~~

~~(3) Carry out other duties imposed by law.~~

~~(4) (2) Expeditiously~~ Adopt by rule all exemptions or exclusions from regulation as waste that are adopted by the United States



Environmental Protection Agency, and set forth in 40 CFR 261 on or after January 1, 2022.

(b) Until the amendments to 40 CFR 261 published by the United States Environmental Protection Agency in the Federal Register at 83 FR 24664 et seq. are adopted by rule by the board under subsection (a)(4), those amendments apply to the identification and listing of hazardous waste in Indiana just as if the amendments were incorporated by reference in 329 IAC 3.1-6-1.

SECTION 182. IC 13-19-3-3, AS AMENDED BY P.L.249-2023, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) As used in this section and section 3.1 of this chapter, "coal combustion residuals" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.

(b) The following definitions apply throughout this section:

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

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

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

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

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

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

(d) The department shall do the following:

(1) Establish a state permit program under Section 2301 of the federal Water Infrastructure Improvements for the Nation Act (42 U.S.C. 6945(d)) for the implementation in Indiana of the federal CCR rule.



(2) Submit to the administrator of the United States Environmental Protection Agency under 42 U.S.C. 6945(d)(1)(A) evidence of the state permit program.

(3) Take other necessary or appropriate actions to obtain approval of the state permit program.

(e) Not later than May 15, 2021, the department shall notify the United States Environmental Protection Agency of its intention to establish a state permit program described in subsection (d)(1) and to seek approval of the state permit program under 42 U.S.C. 6945(d)(1).

(f) Under IC 4-22-2 and IC 13-14-9:

(1) the department shall initiate rulemaking for the establishment of the state permit program not more than sixty (60) days after the effective date of the SECTION of Senate Enrolled Act 271-2021 amending this section; and

(2) the board shall adopt a final rule for the establishment of the state permit program not more than sixteen (16) months after initiation of the rulemaking under subdivision (1).

(g) The state permit program established under this section must not establish requirements for any surface impoundment of coal combustion residuals unless and until the state permit program is approved by the administrator of the United States Environmental Protection Agency under 42 U.S.C. 6945(d)(1). The authority of the department to establish requirements under the state permit program established under this section is the only authority the department has to establish requirements for a surface impoundment of coal combustion residuals located on the grounds of a legacy generation resource.

(h) The definitions set forth in Section 257.53 of the federal CCR rule, as in effect January 1, 2021, apply throughout subsection (i).

(i) The department shall charge the following fees under the state permit program established under this section:

(1) An initial one (1) time permit fee of twenty thousand five hundred dollars (\$20,500) for each surface impoundment of coal combustion residuals regulated under the state permit program.

(2) An annual fee of twenty thousand five hundred dollars (\$20,500) for each surface impoundment of coal combustion residuals regulated under the state permit program that has not completed closure in accordance with Section 257.102 of the federal CCR rule. The duty to pay the fee established by this subdivision does not apply on an annual basis until three hundred sixty-five (365) days after the initial one (1) time permit fee established by subdivision (1) has been assessed.



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

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

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

- (1) costs to the department of operating the state permit program established under this section; and
- (2) revenue from the fees charged under subsection (i);

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

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

SECTION 183. IC 13-19-3-3.1, AS ADDED BY P.L.120-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.1. Except as provided in section 3(c) of this chapter, the rules adopted under ~~section 1(a)(1)~~ **section 1(1)** of this chapter may not regulate the following:

- (1) The disposal of waste indigenous to the coal mining process and coal combustion residuals if the material:
 - (A) is not included in the definition of hazardous waste or is exempt from regulation as a hazardous waste under 42 U.S.C. 6921; and
 - (B) is disposed of at a facility regulated under IC 14-34.
- (2) The use of coal combustion residuals for the following:
 - (A) The extraction or recovery of materials and compounds contained within the coal combustion residuals.
 - (B) Bottom ash as an antiskid material.
 - (C) Raw material for manufacturing another product.



- (D) Mine subsidence, mine fire control, and mine sealing.
- (E) Structural fill when combined with cement, sand, or water to produce a controlled strength fill material.
- (F) A base in road construction.
- (G) Cover for coal processing waste disposal locations to inhibit infiltration at surface and underground mines subject to IC 14-34, so long as a demonstration is made in concurrence with the department of natural resources that the materials and methods to be employed are appropriate for the intended use.
- (H) Providing buffering or enhancing structural integrity for refuse piles at surface and underground mines subject to IC 14-34, so long as a demonstration is made in concurrence with the department of natural resources that the materials and methods to be employed are appropriate for the intended use.
- (I) Agricultural applications, when applied using appropriate agronomic amounts to improve crop or vegetative production.

SECTION 184. IC 13-19-3-7, AS AMENDED BY P.L.133-2012, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~The department and the board shall allow a person~~ **A permit is not required** to use foundry sand that meets Type III criteria under 329 IAC 10-9 for the following activities: ~~in accordance with guidance without requiring the person to obtain any permits from the department:~~

- (1) As a daily cover for litter and vermin control at a landfill in accordance with any applicable permits issued for the landfill.
- (2) As a protective cover for a landfill leachate system in accordance with any applicable permits issued for the landfill.
- (3) For use as capped embankments for ground and sight barriers under ten thousand (10,000) cubic yards or embankments for airports, bridges, or overpasses.
- (4) For use:
 - (A) in a land application operation; or
 - (B) as a soil amendment;
 if the application or amendment does not include the operation of a landfill.
- (5) As a structural fill base capped by clay, asphalt, or concrete for the following:
 - (A) Roads.
 - (B) Road shoulders.
 - (C) Parking lots.
 - (D) Floor slabs.
 - (E) Utility trenches.

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- (F) Bridge abutments.
 - (G) Tanks and vaults.
 - (H) Construction or architectural fill.
 - (I) Other similar uses.
- (6) As a raw material constituent incorporated into another product, including the following:
- (A) Flowable fill.
 - (B) Concrete.
 - (C) Asphalt.
 - (D) Brick.
 - (E) Block.
 - (F) Portland cement.
 - (G) Glass.
 - (H) Roofing materials.
 - (I) Rock wool.
 - (J) Plastics.
 - (K) Fiberglass.
 - (L) Mineral wool.
 - (M) Lightweight aggregate.
 - (N) Paint.
 - (O) Plaster.
 - (P) Other similar products.

SECTION 185. IC 13-19-3-9, AS ADDED BY P.L.189-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) This section does not apply to an expansion of a solid waste landfill:

- (1) that accepts only construction\demolition waste; and
- (2) for which a construction\demolition waste permit was issued before January 1, 2005.

(b) A solid waste landfill that accepts only construction\demolition waste shall comply with setback requirements concerning public schools established by the board ~~under 329 IAC 10-16-11~~ for municipal solid waste landfills.

SECTION 186. IC 13-19-4-6, AS AMENDED BY P.L.154-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. Before making a determination to deny an application for the issuance, transfer, or major modification of a permit under section 5 of this chapter, the commissioner ~~shall~~ **may** consider the following mitigating factors:

- (1) The nature and details of the acts attributed to the applicant or responsible party.
- (2) With respect to:

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(A) a civil or an administrative complaint referred to in section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2) (before its repeal); or

(B) a criminal complaint referred to in section 5(a)(3) of this chapter or IC 13-7-10.2-4(a)(3) (before its repeal);

whether the matter has been resolved.

(3) With respect to:

(A) a civil or an administrative complaint referred to in section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2) (before its repeal);

(B) a criminal complaint referred to in section 5(a)(3) of this chapter or IC 13-7-10.2-4(a)(3) (before its repeal); or

(C) a judgment of conviction referred to in section 5(a)(4) of this chapter or IC 13-7-10.2-4(a)(4);

whether any appeal is pending.

(4) The degree of culpability of the applicant or responsible party.

(5) The applicant's or responsible party's cooperation with the state or federal agencies involved in the investigation of the activities involved in complaints and convictions referred to in section 5(a)(2) through 5(a)(5) of this chapter or IC 13-7-10.2-4(a)(2) through IC 13-7-10.2-4(a)(5) (before their repeal).

(6) The applicant's or responsible party's dissociation from any other persons or entities convicted of acts referred to in section 5(a)(2) through 5(a)(5) of this chapter or IC 13-7-10.2-4(a)(2) through IC 13-7-10.2-4(a)(5) (before their repeal).

(7) Prior or subsequent self-policing or internal education programs established by the applicant to prevent activities referred to in section 5(a) of this chapter or IC 13-7-10.2-4(a) (before its repeal).

(8) Whether the best interests of the public will be served by denial of the permit.

(9) Any demonstration of good citizenship by the applicant or responsible party.

SECTION 187. IC 13-19-4-9 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 9: IC 4-21-5 governs determinations, notice, hearings, and appeal of determinations under this chapter.~~

SECTION 188. IC 13-20-1-5 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.~~

SECTION 189. IC 13-20-3-5 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 5: The board shall adopt rules under IC 4-22-2 and~~

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~~IC 13-14-9 to implement this chapter.~~

SECTION 190. IC 13-20-6-9 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 9: The board shall adopt rules under IC 4-22-2 to implement this chapter.~~

SECTION 191. IC 13-20-8-1, AS AMENDED BY P.L.133-2012, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. ~~The board shall adopt rules under IC 4-22-2 and IC 13-14-9 to regulate the construction and operation of incinerators under IC 13-14-8. The~~ **Any rules adopted by the board for the construction and operation of incinerators under IC 13-14-8** must incorporate by reference pertinent rules adopted by the board concerning air pollution control.

SECTION 192. IC 13-20-10.5-1, AS ADDED BY P.L.189-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A person may not after June 30, 2011, start:

- (1) construction of:
 - (A) ~~a biomass an~~ anaerobic digestion facility; or
 - (B) a ~~biomass~~ gasification facility; or
- (2) expansion of:
 - (A) ~~a biomass an~~ anaerobic digestion facility; or
 - (B) a ~~biomass~~ gasification facility;

without obtaining prior approval of the department.

(b) A person who proposes to construct or expand a ~~biomass an~~ anaerobic digestion facility or a ~~biomass~~ gasification facility on the premises of a confined feeding operation must obtain the prior approval required under subsection (a) through the approval process for confined feeding operations under IC 13-18-10 and rules implementing that chapter.

SECTION 193. IC 13-20-10.5-2, AS ADDED BY P.L.189-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. ~~Except as provided in section 3 of this chapter,~~ **a biomass An** anaerobic digestion facility or a ~~biomass~~ gasification facility for which the only input is biomass is not subject to regulation as a solid waste processing facility.

SECTION 194. 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.~~

SECTION 195. IC 13-20-10.5-3.5, AS ADDED BY P.L.27-2024, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.5. (a) The department shall make a



determination under section 1 of this chapter concerning prior approval for the construction or expansion of a ~~biomass~~ **an** anaerobic digestion facility or ~~biomass~~ gasification facility for which the only ~~input is biomass~~ **inputs are biomass or appropriate feedstock** not later than ninety (90) days after the date on which the department receives the completed application for prior approval, including all required supplemental information, unless the department and the applicant agree to a longer time.

(b) Subject to subsection (a), the department may conduct any inquiry or investigation that:

- (1) is consistent with the department's duties under this chapter; and
- (2) the department considers necessary;

before making a determination under section 1 of this chapter.

(c) If the department fails to make a determination within the time frame provided in subsection (a), the applicant may request and receive a refund of the fee paid by the applicant when the application for prior approval was submitted. The department shall continue to review the application and approve or deny the application as soon as practicable.

SECTION 196. IC 13-20-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The commissioner shall issue a waste tire storage site or waste tire processing operation certificate of registration to a person that owns or operates a waste tire storage site or waste tire processing operation if the person complies with the requirements of this chapter and rules adopted by the board under section 11 of this chapter.

(b) A certificate of registration issued under this section expires five (5) years after the date the certificate is issued.

(c) The commissioner may include in a certificate of registration issued under this section conditions that ensure compliance with:

- (1) this chapter; and
- (2) rules adopted by the board under this chapter;

including a compliance schedule.

(d) The department may deny an application for a certificate of registration under this chapter if:

- (1) the application is incomplete;
- (2) the applicant has failed to comply with the requirements of:
 - (A) this chapter;
 - (B) IC 13-20-14; or
 - (C) a rule adopted by the board under section 11 of this chapter; or ~~under IC 13-20-14-6; or~~
- (3) an enforcement action is pending against the applicant.



SECTION 197. IC 13-20-13-5, AS AMENDED BY P.L.37-2012, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. A person that obtains a certificate of registration under section 3 of this chapter must do the following:

- (1) Report annually to the department on the following:
 - (A) The number of passenger tire equivalents received at the waste tire storage site or by the waste tire processing operation.
 - (B) The number and manner of disposal of the passenger tire equivalents.
- (2) Maintain contingency plans to protect public health and the environment.
- (3) If the person operates a waste tire storage site, maintain financial assurance acceptable to the department necessary for waste tire removal, in an amount specified in rules adopted by the board under ~~section 11(b)(3)~~ **section 11** of this chapter.
- (4) Maintain a copy of the certificate of registration at the site.
- (5) Comply with applicable rules and requirements established by the fire prevention and building safety commission for indoor waste tire storage sites.
- (6) Retain a copy of manifests received from a waste tire transporter under IC 13-20-14 for at least one (1) year and make a copy of the manifests available to the department upon request.

SECTION 198. IC 13-20-13-8, AS AMENDED BY P.L.37-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Except as provided in subsection (d)(2), (d)(3), (d)(6), and (d)(7), the waste tire management fund is established for the following purposes:

- (1) The department may use not more than thirty-five percent (35%) of the money deposited in the fund each year for:
 - (A) the removal and disposal of waste tires from sites where the waste tires have been disposed of improperly; and
 - (B) operating the waste tire education program under section 15 of this chapter.
- (2) The department may use the remaining money deposited in the fund each year to:
 - (A) provide grants and loans under section 9(b) of this chapter to entities involved in waste tire management activities; and
 - (B) pay the expenses of administering the programs described in:
 - (i) subdivision (1)(B); and
 - (ii) clause (A).



(b) The expenses of administering the fund shall be paid from money in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) Sources of money for the fund are the following:

(1) Fees paid under section 4(a)(6) of this chapter and IC 13-20-14-5(c).

(2) Fees collected under section 7 of this chapter. All money deposited in the fund under this subdivision may be used by the department for waste reduction, recycling, removal, or remediation projects.

(3) Costs and damages recovered from a person or other entity under section 14 of this chapter or IC 13-20-14-8. All money deposited in the fund under this subdivision may be used by the department for removal and remediation projects.

(4) Fees established by the general assembly for the purposes of this chapter.

(5) Appropriations made by the general assembly.

(6) Gifts and donations intended for deposit in the fund. A gift or donation deposited in the fund under this subdivision may be specified to be entirely for the use of the department.

(7) Civil penalties collected under IC 13-30-4 for violations of:

(A) this chapter;

(B) IC 13-20-14; and

(C) rules adopted under section 11 of this chapter. ~~and IC 13-20-14-6.~~

All money deposited in the fund under this subdivision may be used by the department for eligible projects.

SECTION 199. IC 13-20-13-11, AS AMENDED BY P.L.27-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. ~~(a) The board shall adopt rules under IC 4-22-2 and IC 13-14-8 necessary to implement this chapter.~~

~~(b)~~ **(a) Any rules adopted under this section by the board for waste tires and used tires** must include the following:

(1) Requirements for the registration of waste tire storage sites and waste tire processing operations.

(2) Requirements concerning the following:

(A) The operation of waste tire storage sites and waste tire processing operations.

(B) Proper storage and processing of waste tires.

(C) Contingency plans concerning the minimization of hazards to human health and the environment at waste tire storage sites



and waste tire processing operations.

(D) Record keeping guidelines concerning the quantity of waste tires stored and processed at waste tire storage sites and waste tire processing operations.

(E) The transportation of waste tires and loads containing any combination of both waste tires and used tires.

(F) Reporting requirements concerning the transportation of:

(i) waste tires; and

(ii) loads containing any combination of both waste tires and used tires;

that include evidence of proper end point disposal or processing of tires described in this clause.

(3) Financial assurance acceptable to the department necessary for waste tire removal that a person that operates a waste tire storage site must maintain. The rules shall provide for the use of a corporate financial test that is substantially similar to the corporate financial test set forth in 40 CFR 258.74(e) as an optional financial assurance mechanism.

(4) The establishment of the fee required by section 4(a)(6) of this chapter in an amount necessary to cover the costs incurred in the following:

(A) Registering waste tire storage sites and waste tire processing operations under this chapter.

(B) Administering this chapter.

~~(e)~~ (b) The rules adopted under this section may establish standards and procedures for the legitimate use, instead of disposal, of waste tires, including standards and procedures concerning the following:

(1) Proper storage and handling.

(2) Record keeping.

(3) Circumstances under which the use of a waste tire is not considered a legitimate use.

SECTION 200. IC 13-20-14-1, AS AMENDED BY P.L.133-2012, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as provided in:

(1) rules adopted under subsection (d); and

(2) section 10 of this chapter;

a whole waste tire may not be disposed of at a solid waste landfill.

(b) The department may approve shredded or ground up tires for use as daily cover for a solid waste landfill.

(c) Material approved under subsection (b) is exempt from IC 13-20-22 and IC 13-21-13.

(d) The board ~~shall~~ **may** adopt rules that allow for the incidental



disposal of small amounts of whole waste tires at solid waste landfills.

(e) The rules adopted under subsection (d) may allow a landfill operator to meet the requirements of the rule by employing procedures designed to achieve the objectives of subsection (d) in lieu of a numeric standard.

SECTION 201. IC 13-20-14-5, AS AMENDED BY P.L.37-2012, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person may not act as a waste tire transporter, as defined in IC 13-11-2-252, unless the person is registered with the department as a waste tire transporter. To apply for a certificate of registration as a waste tire transporter, a person must submit the following to the department:

- (1) The person's name.
- (2) The address of the person's principal office.
- (3) The addresses of any offices maintained by the person in Indiana.
- (4) Evidence of financial assurance ~~maintained in accordance with rules adopted under section 6 of this chapter~~, in the amount of at least ten thousand dollars (\$10,000). The financial assurance must be in the form of:
 - (A) a bond for performance, executed by a corporate surety licensed to do business in Indiana;
 - (B) a negotiable certificate of deposit; or
 - (C) a negotiable letter of credit;

payable to the department and conditional upon faithful performance of the requirements of this chapter and the registration.

(b) ~~The rules adopted under section 6 of this chapter~~ **department** must adopt a manifest form and require a waste tire transporter to prepare and carry a manifest based upon that form each time a waste tire transporter transports waste tires. The format and wording of the form must require a waste tire transporter to enter information in each manifest indicating the source and number of waste tires to be transported and the destination to which the waste tires are transported.

(c) A person who acts as a waste tire transporter in Indiana shall pay an annual registration fee of twenty-five dollars (\$25) that shall be deposited in the waste tire management fund and appropriated to the department for the department's use in providing for the removal and disposal of waste tires from sites where the waste tires have been disposed of improperly.

(d) A waste tire transporter shall do the following:

- (1) Retain a copy of a manifest described under this section for at



least one (1) year.

(2) Make a copy of a manifest described under this section available to the department upon request.

(3) **Report annually to the department Record** the number of passenger tire equivalents transported by the waste tire transporter **and provide the records to the department upon request.**

(4) Maintain financial assurance acceptable to the department in accordance with subsection (a)(4).

(e) The commissioner may include in a certificate of registration issued under this chapter conditions that ensure compliance with:

(1) this chapter; and

(2) rules adopted by the board under this chapter;

including a compliance schedule.

(f) The department may deny an application to register under this chapter if:

(1) the application is incomplete;

(2) the applicant has failed to comply with the requirements of:

(A) this chapter;

(B) IC 13-20-13; or

(C) a rule adopted by the board under ~~section 6 of this chapter or under IC 13-20-13-11~~; or

(3) an enforcement action is pending against the applicant.

SECTION 202. IC 13-20-14-5.6, AS AMENDED BY P.L. 128-2024, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.6. (a) A certificate of registration issued by the department under this chapter may be revoked or modified by the commissioner, or by a designated staff member of the department, after notification in writing is sent in accordance with IC 13-14-2-1 to the holder of the certificate, for:

(1) failure to disclose all relevant facts;

(2) making a misrepresentation in obtaining the registration; or

(3) failure to correct, within the time established by the department, a violation of:

(A) a condition of the registration;

(B) this chapter; or

(C) a rule adopted by the board. ~~under section 6 of this chapter.~~

(b) A person aggrieved by the revocation or modification of a certificate of registration may appeal the revocation or modification to the office of administrative law proceedings under IC 4-15-10.5. Pending the decision resulting from a hearing under IC 4-21.5-3 concerning the revocation or modification, the registration remains in



force. However, subsequent to revocation or modification, the commissioner may seek injunctive relief concerning the activity described in the registration.

SECTION 203. IC 13-20-14-6 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 6. The board shall adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter.~~

SECTION 204. IC 13-20-14-9.5, AS AMENDED BY P.L.133-2012, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9.5. (a) Except as provided in rules adopted under subsection (c), an operator of a transfer station shall remove whole waste tires present in solid waste that is being transferred from a vehicle or container to another vehicle or container at the transfer station.

(b) Whole waste tires removed by an operator of a transfer station under subsection (a) shall be disposed of as provided in this chapter.

(c) The board ~~shall~~ **may** adopt rules that allow for the incidental transfer of small amounts of whole waste tires under subsection (a).

(d) The rules adopted under subsection (c) may allow a transfer station operator to meet the requirements of the rule by employing procedures designed to achieve the objectives of subsection (c) in lieu of a numeric standard.

SECTION 205. IC 13-20-15-1, AS AMENDED BY P.L.133-2012, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall administer and implement this chapter to protect the public health, safety, and welfare from the toxic effects and environmental dangers of PCB. The board ~~shall~~ **may** adopt ~~the~~ rules ~~required by~~ **under** this chapter under IC 4-22-2 and IC 13-14-9.

SECTION 206. IC 13-20-17.7-4, AS ADDED BY P.L.170-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The commissioner shall do the following:

(1) Not more than thirty (30) days after receiving a plan developed by a motor vehicle manufacturer or a group of motor vehicle manufacturers under section 1 of this chapter, issue a public notice of a period of at least thirty (30) days during which the public may submit written comments on the plan to the commissioner.

(2) Not more than one hundred twenty (120) days after receiving a plan, determine whether the entire plan complies with this chapter and:

(A) if the entire plan complies with this chapter, approve the plan in its entirety;



(B) if no part of the plan complies with this chapter, reject the plan in its entirety; or

(C) if only part of the plan complies with this chapter, approve that part and reject the rest of the plan.

(b) If a plan is approved in its entirety under subsection (a)(2)(A), the motor vehicle manufacturers shall begin implementing the plan not more than thirty (30) days after the date the plan is approved. If an entire plan is rejected under subsection (a)(2)(B), the commissioner shall inform the motor vehicle manufacturers why the plan was rejected, and the manufacturers shall submit a new plan not more than thirty (30) days after the commissioner informs the manufacturers that the entire plan was rejected. If a plan is approved in part and rejected in part under subsection (a)(2)(C), the manufacturers shall immediately implement the approved part of the plan and submit a revision of the rejected part of the plan not more than thirty (30) days after the commissioner informs the manufacturers of the commissioner's partial approval. The commissioner shall make a determination on a revised plan not more than thirty (30) days after receiving the revised plan.

(c) Not more than two hundred forty (240) days after receiving a plan developed by motor vehicle manufacturers under section 1 of this chapter, the commissioner shall complete, on behalf of the manufacturer, any part of the plan that has not yet been approved.

~~(d) After a plan has been approved under this section, the commissioner shall:~~

~~(1) review the plan three (3) years after the original date of approval of the plan and every three (3) years thereafter; and~~

~~(2) work with the motor vehicle manufacturers to agree with the manufacturers on appropriate modifications to the plan.~~

~~(e) Motor vehicle manufacturers are not required to resubmit a plan modified under subsection (d) to the commissioner for approval.~~

SECTION 207. IC 13-20-22-1, AS AMENDED BY P.L.250-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A fee is imposed on the disposal or incineration of solid waste in a final disposal facility in Indiana. Except as provided in section 14 of this chapter, the amount of the fee is as follows:

(1) For solid waste generated in Indiana, fifty cents (\$0.50) a ton.

(2) For solid waste generated outside Indiana:

(A) fifty cents (\$0.50) a ton; and

(B) if the board has adopted rules under subsection (b), an additional amount imposed under the rules.

(b) The board may adopt rules to establish and impose a fee on the



disposal or incineration of solid waste that is:

- (1) generated outside Indiana; and
- (2) disposed of or incinerated in a final disposal facility in Indiana.

If rules are adopted under this subsection, the fee shall be set at an amount necessary to offset the costs incurred by the state or a county, municipality, or township that can be attributed to the importation of the solid waste into Indiana and the presence of the solid waste in Indiana.

(c) If solid waste has been subject to a fee under this section, the total amount of the fee paid shall be credited against any other fee to which the solid waste may later be subject under this section.

(d) A fee may not be imposed upon material used as alternate daily cover ~~pursuant to~~ ~~under~~ a permit issued by the department ~~under 329 IAC 10-20-13~~ **or a rule adopted by the board.**

SECTION 208. IC 13-20-25-1, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The goal of the state is to recycle **or divert** at least fifty percent (50%) of its municipal waste.

SECTION 209. IC 13-20-25-9, AS AMENDED BY P.L.147-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) A recycler shall report the recycler's recycling activities under this section. A recycler may elect to report the recycler's recycling activities on an annual basis under subsection (b). ~~or on a quarterly basis under subsection (c).~~

(b) A recycler ~~that elects to report on an annual basis shall, in 2016 and each succeeding calendar year, before March 1, shall~~ submit to the commissioner a completed recycling activity report concerning the recycling activities conducted by the recycler during the calendar year that ended on the most recent December 31.

(c) A recycler **may elect to report more frequently than is required under subsection (a).** ~~that elects to report on a quarterly basis shall, for the July through September quarter of 2014 and each succeeding quarter, not more than thirty (30) days after the end of the quarter, submit to the commissioner a completed recycling activity report concerning the recycling activities conducted by the recycler during the quarter. A quarterly report submitted under this subsection must concern the recycling activities conducted by the recycler during the period of:~~

- (1) July through September;
- (2) October through December;
- (3) January through March; or

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~~(4) April through June:~~

(d) A recycler shall submit a separate recycling activity report under this section for each reporting ~~period, whether annual or quarterly,~~ **period** for each facility:

- (1) that was owned or operated by the recycler; and
- (2) at which the recycler conducted recycling activities; during the reporting period.

(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.

SECTION 210. IC 13-20-25-10, AS AMENDED BY P.L.104-2024, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) A person:

(1) who:

- (A) is not required to submit a recycling activity report under section 9 of this chapter; but
- (B) recycled recyclable materials during a calendar year;

(2) who:

- (A) meets the definition of "scrap metal processing facility" set forth in IC 8-23-1-36;
- (B) meets the definition of "automotive salvage recycler" set forth in IC 9-13-2-10;
- (C) meets the definition of "recycling facility" set forth in IC 9-13-2-150.3;
- (D) is engaged in business subject to IC 9-22-3;
- (E) meets the definition of "automotive salvage rebuilder" set forth in IC 9-32-2.1-5;
- (F) meets the definition of "scrap metal processor" set forth in IC 13-11-2-196.5;
- (G) meets the definition of "core buyer" set forth in IC 25-37.5-1-0.2; or
- (H) meets the definition of "valuable metal dealer" set forth in IC 25-37.5-1-1(b); or

(3) who:

- (A) is not required to submit a recycling activity report under section 9 of this chapter; but
- (B) took action during a calendar year to recover, from the solid waste stream, for purposes of:
 - (i) use or reuse;
 - (ii) conversion into raw materials; or
 - (iii) use in the production of new products;



materials that were not municipal waste; may voluntarily submit a recycling activity report to the commissioner concerning the person's recycling activity during the calendar year.

(b) The commissioner ~~shall~~ **may** include information reported to the commissioner under this section in the annual reports that the commissioner is required to submit under IC 4-23-5.5-6.

SECTION 211. IC 13-20-25-11, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) ~~Except as provided in subsection (b);~~ A recycling activity report submitted to the commissioner under this chapter must be submitted ~~on the uniform recycling activity report form posted in a format required~~ by the commissioner ~~on~~ **through** the department's ~~Internet web site website.~~ ~~under section 12 of this chapter.~~

(b) ~~If a uniform recycling activity report form is not posted on the department's Internet web site by July 1 in a calendar year in which a recycler is required to submit a completed recycling activity report under section 9(a) of this chapter; the recycler may satisfy the recycler's duties under this chapter by submitting to the commissioner; by a letter postmarked before August 1 of the calendar year; the types of information about the recycler's recycling activities during the calendar year that are set forth in section 12 of this chapter.~~

(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 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) 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).

SECTION 212. 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).

SECTION 213. IC 13-20-26-3, AS ADDED BY P.L.153-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. To implement the second round of grants described in this chapter, the Indiana recycling market development board ~~shall~~ **may not** award ~~not~~ more than a total of two million dollars (\$2,000,000) to applicants.

SECTION 214. IC 13-20.5-1-4, AS AMENDED BY P.L.200-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person may not operate as a collector of covered electronic devices from covered entities unless the person:

- (1) has submitted to the department a completed registration form; ~~as required by 329 IAC 16-5-1;~~ and
- (2) otherwise complies with ~~329 IAC 16-~~ **rules established by the board.**

(b) A registration submitted under this section:

- (1) is effective upon receipt by the department; and
- (2) must be submitted for a program year not later than March 1 of the program year.

SECTION 215. IC 13-20.5-1-5, AS AMENDED BY P.L.200-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2026]: Sec. 5. (a) A person may not recycle covered electronic devices generated by covered entities unless the person:

- (1) has submitted to the department a completed registration form; as ~~required by 329 IAC 16-5-1~~; and
- (2) otherwise complies with ~~329 IAC 16-~~ **rules established by the board.**

(b) A registered recycler may conduct recycling activities that are consistent with this article.

(c) A registration submitted under this section:

- (1) is effective upon receipt by the department; and
- (2) must be submitted for a program year not later than March 1 of the program year.

SECTION 216. IC 13-20.5-1-6, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. The department may revoke the registration of a collector or recycler that violates either or both of the following:

- (1) This article.
- (2) ~~329 IAC 16-~~ **Rules established by the board.**

SECTION 217. IC 13-20.5-3-1, AS AMENDED BY P.L.200-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than March 1 of each year, a manufacturer shall report to the department the total weight in pounds of covered electronic devices that the manufacturer:

- (1) collected from eligible entities and recycled; or
- (2) arranged to have collected from eligible entities and recycled;

during the program year that ended on the immediately preceding December 31.

(b) Not later than March 1 of each year, a manufacturer shall report the following to the department:

- (1) The number of recycling credits the manufacturer purchased and sold during the program year that ended on the immediately preceding December 31.
- (2) The number of recycling credits possessed by the manufacturer that the manufacturer intends to use in the calculation of its variable recycling fee under IC 13-20.5-2-1.
- (3) The number of recycling credits the manufacturer retained at the beginning of the program year that began on the immediately preceding January 1.
- (4) The ~~amount~~ **weight** in pounds of covered electronic devices that the manufacturer arranged for a recycler to collect and recycle during the program year that ended on the immediately preceding December 31 and that were not converted to recycling



credits.

SECTION 218. IC 13-20.5-3-2, AS AMENDED BY P.L.200-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. Not later than each March 1, a recycler of covered electronic devices shall do the following:

(1) Report to the department separately the total weight in pounds of covered electronic devices that were:

(A) recycled by the recycler; and

(B) taken by the recycler for final disposal;

during the program year that ended on the immediately preceding December 31.

(2) Submit to the department a list of all collectors from whom the recycler received covered electronic devices during the program year that ended on the immediately preceding December 31.

(3) Certify that the recycler has complied with IC 13-20.5-5 and ~~329 IAC 16~~ **any applicable regulations** during the program year that ended on the immediately preceding December 31.

SECTION 219. IC 13-20.5-4-1, AS AMENDED BY P.L.200-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A manufacturer shall **do the following:**

(1) In each of the manufacturer's program years recycle or arrange for the collection and recycling from covered entities of an amount of covered electronic devices equal to at least sixty percent (60%) of the total weight of the manufacturer's video display devices sold to households as reported in the manufacturer's registration for the program year under IC 13-20.5-1-1(c)(4).

(2) Conduct and document due diligence assessments of collectors and recyclers with which the manufacturer contracts to allow the manufacturer to comply with this chapter.

(3) Maintain for three (3) years documentation showing that all covered electronic devices:

(A) recycled;

(B) partially recycled; or

(C) sent to downstream recycling operations by the manufacturer;

are recycled in compliance with this article.

(4) Provide the department with contact information for an individual who can be contacted regarding the manufacturer's activities under this article.

SECTION 220. IC 13-20.5-4-2 IS REPEALED [EFFECTIVE JULY



1, 2026]. Sec. 2: (a) A manufacturer shall conduct and document due diligence assessments of collectors and recyclers with which the manufacturer contracts to allow the manufacturer to comply with this chapter:

(b) A manufacturer shall maintain for three (3) years documentation showing that all covered electronic devices recycled; partially recycled; or sent to downstream recycling operations by the manufacturer are recycled in compliance with this article:

SECTION 221. IC 13-20.5-4-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 3: A manufacturer shall provide the department with contact information for an individual who can be contacted regarding the manufacturer's activities under this article:

SECTION 222. IC 13-20.5-7-3, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. If the revenues in the electronic waste fund established by IC 13-20.5-2-3 exceed the amount that the department determines is necessary for efficient and effective administration of this article, the department shall recommend to the general assembly in a report submitted in an electronic format under IC 5-14-6 that:

- (1) the registration fee under IC 13-20.5-2-1(a); or
- (2) the proportion of sales of video display devices required to be recycled under IC 13-20.5-4-1;

be lowered to reduce revenues collected in the subsequent state fiscal year by the estimated amount of the excess: **report to the standing committees with subject matter jurisdiction over environmental affairs for both the house of representatives and the senate.**

SECTION 223. IC 13-20.5-7-10 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 10: (a) Solid waste management districts shall conduct educational programs to provide information to the public concerning:

- (1) reuse and recycling of electronic waste;
- (2) collection programs available to the public for the disposal of electronic waste; and
- (3) proper disposal of electronic waste.

(b) The department, with assistance from solid waste management districts and other appropriate persons, shall provide solid waste management districts with a curriculum model that includes educational core principles concerning the reuse, recycling, collection, and proper disposal of solid waste. Solid waste management districts shall implement educational programs that meet the minimum standards established by the department in the curriculum model.

SECTION 224. IC 13-21-1-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The commissioner: ~~shall do the following:~~

- (1) **shall** adopt the state plan in final form; **and**
- (2) **may** adopt rules under IC 4-22-2 to provide for the plan's implementation.

SECTION 225. IC 13-21-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The state plan must provide for solid waste management in Indiana for the twenty (20) years following the adoption of the state plan. The state plan ~~must~~ **may** include the following, in order of priority:

- (1) The establishment of voluntary statewide goals for source reduction.
- (2) The establishment of criteria for alternatives to final disposal, including the following:
 - (A) Recycling.
 - (B) Composting.
 - (C) The availability of markets.
- (3) The establishment of general criteria for the siting, construction, operation, closing, and monitoring of final disposal facilities.
- (4) Criteria and other elements to be considered in the adoption of district solid waste management plans.

SECTION 226. IC 13-21-1-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 3. Revisions of the state plan must be implemented using the procedures set forth in section 4 of this chapter.~~

SECTION 227. IC 13-21-1-4, AS ADDED BY P.L.37-2012, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) ~~In 2015 and every fifth year thereafter,~~ The legislative council ~~shall~~ **may** require an interim study committee or a statutory study committee to:

- (1) assess solid waste management districts; and
- (2) determine whether any changes should be made to the statutes governing solid waste management districts.

(b) An interim study committee or a statutory study committee that assesses solid waste management districts under subsection (a) shall issue a final report, in an electronic format under IC 5-14-6, to the legislative council containing the committee's findings and recommendations, including any recommended legislation, not later than November 1 of the year in which an assessment is conducted.

SECTION 228. IC 13-21-13-1, AS AMENDED BY P.L.104-2022, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A board may impose fees on the disposal of

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solid waste in a final disposal facility located within the district. A fee imposed by a board in a county with a population of more than one hundred twelve thousand (112,000) and less than one hundred twenty thousand (120,000) under this section may not exceed two dollars and fifty cents (\$2.50) a ton. A fee imposed by a board in other counties under this section may not exceed:

- (1) two dollars and fifty cents (\$2.50) a ton; or
- (2) the amount of a fee imposed by the board;
 - (A) under this section; and
 - (B) in effect on January 1, 1993;

whichever is greater.

(b) The board shall do the following:

- (1) Set the amount of fees imposed under this section after a public hearing.
- (2) Give public notice of the hearing.

(c) If solid waste has been subject to a district fee under this section, the total amount of the fee that was paid shall be credited against a district fee to which the solid waste may later be subject under this section.

(d) Except as provided in section 4 of this chapter, fees imposed under this chapter shall be imposed uniformly on public facilities and on privately owned or operated facilities throughout the district.

(e) A resolution adopted by a board that establishes fees under this chapter may contain a provision that authorizes the board to impose a penalty of not more than five hundred dollars (\$500) per day because of:

- (1) nonpayment of fees; or
- (2) noncompliance with a condition in the resolution.

(f) A board may not impose fees for material used as alternate daily cover pursuant to a permit issued by the department under ~~329 IAC 10-20-13~~. **the rules adopted by the board.**

SECTION 229. IC 13-22-2-4 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 13-14-8 on the proper and safe transportation, treatment, storage, and disposal of hazardous wastes. Whenever possible, the rules adopted under this section must allow for variation in Indiana with regard to population density, climate, and geology.

(b) Rules adopted under this section concerning incinerators used as hazardous waste facilities may establish requirements more stringent than the requirements for hazardous waste incinerators established by regulations adopted by the Administrator of the United States

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Environmental Protection Agency under the following statutes:

- (1) The federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).
- (2) The federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the federal Clean Air Act Amendments of 1990 (P.L.101-549). **amended.**

SECTION 230. IC 13-22-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Before allowing the operation of a landfill for the disposal of hazardous waste, the commissioner and all the owners of the land upon which the landfill is located must execute and record a restrictive covenant upon the land involved. The department shall file the instrument imposing the restrictive covenant for record in the recorder's office in the county in which the landfill is located.

(b) The covenant must state that:

- (1) the land has been or may be used as a landfill for disposal of hazardous waste; and
- (2) neither the property owners, agents, or employees, nor any of their heirs, successors, lessees, or assignees, may engage in filling, grading, excavating, building, drilling, or mining on the property following the completion and closure of the landfill without authorization of the commissioner.

(c) Before the commissioner grants an authorization for the activities prohibited in the covenant, the commissioner shall **review consider** the following:

- (1) The original design of the landfill.
- (2) The type of operation.
- (3) The hazardous waste deposited there.
- (4) The state of decomposition of the hazardous wastes.

SECTION 231. IC 13-22-7.5-1, AS ADDED BY P.L.172-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter applies to a person that transports:

- (1) a chemical munition ~~referred to in 329 IAC 3-1-6-3, as in effect on January 1, 2005; as defined in IC 13-11-2-25;~~ or
- (2) hazardous waste derived from the bulk neutralization and destruction of the agent VX referred to in IC 13-11-2-25(6).

SECTION 232. IC 13-22-8-1, AS AMENDED BY P.L.133-2012, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board ~~shall~~ **may** adopt rules under IC 4-22-2 and IC 13-14-9 on standards of financial responsibility for the following:

- (1) Closure.

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(2) Postclosure monitoring at hazardous waste facilities.

(3) Any required corrective action at those facilities.

(b) ~~The Any~~ rules adopted under this section must reflect the provisions for financial responsibility prescribed by section 2 of this chapter.

SECTION 233. IC 13-22-11-1 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 1: (a) The office shall do the following:~~

~~(1) Continuously gather information on secondary material utilization or waste reduction practices and technology from sources within and outside Indiana;~~

~~(2) Provide information and advice on secondary material utilization or waste reduction in response to a request from a business or business organization that is active in Indiana;~~

~~(b) In the absence of a request, the office may, at the direction of the commissioner, present advice on secondary material utilization or waste reduction to a business that:~~

~~(1) is active in Indiana; and~~

~~(2) in the judgment of the commissioner, could:~~

~~(A) significantly reduce;~~

~~(B) eliminate; or~~

~~(C) avoid;~~

~~the generation and disposal of hazardous waste through waste reduction or secondary material utilization under IC 13-22-11.5.~~

~~The office shall study the information to be presented with advice under this subsection.~~

SECTION 234. IC 13-22-11-2 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 2: In directing the office to present advice to businesses under section 1(b) of this chapter, the commissioner shall establish a priority among types of businesses according to the following:~~

~~(1) The degree or magnitude of waste reduction that could be achieved by a type of business, in comparison to the waste reduction that could be achieved by other businesses.~~

~~(2) The financial and technical feasibility of the waste reduction practices and technologies available to various types of businesses.~~

~~(3) The statewide waste reduction impact likely to be achieved through presenting advice to a type of business due to the prevalence of that type of business in Indiana.~~

~~(4) Any other factors that, in the judgment of the commissioner, may affect the overall effectiveness of the office in promoting waste reduction in Indiana.~~

SECTION 235. IC 13-23-1-2, AS AMENDED BY P.L.38-2012,



SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. ~~(a) The board shall adopt rules under IC 4-22-2, IC 13-14-8, and IC 13-14-9 for the establishment and operation of the program established under section 1 of this chapter.~~

~~(b)~~ **(a) Any rules adopted by the board establishing and operating the program established under section 1 of this chapter** must not be less stringent than the regulations adopted by the Administrator of the United States Environmental Protection Agency under Section 9003 of the federal Solid Waste Disposal Act, as amended (42 U.S.C. 6991b, as amended).

~~(c)~~ **(b) The rules adopted under subsection (a) section 1 of this chapter** must include the following:

- (1) Requirements for maintaining:
 - (A) a leak detection system;
 - (B) an inventory control system coupled with tank testing; or
 - (C) a comparable system or method;
 designed to identify releases in a manner consistent with the protection of human health and the environment.
- (2) Requirements for maintaining records of any:
 - (A) monitoring;
 - (B) leak detection system;
 - (C) inventory control system or tank testing; or
 - (D) comparable system.
- (3) Requirements for reporting of:
 - (A) any releases; and
 - (B) corrective action taken in response to a release.
- (4) Requirements for ordering or taking corrective action in response to a release.
- (5) Requirements for closure of underground storage tanks to prevent future releases of regulated substances into the environment.
- (6) Requirements for maintaining evidence of financial responsibility for:
 - (A) taking corrective action; and
 - (B) compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from the operation of an underground storage tank.
- (7) Standards of performance for new underground storage tanks.
- (8) Requirements for the following:
 - (A) Providing notice to the department of the existence of operational and nonoperational underground storage tanks, as required under 42 U.S.C. 6991a(a).



(B) Providing the information required on the form prescribed under 42 U.S.C. 6991a(b)(2).

(C) Providing notice, by any person who sells a tank intended to be used as an underground storage tank, to the purchaser of that tank of the owner's notification requirements established by this article and 42 U.S.C. 6991a(a).

(9) Requirements for the delivery prohibition program prescribed under 42 U.S.C. 6991k, including:

(A) notice to owners or operators when an underground storage tank is declared ineligible for delivery, deposit, or acceptance of a regulated substance; and

(B) procedures to enforce the delivery prohibition that include the use of a temporary emergency order under IC 4-21.5-4 for violations of section 4(a) of this chapter.

SECTION 236. IC 13-23-3-1, AS AMENDED BY P.L.176-2023, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The department shall, under rules adopted by the board under IC 4-22-2 and IC 13-14-9, establish a certification program for persons who supervise, manage, or direct underground storage tank or aboveground storage tank:

- (1) installation or retrofitting;
- (2) testing;
- (3) cathodic protection procedures; or
- (4) decommissioning.

(b) A person may be certified by the department if the person submits evidence to the department that the person has successfully completed:

- (1) the International Fire Code Institute Council examination; or
- (2) another appropriate examination approved by the department.

(c) The department may create a supplemental educational library concerning proper installation and closure of underground storage tanks or aboveground storage tanks, which includes the American Petroleum Institute's series, "An Education and Certification Program for Underground Storage Tank Professionals" and "API 653 Aboveground Storage Tank Inspector Certification Program".

SECTION 237. IC 13-23-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) To obtain a certificate under section 1 of this chapter, a person must:

- (1) take an examination that is approved;
- (2) achieve a passing score on the examination that is established; and
- (3) pay any reasonable fees necessary to offset the costs incurred

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by the ~~state fire marshal department~~ in administering the examination and certification procedures that are established; under rules adopted by the ~~fire prevention and building safety commission; board.~~

(b) An examination described under subsection (a) must cover the following subjects:

- (1) Relevant rules adopted by the
 - (A) ~~board and~~
 - (B) ~~fire prevention and building safety commission;~~
 concerning underground storage tanks.

- (2) Any other subjects approved under rules adopted by the fire prevention and building safety commission.

(c) The ~~fire prevention and building safety commission board~~ shall adopt rules establishing the following:

- (1) The number of times a person who fails an examination described under this section may take the examination again.
- (2) The period of time a person who fails an examination described under this section must wait before taking the examination again.

(d) The ~~state fire marshal department~~ may, under rules adopted by the ~~fire prevention and building safety commission; board,~~ certify a person:

- (1) under section 1 of this chapter; and
- (2) by ~~reciprocity; equivalency;~~

if the person is licensed or certified by another state that has certification requirements that are substantially similar to the requirements established under this section.

SECTION 238. IC 13-23-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The rules adopted under ~~IC 13-23-1-2(e)(6)~~ **IC 13-23-1-2(b)(6)** may allow evidence of financial responsibility in one (1) or a combination of the following forms:

- (1) Insurance.
- (2) Guarantee.
- (3) Surety bond.
- (4) Letter of credit.
- (5) Qualification as a self-insurer.
- (6) Any other method satisfactory to the commissioner and the Administrator of the United States Environmental Protection Agency.

SECTION 239. IC 13-23-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The rules adopted

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under ~~IC 13-23-1-2(c)(6)~~ **IC 13-23-1-2(b)(6)** may require the use of certain policy provisions or contract terms, including provisions or terms concerning the following:

- (1) The minimum amount of coverage required for various classes and categories of underground storage tanks established under section 4 of this chapter.
- (2) Conditions or defenses that are necessary or unacceptable in establishing evidence of financial responsibility.

SECTION 240. IC 13-23-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The rules adopted under ~~IC 13-23-1-2(c)(6)~~ **IC 13-23-1-2(b)(6)** may require a minimum amount of coverage for particular classes or categories of underground storage tanks containing petroleum. Minimum coverage amounts established under this subsection must be at least one million dollars (\$1,000,000) for each occurrence, with an appropriate aggregate amount.

(b) The board may by rule set minimum coverage amounts lower than the amount set forth in subsection (a) for underground storage tanks containing petroleum that are:

- (1) not located at facilities engaged in the production, refining, or marketing of petroleum; and
- (2) not used to handle substantial quantities of petroleum.

(c) In adopting rules establishing classes and categories of underground storage tanks containing petroleum for purposes of this section, the board may consider the following factors:

- (1) The:
 - (A) size, type, location, storage, and handling capacity of underground storage tanks in the class or category; and
 - (B) volume of petroleum handled by those tanks.
- (2) The:
 - (A) likelihood of release; and
 - (B) potential extent of damage from any release; from underground storage tanks in the class or category.
- (3) The economic impact of the limits on the owners and operators of each class or category, particularly relating to the small business segment of the petroleum marketing industry.
- (4) The availability of methods of financial responsibility in amounts greater than the amount established by this section.
- (5) Any other factors that the board considers pertinent.

SECTION 241. IC 13-23-7-5, AS AMENDED BY P.L.96-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The treasurer of state shall invest the money in



the ELTF not currently needed to meet the obligations of the ELTF in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the ELTF. ~~At least one (1) time each year, the treasurer of state shall provide the financial assurance board a report detailing the investments made under this section.~~

SECTION 242. IC 13-23-8-4, AS AMENDED BY P.L.9-2024, SECTION 344, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The administrator shall pay ELTF claims that are:

- (1) for costs related to eligible releases;
- (2) submitted by eligible parties; and
- (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.

(b) **The administrator, if appropriate, may allow** an eligible party ~~may~~ to assign the **eligible party's** right to receive payment of an ELTF claim to another person.

(c) Not more than forty-five (45) business days after an ELTF claim is submitted, the administrator shall do one (1) of the following:

- (1) Approve the ELTF claim and, under IC 13-23-9-2(c), forward the ELTF claim to the state comptroller for payment.
- (2) Send to the claimant a written notice that:
 - (A) states that a correction, a clarification, or additional information is needed before the ELTF claim can be approved; and
 - (B) provides a clear explanation:
 - (i) of the correction, clarification, or additional information that is needed; and
 - (ii) of why it is needed.
- (3) Deny the claim and provide the claimant with a statement of the reasons for the denial under IC 13-23-9-2(b).

SECTION 243. IC 13-23-9-1.7, AS AMENDED BY P.L.149-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.7. (a) The administrator may pay an ELTF claim for fifty percent (50%) of the costs of decommissioning or replacing an underground petroleum storage tank, provided that:

- (1) the applicant is the owner of the tank;
- (2) such decommissioning or replacement is necessary, in the judgment of the administrator, to protect human health and the environment considering the age, obsolescence, and level of deterioration of the tank; and
- (3) the costs:
 - (A) are reasonable and cost effective; and



(B) result from or reimburse the claimant for work performed decommissioning the tank or replacing the tank with a new aboveground storage tank as defined in IC 13-11-2-0.4 or underground storage tank as defined in IC 13-11-2-241.

(b) **Subject to subsection (c)**, the expenses described in subsection (a) that are paid from the ELTF in a state fiscal year may not exceed:

- (1) ten million dollars (\$10,000,000) each year for claims submitted by applicants owning not more than twelve (12) underground petroleum storage tanks;
- (2) seven million five hundred thousand dollars (\$7,500,000) each year for claims submitted by applicants owning more than twelve (12) but not more than one hundred (100) underground petroleum storage tanks; and
- (3) two million five hundred thousand dollars (\$2,500,000) each year for claims submitted by applicants owning more than one hundred (100) underground petroleum storage tanks.

(c) At the end of each state fiscal year, any funds that were allocated for the decommissioning or replacement of underground petroleum storage tanks, as described in subsection (b), but that were not spent shall roll over to the next state fiscal year and be used to decommission or replace underground petroleum storage tanks within the same category as allocated in the prior state fiscal year pursuant to subsection (b)(1), (b)(2), and (b)(3).

SECTION 244. IC 13-23-9-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 4: If the administrator denies an ELTF claim under this chapter, the claimant may appeal the denial under IC 4-21.5 to the office of administrative law proceedings under IC 4-15-10.5.~~

SECTION 245. IC 13-23-11-2, AS AMENDED BY P.L.176-2023, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board consists of the following ~~nine (9)~~ **ten (10)** members:

- (1) The administrator or the administrator's designee.
- (2) One (1) member nominated by the treasurer of state in consultation with the commissioner of the department of state revenue.
- (3) One (1) member representing the independent petroleum wholesale distributor-marketer industry. ~~In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.~~
- (4) One (1) member representing the petroleum refiner-supplier industry. ~~In making this appointment, the governor may consider~~



~~the recommendation of the Indiana petroleum council:~~

(5) One (1) member of the financial lending community who has experience with loan guaranty programs.

(6) One (1) member representing the convenience store operator industry or independent petroleum retail distributor-marketer industry. ~~In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association:~~

(7) One (1) member representing environmental interests.

(8) One (1) member representing an environmental consulting firm that performs work involving underground storage tank or aboveground storage tank corrective actions.

(9) One (1) member representing the property and casualty insurance industry.

(10) One (1) member representing airports.

(b) The governor shall appoint the members specified in subsection (a)(2) through ~~(a)(9)~~ **(a)(10)** for terms of ~~two (2)~~ **four (4)** years.

(c) The governor may consider nomination and recommendations for members appointed under subsection (a)(2) through (a)(10) from representative constituencies.

SECTION 246. IC 13-23-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) If an appointed member of the board is not able to serve the member's full term, the governor shall appoint an individual to serve for the remainder of the unexpired term.

(b) The term of an appointed member of the board continues until the member's successor has been appointed. ~~and qualified.~~

(c) No member may serve more than two (2) consecutive terms.

SECTION 247. IC 13-23-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. ~~The board, at the board's first meeting of each year, shall elect~~ **The governor may designate** from among the board's members a chairperson and other officers necessary to transact business.

SECTION 248. IC 13-23-11-6, AS AMENDED BY P.L.113-2014, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board must have a quorum to transact business. Five (5) members constitute a quorum.

(b) An affirmative vote of the majority of members present is required for the board to take action.

~~(c) The board shall meet upon:~~

~~(1) the request of the chairperson; or~~

~~(2) the written request of three (3) of the board's members.~~

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(d) ~~A meeting must be held not later than fourteen (14) days after a request is made:~~

SECTION 249. IC 13-23-11-7, AS AMENDED BY P.L.176-2023, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) The board shall do the following:

(1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to do the following:

(A) Carry out the duties of the board under this article.

(B) Establish standards and procedures under which:

(i) eligible parties may submit ELTF claims; and

(ii) the administrator of the ELTF may pay ELTF claims.

(C) Establish standards for determining the reasonableness and cost effectiveness of corrective action for purposes of reimbursement from the ELTF under IC 13-23-9-1.5(a)(1).

(D) Establish standards for priorities in the payment of ELTF claims, including a priority for claims associated with releases from USTs and ASTs that pose an immediate and significant threat to the environment.

(E) Provide reimbursement from the petroleum storage tank excess liability trust fund for fifty percent (50%) of costs of decommissioning or replacing underground petroleum storage tanks that meet the criteria under IC 13-23-9-1.7.

(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 facility or AST facility** and undertake the investigation and remediation of any residual contamination arising from the site's former use as a ~~petroleum facility~~ **UST facility or AST facility**. 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:

(A) a ~~detailed~~ breakdown of contractual and administrative expenses the department is claiming from the ELTF under IC 13-23-7-1(a)(4); and



(B) a claims statistics report consisting of:

- (i) the status and amounts of claims submitted to the ELTF;
- and
- (ii) ELTF claims payments made.

~~Testimony shall be taken and a written report shall be received under this subdivision at every meeting of the board. However, the testimony and written report are not required more than one (1) time during any thirty (30) day period.~~

(3) Consult with the department on administration of the ELTF in developing uniform policies and procedures for revenue collection and claims administration of the ELTF.

(b) The department shall consult with the board on administration of the ELTF. The consultation must include evaluation of alternative means of administering the ELTF in a cost effective and efficient manner.

~~(c) At each meeting of the board, the department shall provide the board with a written report on the financial condition and operation of the ELTF.~~

SECTION 250. IC 13-23-11-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 9. This chapter expires July 1, 2031.**

SECTION 251. 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:

(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.

SECTION 252. IC 13-23-13-2, AS AMENDED BY P.L.176-2023, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner, under rules adopted under IC 13-23-1-2, may undertake corrective action with respect to any release of a regulated substance into the environment from an underground storage tank or aboveground storage tank if:

- (1) that action is necessary, in the judgment of the commissioner, to protect human health and the environment; and
- (2) at least one (1) of the following conditions exists:
 - (A) A person cannot be found not later than ninety (90) days after a suspected or confirmed release is identified (or a shorter time necessary to protect human health and the environment) who is:
 - (i) an owner or operator of the underground storage tank or aboveground storage tank;
 - (ii) subject to the rules concerning corrective action; and
 - (iii) capable of properly carrying out corrective action with respect to the release.
 - (B) An existing situation requires prompt action by the commissioner under this section to protect human health and the environment.
 - (C) The cost of corrective action at the site of an underground storage tank exceeds the amount of financial responsibility required under ~~IC 13-23-1-2(e)(6)~~, **IC 13-23-1-2(b)(6)**,



IC 13-23-4-4, and IC 13-23-4-5 and, considering the class or category of underground storage tank from which the release occurred, expenditures by the state are necessary to ensure an effective corrective action.

(D) The owner or operator of the underground storage tank or aboveground storage tank has failed or refused to comply with an order of the commissioner or a judgment of a court of competent jurisdiction under section 1 of this chapter to take corrective action with respect to the release.

SECTION 253. IC 13-23-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. In determining the equities for seeking the recovery of costs under section 8 of this chapter, the commissioner may consider the following:

- (1) The amount of financial responsibility required to be maintained under ~~IC 13-23-1-2(c)(6)~~; **IC 13-23-1-2(b)(6)**.
- (2) The factors considered in establishing that amount for underground storage tanks containing petroleum under IC 13-23-4-4.

SECTION 254. IC 13-23-16-2, AS AMENDED BY P.L.176-2023, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. If the department receives a report concerning:

- (1) the discovery of released regulated substances at an underground storage tank or aboveground storage tank site or in the surrounding area under ~~329 IAC 9-4-1(1)~~; **40 CFR 280.50**; or
- (2) a spill or overfill under ~~329 IAC 9-4-4(a)~~; **40 CFR 280.53**;

the department shall, not more than seven (7) days after receiving the report, provide notice of the release, spill, or overfill to the county health officer of each county in which the release, spill, or overfill occurred.

SECTION 255. IC 13-23-16-3, AS ADDED BY P.L.221-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Not more than seven (7) days after receiving a notice from the department under section 2 of this chapter, a county health officer shall **make a reasonable effort to** do the following:

- (1) Publish notice of the release, spill, or overfill in a newspaper **or other media** of general circulation in the county health officer's county.
- (2) Provide any other notice of the release, spill, or overfill the county health officer considers necessary or appropriate.

SECTION 256. IC 13-23-16-4, AS ADDED BY P.L.221-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. Notice provided by a county health officer



under section 3 of this chapter must include:

- (1) the same information reported to the department under ~~329 IAC 9-4-1(1) or 329 IAC 9-4-4(a)~~; **40 CFR 280.50 or 40 CFR 280.53**; and
- (2) any other information the county health officer considers necessary or appropriate.

SECTION 257. 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.~~

SECTION 258. IC 13-24-1-8 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 8: ~~IC 4-21.5~~ applies to:

- ~~(1) determinations;~~
- ~~(2) notices;~~
- ~~(3) hearings; and~~
- ~~(4) appeal determinations;~~

~~under this chapter.~~

SECTION 259. IC 13-25-2-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) The department shall work with interested stakeholders, including the federal government, the general public, members of the general assembly, and businesses, to evaluate the feasibility of simplifying and expediting notification under IC 13-25-2-6. Options to be evaluated include:

- (1) connecting persons required to provide notice under IC 13-25-2-6 with the National Response Center; and
- (2) recommending any appropriate changes in federal law.

(b) The department shall implement an option evaluated under subsection (a) if the option:



- (1) is practical to implement;
- (2) is technically feasible;
- (3) is economically feasible;
- (4) is protective of human health and the environment; and
- (5) would adequately serve persons required to provide notice under IC 13-25-2-6.

(c) The department shall provide a toll free long distance telephone line through which a person required to provide notice under IC 13-25-2-6 may contact ~~the office described in IC 13-13-3-1 of this chapter.~~ **the department.**

SECTION 260. IC 13-25-4-7, AS AMENDED BY P.L.133-2012, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The board ~~shall may~~ adopt rules establishing criteria for determining the commissioner's priorities in selecting hazardous substance response sites. ~~Until these rules have been adopted, the commissioner shall give priority to those sites presenting a significant threat to public health and environment.~~

SECTION 261. 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.

SECTION 262. IC 13-25-4-12 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 12: For a lien arising under section 11 of this chapter to be perfected, notice of the lien must be filed in the office of the county recorder of the county in which the real property subject to the lien is located. Before notice of a lien may be filed in the office of the county recorder, the department shall provide notice of the intention to file the lien as provided by section 19 of this chapter.~~

SECTION 263. IC 13-25-4-13 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 13: The department shall provide notice of the filing of a lien to the owner of the property if the owner can be identified. If the owner of record cannot be identified, the department shall notify the tenant or other person having control of the property.~~

SECTION 264. IC 13-25-4-14 IS REPEALED [EFFECTIVE JULY



1, 2026]. Sec. 14: When a notice of a lien arising under section 11 of this chapter is presented to the county recorder for filing, the county recorder shall enter the lien appropriately in the entry book and in the miscellaneous record. The entries made under this section must show the following:

- (1) The date of filing;
- (2) The book and page number or instrument number;
- (3) The name of the person named in the notice;
- (4) A legal description of the property if appropriate;
- (5) A serial number or other identifying number given in the notice.

SECTION 265. IC 13-25-4-15 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 15: (a) Subject to subsection (b), when a certificate of discharge of a lien arising under section 11 of this chapter or IC 13-7-8.7-10.7 (before its repeal) is:

- (1) issued by an employee or a designated agent of the department; and
- (2) presented for filing in the office of the county recorder of the county where the notice of lien was filed;

the county recorder shall record the certificate of discharge as a release of the lien.

(b) To be recorded under this section, the certificate must refer to the county recorder's book and page number or instrument number under which the lien was recorded.

SECTION 266. IC 13-25-4-16 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 16: When recording a release of a lien under section 15 of this chapter, the county recorder shall inscribe, in the margin of each entry made to record the lien under section 14 of this chapter, a reference to the place where the release is recorded.

SECTION 267. IC 13-25-4-17 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 17: Upon:

- (1) the recording of the certificate of discharge as a release under section 15 of this chapter; and
- (2) the inscribing of the references to the release under section 16 of this chapter;

a certificate of discharge of a lien arising under section 11 of this chapter operates as a full discharge and satisfaction of the lien unless the references to the release inscribed under section 15 of this chapter specifically note the release as a partial lien release.

SECTION 268. IC 13-25-4-18 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 18: A lien created under section 11 of this chapter or IC 13-7-8.7-10.7 (before its repeal) continues until the earlier of the



following:

- (1) The full discharge and satisfaction of the lien;
- (2) The expiration of a ten (10) year period from the date of the creation of the lien unless an action to foreclose the lien is pending;

SECTION 269. IC 13-25-4-19 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 19: (a) At least thirty (30) days before notice of a lien arising under this chapter may be filed under section 12 of this chapter, the department must send a written notice:

- (1) to the owner of the real property that would be subject to the lien; or
- (2) if the owner of record cannot be identified, to the tenant or other person having control of the real property;

of the date on which the state intends to impose a lien under section 11 of this chapter:

(b) The department shall provide the county recorder of the county in which the real property that would be subject to the lien is located with a copy of the written notice described in subsection (a).

SECTION 270. IC 13-25-4-20 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 20: (a) Before the date on which the state intends to impose a lien on real property under section 11 of this chapter, the owner of the real property may request that a hearing be conducted under IC 4-21.5. A hearing conducted under this section and IC 4-21.5 shall be limited to determining if there is probable cause to believe that:

- (1) a removal or a remedial action was conducted on the real property under:
 - (A) this chapter; or
 - (B) IC 13-24-1; and
- (2) if the removal or the remedial action was conducted under this chapter, the owner of the real property would be subject to liability under 42 U.S.C. 9607 (Section 107 of the federal Comprehensive Environmental Response, Compensation, and Liability Act).

(b) For the purposes of a hearing conducted under this section and IC 4-21.5, an administrative law judge is the ultimate authority.

SECTION 271. IC 13-25-4-21 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 21: If an owner requests a hearing under section 20 of this chapter, the state may not impose a lien on the owner's real property under section 11 of this chapter until the commissioner determines after the hearing that there is probable cause to believe that:

- (1) a removal or a remedial action was conducted on the real



property under this chapter or IC 13-24-1; and
 (2) if the removal or the remedial action was conducted under this chapter, the owner of the real property would be subject to liability under 42 U.S.C. 9607 (Section 107 of the federal Comprehensive Environmental Response, Compensation, and Liability Act).

SECTION 272. IC 13-25-4-22 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 22: If the department provides a county recorder with a copy of a written notice under section 19(b) of this chapter, the department shall retrieve the copy of the written notice from the county recorder on the date a lien is imposed on the real property described in the written notice. However:

(1) if:

(A) a hearing is not held under section 20 of this chapter and IC 4-21.5; and

(B) a lien is not imposed:

(i) on the real property described in the notice; and

(ii) by the date indicated in the notice;

the department shall retrieve the copy of the notice on the day after the date the lien was to be imposed on the real property; or

(2) if:

(A) a hearing is held under section 20 of this chapter and IC 4-21.5; and

(B) a lien is not imposed on the real property described in the notice;

the department shall retrieve the copy of the notice on the day after the date the commissioner determines that a lien may not be imposed on the real property.

SECTION 273. IC 13-25-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If an applicant's application is rejected under section 5 of this chapter **because the application is incomplete**, the applicant may do the following:

(1) Appeal the department's decision under IC 4-21.5.

(2) If the application is rejected because the application is not complete, submit a completed application without submitting an additional application fee.

(b) If an applicant's application is rejected and the applicant:

(1) does not appeal the rejection; or

(2) loses an appeal concerning the rejection;

the department shall refund the unexpended part of the applicant's application fee.

SECTION 274. IC 13-25-5-8 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Before the department evaluates a proposed voluntary remediation work plan, the applicant who submitted the work plan and the commissioner must enter into a voluntary remediation agreement that sets forth the terms and conditions of the evaluation and the implementation of the work plan. A voluntary remediation agreement must include the following:

- (1) Provisions for the following:
 - (A) A requirement that the department provide the applicant with an itemized list of estimated costs the department may incur under this chapter.
 - (B) The recovery of all reasonable costs that:
 - (i) are incurred by the department in the review and oversight of the work plan;
 - (ii) are attributable to the voluntary remediation agreement; and
 - (iii) exceed the fee submitted by the applicant under section 2 of this chapter.
 - (C) A schedule of payments to be made by the applicant to the department to recover the costs to the department.
- (2) A mechanism to resolve disputes arising from the evaluation, analysis, and oversight of the implementation of the work plan, including any of the following:
 - (A) Arbitration.
 - (B) Adjudication under IC 4-21.5.
 - (C) A dispute resolution procedure provided under the Indiana Rules of Court.
- (3) A provision concerning the indemnification of the parties.
- (4) A provision concerning retention of records.
- (5) A timetable for the department to do the following:
 - (A) Reasonably review and evaluate the adequacy of the work plan.
 - (B) Make a determination concerning the approval or rejection of the work plan.
- (6) A provision concerning applicable interagency coordination.
- (7) A provision specifying the proposed remediation objectives to be achieved on the site, as described in section 8.5 of this chapter.
- (8) ~~The~~ A requirement that the applicant submit to the department a proposed voluntary remediation work plan
 - ~~(A) not later than one hundred eighty (180) days one (1) year~~ after the date the voluntary remediation agreement is signed.
 - or
 - ~~(B) after a longer period if the extension is agreed to by the~~



~~department and the applicant:~~

(9) Any other conditions considered necessary by the commissioner or the applicant concerning the effective and efficient implementation of this chapter.

(b) If an agreement is not reached between an applicant and the commissioner within a reasonable time after good faith negotiations have begun between the applicant and the commissioner:

(1) the applicant or the commissioner may withdraw from the negotiations; and

(2) the department shall refund the unexpended part of the applicant's application fee.

SECTION 275. IC 13-25-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Before the commissioner approves or rejects a proposed voluntary remediation work plan under section 10 of this chapter, the commissioner must:

(1) notify local government units located in a county affected by the proposed voluntary remediation work plan of the work plan;

(2) provide that a copy of the proposed voluntary remediation work plan be placed in at least one (1) public library in a county affected by the work plan; **published electronically on the department's website;** and

(3) publish a notice requesting comments concerning the proposed voluntary remediation work plan.

(b) A comment period of at least thirty (30) days must follow publication of a notice under this section. During a comment period, interested persons may do the following:

(1) Submit written comments to the commissioner concerning the proposed voluntary remediation work plan.

(2) Request a public hearing concerning the proposed voluntary remediation work plan.

(c) If the commissioner receives at least one (1) written request, the commissioner may hold a public hearing in the geographical area affected by the proposed voluntary remediation work plan on the question of whether to approve or reject the work plan. The commissioner shall consider all written comments and public testimony.

SECTION 276. IC 13-25-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant who submitted an approved voluntary remediation work plan proceeds with the work plan, the department or a person under contract with the department shall do the following:

(1) Oversee and review the implementation of the voluntary



remediation work plan.

(2) Make regular reports to the commissioner concerning the remediation.

(b) Upon submission of a report to the commissioner, the commissioner may evaluate the remedial action to verify the action is achieving project goals. If project goals are not met, the commissioner may require modification of the voluntary remediation work plan.

(c) If the parties are unable to agree to a modification as provided for in subsection (b) within one hundred eighty (180) days, the commissioner or applicant may withdraw the project from the voluntary remediation work program. Projects withdrawn from the voluntary remediation work program may be referred to the state clean-up program.

SECTION 277. IC 13-25-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If the commissioner determines that an applicant has successfully completed a voluntary remediation work plan approved under this chapter, the commissioner shall certify that the work plan has been completed by issuing the applicant a certificate of completion.

(b) The issuance of a certificate of completion under this section is a final agency action for purposes of IC 4-21.5.

(c) A person who receives a certificate under this section shall attach a copy of the certificate to the recorded deed that concerns the property on which the remediation took place.

(d) If the commissioner determines that an applicant has not successfully completed a voluntary remediation work plan approved under this chapter, the commissioner shall notify the applicant of this determination under IC 4-21.5.

SECTION 278. IC 13-25-5-17 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 17. ~~If the commissioner determines that an applicant has not successfully completed a voluntary remediation work plan approved under this chapter, the commissioner shall notify the applicant of this determination under IC 4-21.5.~~

SECTION 279. IC 13-26-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Upon the determination of the department that a sufficient petition has been filed in accordance with this chapter, the commissioner shall appoint a hearing officer. ~~who does not have to be a state employee. If the hearing officer is not a full-time state employee, the hearing officer is entitled to be paid reasonable:~~

~~(+) expenses; and~~

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(2) per diem;
for each day or part of a day in actual attendance at a meeting or hearing or in performance of duties. The reasonable per diem and expenses are valid claims against the department.

SECTION 280. IC 13-27-2-2 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 2: The commissioner shall appoint an assistant commissioner to head the division.

SECTION 281. IC 13-27-2-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 3: The commissioner shall hire employees of the division.

SECTION 282. IC 13-27-2-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 4: (a) The commissioner may appoint liaison advisory panels to assist the division in the functions of the division. Individual panels must include members representing different areas of interest in and potential support of pollution prevention and environmentally related technical assistance, including the following:

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

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

SECTION 283. IC 13-27-2-5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 5: The commissioner and the assistant commissioner, through coordinated effort, shall do the following:

- (1) Periodically review state environmental programs and projects for their ability and progress in promoting multimedia industrial pollution prevention.
- (2) Assist the division of air, the division of water, and the division of solid and hazardous waste management in identifying, within planned and existing regulatory programs of the department, obstacles to pollution prevention and opportunities to promote and assist in pollution prevention, including the following:

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- (A) Encouraging regulatory flexibility to afford businesses the opportunity to develop or implement pollution prevention technologies and practices.
 - (B) Performing pollution prevention impact analyses of administrative rules before proposed rules are published and before final adoption.
 - (C) Exploring permanent funding for the program.
- (3) Promote increased coordination between the divisions of the department and between the department and other governmental regulatory programs with responsibilities and duties relating to toxic materials and environmental wastes, including, to the fullest extent possible, the following:
- (A) Joint planning processes.
 - (B) Joint research and studies.
 - (C) Joint public hearings.
 - (D) Joint hazard assessments.
 - (E) Joint environmental and workplace impact statements.
 - (F) Joint pollution prevention impact analyses for existing and proposed administrative rules.
- (4) Develop policies and programs to reduce the following by means of industrial pollution prevention:
- (A) Generation of municipal wastes.
 - (B) Generation of household hazardous wastes and pollutants.
 - (C) Use of toxic materials in consumer products.
- (5) Provide general information about, and actively publicize the advantages of and developments in, pollution prevention and the requirements of this article.
- (6) Assist businesses that seek information, guidance, planning assistance, or recommendations for pollution prevention by providing technical information to those businesses at production or commercial locations.
- (7) Work with existing environmental regulatory programs to make use of existing information gathering systems that may assist the division in assessing the progress of pollution prevention statewide.
- (8) Grant or deny applications for pollution prevention grants under section 10 of this chapter.
- (9) Provide source reduction and recycling technical assistance and administer the Indiana recycling grants program established under IC 13-20-22-2.

SECTION 284. IC 13-27-2-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2026]: **Sec. 5.1.** The department may do the following:

- (1) Periodically review state environmental programs and projects for their ability and progress in promoting multimedia industrial pollution prevention.
- (2) Remove obstacles to pollution prevention.
- (3) Develop and implement pollution prevention and environmental recognition programs to incentivize:
 - (A) communities;
 - (B) salvage facilities;
 - (C) marinas;
 - (D) companies; and
 - (E) other entities;

that exceed environmental regulatory requirements.

- (4) Assist businesses that seek:

- (A) information;
- (B) guidance;
- (C) planning assistance; or
- (D) recommendations;

for pollution prevention by providing technical information to those businesses.

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

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

SECTION 285. IC 13-27-2-6 IS REPEALED [EFFECTIVE JULY 1, 2026]. **Sec. 6.** The division shall assist other governmental regulatory programs in devising:

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

based on goals and principles of pollution prevention:

SECTION 286. IC 13-27-2-7 IS REPEALED [EFFECTIVE JULY 1, 2026]. **Sec. 7.** To facilitate the use and coordination of reporting requirements, the commissioner may seek unified reporting and permitting authority from the United States Environmental Protection Agency with respect to federal toxic material, waste management, and pollution control laws and regulations in effect on January 1, 1990, including the following:

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

SECTION 287. IC 13-27-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) To:

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

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

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

- (1) Collect and compile the following:
 - (A) Information from organizations receiving grants under this article.
 - (B) Information from the published technical literature.
- (2) Mount active outreach and educational programs to further the development and adoption of principles and techniques of pollution prevention.

(c) The clearinghouse established under this section must include data on the operation and effectiveness of industry pollution prevention programs. The ~~division~~ **department** shall permit and facilitate free use of this data by businesses, governmental agencies, and the general public. A business may not be required to submit information of a proprietary nature to the clearinghouse or to a governmental program funded under this article.

(~~d~~) The ~~division~~ shall **provide** information for the clearinghouse established under this section.

SECTION 288. IC 13-27-2-11 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 11. The ~~division~~ shall sponsor pilot projects to develop and demonstrate innovative techniques for clean manufacturing. The results of pilot projects sponsored under this section shall be made available for use by the public. However, information about a pilot project that is considered proprietary by a manufacturer involved in the



pilot project may not be disclosed to the public.

SECTION 289. IC 13-27-2-13 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 13. The commissioner may:

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

SECTION 290. IC 13-27-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Programs implemented by the ~~division~~ **department**:

- (1) must encourage pollution prevention; and
- (2) may not discourage the use of recycling or treatment techniques determined to be acceptable for pollution that has not been prevented.

SECTION 291. IC 13-28-3-2, AS AMENDED BY P.L.53-2014, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The assistance program established under this chapter shall do the following:

(1) ~~Designate an individual to serve as a liaison and ombudsman to the regulated community to~~ Assist the regulated community with specific regulatory or permit matters pending with the department.

(2) Provide assistance to new and existing businesses and small municipalities in identifying:

- (A) applicable environmental rules and regulations; and
- (B) permit requirements;

that apply to new and existing businesses and small municipalities.

(3) Develop and distribute educational materials regarding:

- (A) environmental requirements;
- (B) compliance methods;
- (C) voluntary environmental audits;
- (D) pollution control technologies; and
- (E) other compliance issues;

including standardized forms and procedures for completing permit applications.

(4) Provide public outreach and training sessions in cooperation with representatives of the business and municipal communities regarding existing and future state and federal environmental requirements.

(5) Develop and operate a clearinghouse to respond to inquiries

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from businesses and municipalities concerning applicable environmental rules, regulations, and requirements.

(6) Provide technical assistance concerning pollution control techniques to local and state governmental entities and businesses and distribute educational materials regarding pollution prevention developed by the ~~pollution prevention division established by IC 13-27-2-1.~~ **department.**

(7) Provide administrative and technical support for the compliance advisory panel established by IC 13-13-7.1-1.

(8) Conduct other activities as required to:

(A) improve regulatory compliance; and

(B) promote cooperation and assistance in meeting environmental requirements.

(b) The assistance program may ~~establish~~ **provide** limited onsite assistance to provide compliance information **and technical assistance** to a small business or small municipality, subject to the confidentiality provisions of section 4 of this chapter. The assistance program may use money from the environmental management special fund to implement this subsection. The assistance program may limit the number of inspections per year and restrict onsite assistance to specific programs.

SECTION 292. IC 13-28-3-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 7. As part of the technical and compliance assistance program, the department shall establish a small business stationary source technical assistance program as required under Section 507 of the federal Clean Air Act (42 U.S.C. 7661f).**

SECTION 293. IC 13-28-4-11, AS AMENDED BY P.L.130-2018, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The department shall maintain statistics on the use of environmental audit reports in department compliance and enforcement activities, including statistics on:

(1) ~~the number of times the reports are~~ disclosed to the department;

(2) ~~the number and types of~~ violations disclosed to the department through the reports; **and**

(3) the civil penalties collected for the violations. ~~and~~

(4) ~~the time necessary for the violations to be corrected.~~

The department shall report annually to the ~~interim study committee on environmental affairs established by IC 2-5-1.3-4~~ in an electronic format under IC 5-14-6 on the use of environmental audit reports.

(b) The department shall propose an enforcement policy, pursuant



to IC 13-14-1-11.5, that provides relief from civil penalties for a voluntary disclosure that results from an internal environmental audit. In developing this enforcement policy, the department shall consider similar policies implemented by:

- (1) the United States Environmental Protection Agency; and
- (2) states contiguous to Indiana.

SECTION 294. IC 13-28-5-2 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 2: The program must provide the following:

- (1) Education, training, and information on permit and compliance requirements of the federal Clean Air Act (42 U.S.C. 7401 et seq.);
- (2) Standardized forms and procedures for completing permit applications;
- (3) An ombudsman for small businesses.

SECTION 295. IC 13-28-5-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 3: The ombudsman described in section 2 of this chapter shall assist as necessary each small business that applies for assistance with the following:

- (1) Specific regulatory matters pending before the department;
- (2) Permit applications.

SECTION 296. IC 13-28-5-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 4: The department may establish the technical and environmental compliance assistance program required by this chapter as part of the technical and compliance assistance program established under IC 13-28-3.

SECTION 297. IC 13-29-1-13 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 13: The board shall adopt under IC 4-22-2 and IC 13-14-9 the rules necessary to implement this chapter.

SECTION 298. IC 13-30-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A citizen, a partnership, a corporation, a limited liability company, an association, or a public officer or agency, as a condition precedent to maintaining an action, must give notice in writing by registered or certified mail to:

- (1) the department of natural resources;
- (2) (1) the department; and
- (3) (2) the attorney general.

(b) The attorney general shall promptly notify all state administrative agencies having jurisdiction over or control of the pollution, impairment, destruction, or protection of the environment for which relief is sought.

SECTION 299. IC 13-30-10-1.5, AS AMENDED BY P.L.181-2018, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2026]: Sec. 1.5. (a) Except as provided in subsection (b), a person regulated under IC 13-22 who knowingly:

- (1) transports hazardous waste to an unpermitted facility;
- (2) treats, stores, or disposes of hazardous waste without a permit issued by the department under IC 13-22; or
- (3) transports, treats, stores, disposes, recycles, or causes to be transported used oil regulated under rules adopted by the board without a manifest or in violation of the standards established by the department for the management of used oil;

commits a Class B misdemeanor.

(b) Notwithstanding the maximum fine provisions of IC 35-50-3-3, criminal fines for a person convicted of an offense described in subsection (a) shall be assessable in a maximum amount of not less than ten thousand dollars (\$10,000) per day per violation.

(c) Except as provided in subsection (d), a person regulated under IC 13-17 who knowingly violates:

- (1) any applicable requirements of IC 13-17-4, IC 13-17-5, IC 13-17-6, ~~IC 13-17-7~~, IC 13-17-8, IC 13-17-9, IC 13-17-10, or IC 13-17-13 or of rules of the board implementing the chapters referred to in this subdivision;
- (2) any condition of a permit issued by the department under IC 13-17; or
- (3) any fee or filing requirement in IC 13-17, including the requirement to file an application for a permit under IC 13-17;

commits a Class C misdemeanor.

(d) Notwithstanding the maximum fine provisions of IC 35-50-3-4, criminal fines for a person convicted of an offense described in subsection (c) shall be assessable in a maximum amount of not less than ten thousand dollars (\$10,000) per day per violation.

(e) Except as provided in subsection (f), a person who willfully or negligently violates:

- (1) any applicable standards or limitations of IC 13-18-3-2.4, IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or IC 13-18-16 or of rules of the board implementing the chapters referred to in this subdivision;
- (2) any condition of a National Pollutant Discharge Elimination System permit issued by the department under IC 13-18-19 or rules adopted by the board under IC 13-18-19;
- (3) any National Pollutant Discharge Elimination System Permit filing requirement under IC 13-18-19; or
- (4) any condition of a permit issued by the department in accordance with the requirements of 33 U.S.C. 1344;



commits a Class A misdemeanor.

(f) Notwithstanding the maximum fine provisions of IC 35-50-3-2, criminal fines for a person convicted of an offense described in subsection (e) shall be assessable in a maximum amount of not less than ten thousand dollars (\$10,000) per day per violation.

(g) A person who willfully or recklessly violates any applicable standards or limitations of IC 13-18-8 commits a Class B misdemeanor.

(h) A person who willfully or recklessly violates any applicable standards or limitations of IC 13-18-9, IC 13-18-10, or IC 13-18-10.5 commits a Class C misdemeanor.

(i) A person who:

(1) knowingly commits any act described in subsection (a), (c), or (e); and

(2) knows that commission of the act places another person in imminent danger of death or serious bodily injury;

commits a Level 4 felony. However, the offense is a Level 3 felony if it results in serious bodily injury to any person, and a Level 2 felony if it results in the death of any person.

(j) It shall be a defense to an offense described in subsection (i) that the person charged:

(1) did not know; or

(2) could not reasonably have been expected to know;

that the violation would place another person in imminent danger or threat of serious bodily injury. For the purposes of subsection (i), a person is responsible only for the person's own actual awareness or actual belief, and knowledge by another person may not be attributed to the person.

(k) The penalties under this section apply regardless of whether a person uses electronic submissions or paper documents to accomplish the actions described in this section.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 277 — Concur

