

PRINTING CODE. Deletions appear in ~~this style type~~. Insertions appear in this style type. Typeface changes are shown in ~~this~~ ~~style~~ ~~type~~ or in this style type.

SENATE BILL No. 277

Proposed Changes to January 14, 2026 printing by AM027710

DIGEST OF PROPOSED AMENDMENT

Various changes. Restores certain state requirements in the bill. Removes the term "more stringent" standard through out the bill.

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

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

- 1 SECTION 1. IC 4-3-23-5, AS AMENDED BY P.L.87-2024,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 5. The office shall administer the following:
4 (1) The energy development fund under ~~IC 4-23-5.5-10: section~~
5 **10 of this chapter.**
6 (2) A low interest revolving loan program for certain energy
7 efficiency or recycling projects under section 9 of this chapter.
8 (3) The green industries fund under IC 5-28-34, in consultation
9 with the Indiana economic development corporation.
10 SECTION 2. IC 4-3-23-10 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2026]: Sec. 10. (a) **The energy development fund is established as**
13 **a dedicated fund to be administered by the office. Money in the**
14 **fund shall be expended by the office exclusively to effect the**
15 **provisions of this chapter and may include administrative costs.**
16 (b) **All money received by the office for deposit in the energy**
17 **development fund shall be deposited in the fund.**
18 (c) **No portion of the fund shall revert to the state general fund**
19 **at the end of a state fiscal year. However, if the fund is abolished its**
20 **contents shall revert to the state general fund.**

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(d) All money accruing to the fund is continuously appropriated for the purposes specified in this chapter.

SECTION 3. IC 4-3-23-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The Indiana energy efficiency loan fund is established for the purpose of assisting Indiana industries and governing bodies (as defined in IC 36-1-12.5-1.5) in undertaking energy efficiency projects. The fund shall be administered by the board.

(b) Sources of money for the fund consist of the following:

(1) Appropriations from the general assembly.

(2) Repayment proceeds, including interest, of loans made from the fund.

(3) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(c) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) The board shall establish:

(1) amounts, terms, and interest rates for loans under this section; and

(2) criteria for awarding loans under this section.

(f) A person, business, governing body, or manufacturer that wants a loan from the fund must file an application in the manner prescribed by the board.

SECTION 4. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 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;

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

(3) 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.~~ [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) (3). 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 5. IC 4-23-5.5-1, AS AMENDED BY P.L.34-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. As used in this chapter:

(1) "board" refers to the Indiana recycling market development board created by this chapter; **and**

~~(2) "division" refers to the division of pollution prevention established by IC 13-27-2-1; and~~

~~(3) (2) "office" refers to the Indiana office of energy development established by IC 4-3-23-3.~~

SECTION 6. IC 4-23-5.5-2, AS AMENDED BY P.L.42-2024, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The Indiana recycling market development board is created and constitutes a public instrumentality of the state. The exercise by the board of the powers conferred by this chapter is an essential governmental function.

(b) The board consists of nine (9) members, one (1) of whom shall be the lieutenant governor or the lieutenant governor's designee and eight (8) of whom shall be appointed by the governor for four (4) year terms. The governor's appointees shall be chosen from among representatives of:

(1) the waste management industry;

(2) the recycling industry;

(3) Indiana universities and colleges with expertise in recycling research and development;

(4) industrial and commercial consumers of recycled feedstock;

(5) environmental groups; and

(6) private citizens with a special interest in recycling.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 No more than four (4) appointed members shall be of the same political
2 party.

3 (c) A vacancy in the office of an appointed member, other than by
4 expiration, shall be filled in like manner as the original appointment for
5 the remainder of the term of that retiring member. Appointed members
6 may be removed by the governor for cause.

7 (d) The board shall have seven (7) ex officio advisory members as
8 follows:

9 (1) The governor.

10 (2) The director of the department of natural resources.

11 (3) The commissioner of the department of environmental
12 management.

13 (4) Two (2) members from the house of representatives of
14 opposite political parties appointed by the speaker of the house
15 of representatives for two (2) year terms that expire June 30 of
16 each odd-numbered year.

17 (5) Two (2) members from the senate of opposite political
18 parties appointed by the president pro tempore of the senate for
19 two (2) year terms that expire June 30 of each odd-numbered
20 year.



21 (e) The ~~division~~ **Indiana department of environmental**
22 **management** shall serve as the staff of the board.

23 (f) An ex officio advisory member identified in subsection (d)
24 may, in writing, designate a representative to serve in an advisory
25 capacity when the ex officio member is unable to attend a board
26 meeting.

27 (g) The terms of the members of the board appointed by the
28 governor under subsection (b) expire as follows:

29 (1) For four (4) of the members, as determined by the governor,
30 December 31, 2025, and every fourth year thereafter.

31 (2) For four (4) of the members, as determined by the governor,
32 December 31, 2027, and every fourth year thereafter.

33 SECTION 7. IC 4-23-5.5-4, AS AMENDED BY P.L.204-2007,
34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2026]: Sec. 4. A representative appointed by the ~~division~~,
36 **director of the Indiana department of environmental**
37 **management**   in consultation with the lieutenant governor or the
38 lieutenant governor's designee, shall be the chief administrative officer
39 for the board and shall direct and supervise the administrative affairs
40 and technical activities of the board in accordance with rules,
41 regulations, and policies established by the board. The ~~division~~
42 **director of the Indiana department of environmental management**

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 may appoint the employees as the board may require and the agents or
 2 consultants as may be necessary for implementing this chapter. The
 3 ~~division~~ **director of the Indiana department of environmental**
 4 **management** shall prepare an annual administrative budget for review
 5 by the budget agency and the budget committee.

6 SECTION 8. IC 4-23-5.5-6, AS AMENDED BY P.L.42-2024,
 7 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2026]: Sec. 6. (a) The board shall do the following:

9 (1) Adopt procedures for the regulation of its affairs and the
 10 conduct of its business.

11 (2) Meet at the offices of the ~~division~~ **Indiana department of**
 12 **environmental management** on call of the chairperson at least
 13 once each calendar quarter. The meetings shall be upon ten (10)
 14 days written notification, shall be open to the public, and shall
 15 have official minutes recorded for public scrutiny.

16 (3) Report annually in an electronic format under IC 5-14-6 to
 17 the legislative council concerning:

18 (A) the projects in which it has participated and is currently
 19 participating with a complete list of expenditures for those
 20 projects; and

21 (B) the information obtained through the recycling activity
 22 reports submitted to the commissioner of the department of
 23 environmental management under IC 13-20-25 concerning
 24 the calendar year most recently ended.

25 (4) Annually prepare an administrative budget for review by the
 26 budget agency and the budget committee.

27 (5) Keep proper records of accounts and make an annual report
 28 of its condition to the state board of accounts.

29 (6) Receive petitions and make determinations under
 30 IC 13-20.5-2-2.

31 (b) The board shall consider projects involving the creation of the
 32 following:

33 (1) Markets for products made from recycled materials.

34 (2) New products made from recycled materials.

35 (c) The board may promote, fund, and encourage programs
 36 facilitating the development and implementation of waste reduction,
 37 reuse, and recycling in Indiana.

38 SECTION 9. IC 5-28-17-6, AS AMENDED BY P.L.249-2023,
 39 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2026]: Sec. 6. The corporation shall act as the small business
 41 ombudsman. The small business ombudsman shall carry out the
 42 following duties:

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 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.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

SECTION 10. 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 11. 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 12. 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 13. 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 that has been 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 14. 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 15. IC 13-11-2-16.6, AS ADDED BY P.L.189-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 16. 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 17. 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 18. IC 13-11-2-17, AS AMENDED BY P.L.176-2023,
 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2026]: Sec. 17. (a) "Board", except as provided in subsections
 (b) through ~~(d)~~; **(e)**, refers to the environmental rules board established
 by IC 13-13-8-3.

**(b) "Board", for purposes of IC 13-20-27, refers to the Indiana
 recycling market development board.**

~~(b)~~ **(c)** "Board", for purposes of IC 13-21, refers to the board of
 directors of a solid waste management district.

~~(c)~~ **(d)** "Board", for purposes of IC 13-23-11, refers to the
 petroleum storage tank financial assurance board established by
 IC 13-23-11-1.

~~(d)~~ **(e)** "Board", for purposes of IC 13-26, refers to the board of
 trustees of a regional water, sewage, or solid waste district.

SECTION 19. IC 13-11-2-17.5 IS ADDED TO THE INDIANA

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 20. 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 21. 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 22. 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 23. 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 24. 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 25. 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,

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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

- ~~(1) emits; or~~
- ~~(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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

developed for the treatment, storage, or disposal of low-level radioactive waste.

SECTION 26. 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 27. 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 into a synthesis gas.

SECTION 28. 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(c)(6).~~ **IC 13-23-1-2(b)(6).**

SECTION 29. 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 30. 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;

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 by ~~burial injection below the land surface or incorporation into the~~
 2 ~~soil: spraying or spreading onto the land surface.~~

3 SECTION 31. IC 13-11-2-114.2, AS AMENDED BY
 4 P.L.112-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2026]: Sec. 114.2. "Land application
 6 operation", for purposes of IC 13-18-12 and IC 13-19-3, means an
 7 operation in which sludge, waste products, or wastewater generated by
 8 industrial, municipal, or semipublic facilities are disposed of by
 9 application upon or incorporation into the soil **or injection below the**
 10 **land surface.** The term does not include the operation of a landfill or
 11 an open dump.

12 SECTION 32. IC 13-11-2-138 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 138. "Navigable
 14 waters" ~~for purposes of IC 13-24-2~~, means waters of the United States
 15 (as defined in the federal Clean Water Act (33 U.S.C. 1362(7))).

16 SECTION 33. IC 13-11-2-143 IS REPEALED [EFFECTIVE
 17 JULY 1, 2026]. ~~Sec. 143: (a) "Office", for purposes of IC 13-22-11,~~
 18 ~~refers to the division of pollution prevention and technical assistance~~
 19 ~~established by IC 13-27-2-1.~~

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

22 SECTION 34. IC 13-11-2-156 IS REPEALED [EFFECTIVE
 23 JULY 1, 2026]. ~~Sec. 156: "Pending", for purposes of IC 13-17-7, means~~
 24 ~~not completed as of January 1, 1994.~~

25 SECTION 35. IC 13-11-2-165, AS AMENDED BY P.L.189-2018,
 26 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2026]: Sec. 165. "Pollution control laws" refers
 28 to the following:

29 (1) IC 13-12-4 and IC 13-12-5.

30 (2) IC 13-17, except for the following:

31 (A) IC 13-17-3-15.

32 ~~(B) IC 13-17-7.~~

33 ~~(C) (B)~~ IC 13-17-8-10.

34 ~~(D) (C)~~ IC 13-17-10.

35 ~~(E) (D)~~ IC 13-17-11.

36 ~~(F) (E)~~ IC 13-17-13.

37 (3) IC 13-18, except for the following:

38 (A) IC 13-18-12 and IC 5-1.2-10.

39 (B) IC 13-18-15 through IC 13-18-20.

40 (4) IC 13-19-3.

41 (5) IC 13-20-16 and IC 13-20-17.

42 SECTION 36. IC 13-11-2-168 IS REPEALED [EFFECTIVE



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

JULY 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 37. 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 38. 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 39. 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;



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 40. 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 16-1-1~~ **IC 13-20.5**.

SECTION 41. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 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 13-20-14; ~~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; **and**
 - (D) the material is not:**
 - (i) discarded and sent to final disposal at a rate greater than ten percent (10%) by volume of the total material processed;**
 - (ii) stored for a period exceeding six (6) months; and**
 - (iii) allowed to escape or be released from the property where processing occurs.**

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 42. 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



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 **material; or**

2 **(ii) a mixture of the materials described in item (i);**

3 **and**

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

6 SECTION 43. IC 13-11-2-213 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 213. "Source", for
 8 purposes of IC 13-17-3, ~~and IC 13-17-7~~, means an aggregation of one
 9 (1) or more facilities that are:

10 (1) located on:

11 (A) one (1) piece of property; or

12 (B) contiguous or adjacent properties; and

13 (2) owned, operated, or controlled by the same person.

14 SECTION 44. IC 13-11-2-214 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 214. "Source
 16 reduction", for purposes of ~~IC 13-17-7~~ and IC 13-21, means a reduction
 17 in the amount of solid waste generated that is achieved through actions
 18 affecting the source of the solid waste.

19 SECTION 45. IC 13-11-2-224 IS REPEALED [EFFECTIVE
 20 JULY 1, 2026]. ~~Sec. 224. "Stormwater permit", for purposes of~~
 21 ~~IC 13-18-20, refers to a permit issued to a facility regulated under 327~~
 22 ~~IAC 15-5 or 327 IAC 15-6.~~

23 SECTION 46. IC 13-11-2-232 IS REPEALED [EFFECTIVE
 24 JULY 1, 2026]. ~~Sec. 232. "Title V operating permit", for purposes of~~
 25 ~~IC 13-17-7, means a permit required by 42 U.S.C. 7661a.~~

26 SECTION 47. IC 13-11-2-245, AS AMENDED BY P.L.198-2016,
 27 SECTION 636, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2026]: Sec. 245. (a) "Vehicle", for purposes of
 29 IC 13-17-5, refers to a vehicle required to be registered with the bureau
 30 of motor vehicles and required to have brakes. The term does not
 31 include the following:

32 (1) Mobile homes. ~~(house trailers).~~

33 (2) Trailers weighing not more than three thousand (3,000)
 34 pounds.

35 (3) A vehicle that is at least twenty-five (25) years old.

36 (4) Special machinery (as defined in IC 9-13-2-170.3).

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

39 (c) "Vehicle", for purposes of IC 13-20-13-7, means a motor
 40 vehicle, a farm tractor (as defined in IC 9-13-2-56), an implement of
 41 agriculture (as defined in IC 9-13-2-77), a semitrailer (as defined in
 42 IC 9-13-2-164(a) or IC 9-13-2-164(b)), and types of equipment,

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 48. 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 49. 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~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 ~~will permit~~ **Maintain** high standards of living and a wise sharing
2 of life's amenities.

3 (6) Enhance the quality of renewable resources and approach the
4 maximum attainable recycling of depletable resources.

5 SECTION 50. ~~<IC 13-12-4-5, AS AMENDED BY P.L. 133-2012;~~
6 ~~SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
7 ~~JULY 1, 2026]:~~ Sec. 5. To the fullest extent possible:

8 ~~— (1) the policies, rules, and statutes of the state shall be~~
9 ~~interpreted and administered in accordance with the policies set~~
10 ~~forth in this chapter; and~~

11 ~~— (2) all state agencies shall do the following:~~

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

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

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

24 ~~— (i) The environmental impact of the proposed action.~~

25 ~~— (ii) Any adverse environmental effects that cannot be~~
26 ~~avoided should the proposal be implemented.~~

27 ~~— (iii) Alternatives to the proposed action.~~

28 ~~— (iv) The relationship between local short term uses of~~
29 ~~the environment and the maintenance and~~
30 ~~enhancement of long term productivity.~~

31 ~~— (v) Any irreversible and irretrievable commitments of~~
32 ~~resources that would be involved if the proposed action~~
33 ~~should be implemented.~~

34 ~~— Before making a detailed statement, the responsible state~~
35 ~~official shall consult with and obtain the comments of each~~
36 ~~state agency that has jurisdiction by law or special expertise~~
37 ~~with respect to any environmental impact involved. Copies~~
38 ~~of the statement and the comments and views of the~~
39 ~~appropriate federal, state, and local agencies that are~~
40 ~~authorized to develop and enforce environmental standards~~
41 ~~shall be made available to the governor and to the public~~
42 ~~and must accompany the proposal through the agency~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 51. 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 52. 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 53. 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 54. IC 13-12-5-1 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 1. The general assembly recognizes that there are two (2)

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

approaches to environmental protection:

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

SECTION 5 ~~5~~ [1]. 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.
- (4) Improved operations and procedures.

SECTION 5 ~~6~~ [2]. 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 5 ~~7~~ [3]. IC 13-13-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner ~~<~~ > [1] shall may appoint individuals to the other positions in the department.

SECTION 5 ~~8~~ [4]. 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.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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

SECTION 5<9>[5]. 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 60. 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 <61>[56]. IC 13-13-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. The department shall include the following:

- (1) An agricultural liaison.
- (2) A small business liaison to carry out or assist in carrying out responsibilities under 42 U.S.C. 7661f, IC 13-13-7.1, and IC 13-28-3-7.<>

SECTION <62>[57]. IC 13-13-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner may create other offices and divisions, **including regional offices to execute the department's mission across the state.**

SECTION <63>[58]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 federal Resource Conservation and Recovery Act (42 U.S.C.
2 6901 et seq.) in effect January 1, 1988.

3 (3) The air pollution control agency for Indiana for all purposes
4 of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as
5 amended. ~~<64>~~ [59] ~~by the federal Clean Air Act Amendments of~~
6 ~~1990 (P.L.101-549).~~

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

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

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

20 SECTION ~~<64>~~ [59]. IC 13-13-5-2 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The department
22 may take any action necessary to secure for Indiana the benefits of the
23 statutes described in section 1 of this chapter.

24 (b) **To achieve the goals of cooperative federalism, the**
25 **department shall actively engage with its federal counterparts**
26 **through comments, petitions, letters, advisory committees,**
27 **rulemaking activities, and other means, to ensure federal**
28 **environmental laws and their implementation serve the state of**
29 **Indiana under this title. The department shall prioritize**
30 **opportunities to address federal actions that are unnecessary,**
31 **create barriers to environmentally beneficial projects, or are**
32 **inconsistent with the law or best available science.**

33 SECTION 6 ~~<5>~~ [0]. IC 13-13-7.1-1, AS ADDED BY P.L.53-2014,
34 SECTION 119, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2026]: Sec. 1. The compliance advisory panel
36 is established **to carry out the duties required by 42 U.S.C. 7661f.**

37 SECTION 6 ~~<6>~~ [1]. IC 13-13-7.1-2, AS AMENDED BY
38 P.L.42-2024, SECTION 97, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2026]: Sec. 2. The panel consists of the
40 following members:

41 (1) ~~Two~~ **(2) members appointed by the president pro tempore of**
42 **the senate who are members of the senate and who are owners**



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 has an interest in, 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 has an interest in, 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 who has an interest in, 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 has an interest in, 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 a members under subdivision (5), the governor may consider geographic location, political affiliation, and other factors to ensure viewpoints are fairly balanced.

SECTION 6 ~~6~~ [2]. 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



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 6 ~~<8>~~ [3]. 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 6 ~~<9>~~ [4]. 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 ~~<70>~~ [65]. 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 ~~<71>~~ [66]. 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 ~~<72>~~ [67]. IC 13-13-7.1-13, AS AMENDED BY P.L.42-2024, SECTION 103, IS AMENDED TO READ AS

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 ~~<73>~~[68]. 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 ~~<74>~~[69]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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).

(c) 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 7 ~~IC 13-13-8-4~~ [\[0\]](#). 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)~~ **nineteen (19)** 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 appointed under IC 13-20-27-1, who serves as a nonvoting member of the board.

(G) 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~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 construction industry.

2 (K) Two (2) representatives of the general public. ~~who~~
 3 ~~cannot qualify for membership on the board under clauses~~
 4 ~~(A) through (J).~~

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

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

12 SECTION 7~~<6>~~[1]. IC 13-13-8-5 IS REPEALED [EFFECTIVE
 13 JULY 1, 2026]. Sec. 5: Except as provided in section 4(a)(1)(A) of this
 14 chapter, an ex officio member of the board may designate in writing a
 15 technical representative to serve as a voting member of the board when
 16 the ex officio member is unable to attend a board meeting.

17 ~~<— SECTION 77. IC 13-13-8-6 IS REPEALED [EFFECTIVE JULY~~
 18 ~~1, 2026]. Sec. 6. Not more than six (6) of the appointed members of the~~
 19 ~~board may be members of the same political party.~~

20 ~~— SECTION 78. IC 13-13-8-7, AS ADDED BY P.L.133-2012,~~
 21 ~~SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
 22 ~~JULY 1, 2026]: Sec. 7. (a) An appointed member of the board serves~~
 23 ~~a term of four (4) years. A member may not serve more than two (2)~~
 24 ~~consecutive terms.~~

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

27 ~~— (c) If a vacancy occurs in the appointed membership of the board,~~
 28 ~~the governor shall appoint a member not later than ninety (90) days~~
 29 ~~after the vacancy occurs for the remainder of the unexpired term~~
 30 ~~created by the vacancy. The board shall suspend the exercise of the~~
 31 ~~board's duties if the vacancy has not been filled within ninety (90) days~~
 32 ~~after the vacancy occurs. If a vacancy occurs in the appointed~~
 33 ~~membership of the board, the governor shall appoint an individual~~
 34 ~~to fill the unexpired term of the vacating member. A member~~
 35 ~~appointed to fill a vacancy must meet the same qualifications~~
 36 ~~specified under section 4 of this chapter for the vacating member.~~

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

40 ~~> SECTION 7<9>~~[2]. IC 13-13-8-10, AS ADDED BY
 41 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. The governor shall

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 ~~annually select:~~ **may designate:**

2 (1) one (1) of the appointed members of the board to serve as
3 chairperson; and

4 (2) another of the appointed members to serve as vice
5 chairperson.

6 SECTION ~~80~~ [73]. IC 13-13-8-11, AS ADDED BY
7 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. Each member of the
9 board shall fully disclose any potential conflicts of interest ~~relating to~~
10 ~~permits or enforcement orders and recuse themselves as appropriate~~
11 **for particular matters before the board** under the:

12 (1) federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended; ~~<~~

13 ~~>~~ **[H]by the Clean Air Act Amendments of 1990;**

14 (2) federal Resource Conservation and Recovery Act (42 U.S.C.
15 6901 et seq.);

16 (3) federal Comprehensive Environmental Response,
17 Compensation, and Liability Act of 1980, as amended by the
18 federal Superfund Amendments and Reauthorization Act of
19 1986 (42 U.S.C. 9601 through 9675);

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

22 (5) federal Safe Drinking Water Act (42 U.S.C. 300f through
23 300j).

24 SECTION ~~81~~ [74]. IC 13-13-8-12, AS ADDED BY
25 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. ~~(a) The board shall~~
27 ~~select, from a list of three (3) qualified individuals recommended by~~
28 ~~the governor, an independent third party who is not an employee of the~~
29 ~~state to serve as technical secretary of the board.~~

30 ~~(b)~~ **(a)** Between meetings of the board, the department shall do the
31 following:

32 (1) Handle correspondence.

33 (2) Make or arrange for investigations and surveys.

34 (3) Obtain, assemble, or prepare reports and data as directed by
35 the board.

36 **(4) Staff assigned advisory committees.**

37 **(5) Provide all other administrative support to the board.**

38 ~~(c) The technical secretary shall review all materials prepared for~~
39 ~~the board by the department to make any necessary revisions.~~
40 ~~Provisions of this chapter concerning terms of appointment, vacancies,~~
41 ~~and compensation of appointed board members apply to the technical~~
42 ~~secretary. The technical secretary is not a voting member of the board.~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(b) In conjunction with the duties under this section, the department may administer activities for the boards established by:

- (1) IC 13-13-7.1-1;
- (2) IC 13-20-27-1; and
- (3) IC 13-23-11-1.

SECTION ~~82~~ [75]. 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.
- (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) 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 ~~83~~ [76]. 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 ~~84~~ [77]. 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 ~~85~~ [78]. 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 ~~86~~ [79]. IC 13-14-1-9, AS AMENDED BY

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 8 ~~8-10~~ **[0]**. 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 8 ~~8-11~~ **[1]**. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 ten (10) years from the effective date of the policy or statement unless reauthorized under this section.

SECTION ~~8-9-2~~^[2]. 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~~

~~(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 ~~90-83~~^[83]. 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 ~~91-84~~^[84]. 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:



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (A) Source separation.
- 2 (B) Recycling.
- 3 (C) Composting.
- 4 (D) Solid waste minimization.
- 5 (E) Solid waste reduction.
- 6 (F) Hazardous waste minimization.
- 7 (G) Hazardous waste reduction.
- 8 (2) Assist in the development and implementation of public
- 9 education programs on:
 - 10 (A) source separation;
 - 11 (B) recycling;
 - 12 (C) composting;
 - 13 (D) solid waste reduction;
 - 14 (E) solid waste minimization;
 - 15 (F) hazardous waste minimization;
 - 16 (G) hazardous waste reduction; and
 - 17 (H) other alternatives to final disposal in landfills.
- 18 (3) Take action in any other matter involving:
 - 19 (A) solid waste minimization;
 - 20 (B) solid waste reduction;
 - 21 (C) hazardous waste minimization; or
 - 22 (D) hazardous waste reduction;
- 23 as directed by the commissioner.
- 24 SECTION ~~92~~ 85. IC 13-14-1-17 IS REPEALED [EFFECTIVE
- 25 JULY 1, 2026]. Sec. 17. (a) Before November 1 of each year, the
- 26 department shall submit an annual report to the governor and to the
- 27 legislative council in an electronic format under IC 5-14-6.
- 28 (b) The report under subsection (a) must include the following:
- 29 (1) A summary of the:
 - 30 (A) reviews conducted; and
 - 31 (B) agreements approved;
- 32 in the preceding state fiscal year under IC 13-17-13.
- 33 (2) Information on the following:
 - 34 (A) Waste tire management as required by IC 13-20-13.
 - 35 (B) The status of the waste tire management fund and the
 - 36 programs funded by the fund.
 - 37 (C) Recommendations for revisions to waste tire
 - 38 management programs.
- 39 (3) An evaluation of the actions taken by the department to
- 40 improve the department's process of issuing permits that must
- 41 include the following information:
 - 42 (A) A description of the reduction or increase in the backlog

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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:

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (A) A description of the operations and activities of the
 2 programs under IC 13-27-6.
 3 (B) Recommendations the commissioner has for legislative
 4 action.
 5 (C) A quantitative assessment of statewide pollution
 6 prevention progress among all types of industries.
 7 (D) An identification of regulations and government
 8 policies—that are inhibiting pollution prevention and
 9 opportunities in existing regulatory programs to promote
 10 and assist in pollution prevention; including reductions in
 11 the use of toxins in production and commerce.
 12 (E) An assessment of how programs under IC 13-27-6 have
 13 promoted and assisted pollution prevention and the costs
 14 and benefits to government and industry of those programs.
 15 (F) A statement concerning the identification of
 16 opportunities and development of priorities for research and
 17 development in pollution prevention techniques; economic
 18 analyses; and management techniques useful in supporting
 19 pollution—prevention. The report may not include
 20 information considered by a business to be a trade secret of
 21 that business.
 22 (G) Recommendations concerning incentives and policies
 23 needed to:
 24 (i) encourage investment in research and development
 25 in pollution prevention; and
 26 (ii) make greater use of programs established under
 27 IC 13-27-6.
 28 (7) Information concerning activities conducted under
 29 IC 13-28-3, including the following:
 30 (A) The number and types of inquiries the program received
 31 under IC 13-28-3.
 32 (B) The services provided by the program.
 33 (8) Information concerning the designation of outstanding state
 34 resource waters and the use of the outstanding state resource
 35 water improvement fund under IC 13-18-3.
 36 (9) Information concerning mercury switches tracked under
 37 IC 13-20-17.7-2(a)(5).
 38 (10) Information concerning the implementation of IC 13-20.5;
 39 including the following:
 40 (A) The total weight of covered electronic devices recycled
 41 in the state program year and a summary of information in
 42 the reports submitted by manufacturers and recyclers under

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 IC 13-20.5-3:

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

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

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

12 SECTION ~~93~~ [86]. IC 13-14-2-1, AS AMENDED BY
13 P.L.263-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) This section applies to any:

- 15 (1) determination made by the commissioner;
16 (2) order issued by the commissioner; and
17 (3) notice issued by the department;

18 under this title.

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

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

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

27 (e) The department:

- 28 (1) shall make a good faith effort to provide notice of an order or
29 a determination according to subsection (d); and
30 (2) bears the burden of persuasion that the notice has been
31 provided.

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

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

- 39 (1) Determinations made under IC 13-19-4, IC 13-11-2-40,
40 and otherwise specified in this title.
41 (2) Orders.
42 (3) Enforcement actions.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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

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

(6) Emergency orders.

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

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

(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 ~~94~~ 87. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 ~~<95>~~ [88]. 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 96. IC 13-14-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. (Notice to Department of Plans and Programs Affecting the Environment).~~

> SECTION ~~<97>~~ [89]. 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 9 ~~<8>~~ [0]. 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~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 accordance with IC 13-14-2-1 to the property owner not later than
2 forty-five (45) calendar days following the inspection.

3 SECTION 9~~99~~[1]. IC 13-14-5-5 IS REPEALED [EFFECTIVE
4 JULY 1, 2026]. Sec. 5: The board shall adopt rules under IC 4-22-2 and
5 IC 13-14-9 to administer this chapter and IC 13-30-7.

6 SECTION ~~100~~[92]. IC 13-14-5-6 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The property
8 owner may provide information in response to any of the following:

9 (1) An oral report provided under section 2 of this chapter.

10 (2) A written summary provided under section 2 ~~or 3~~ of this
11 chapter.

12 (3) Questions raised during the inspection visit.

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

18 SECTION ~~101~~[93]. IC 13-14-8-1, AS AMENDED BY
19 P.L.93-2024, SECTION 115, IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board may:

21 (1) adopt;

22 (2) repeal;

23 (3) rescind; or

24 (4) amend;

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

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

30 ~~(1) include the variance procedures in the rule. and~~

31 ~~(2) review the permits or licenses granted during the period the~~
32 ~~rule is in effect after the rule expires.~~

33 SECTION ~~102~~[94]. IC 13-14-8-3 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A rule or standard
35 adopted by a board may:

36 (1) make different provisions as required by varying
37 circumstances and conditions for different contaminant sources
38 and for different geographical areas;

39 (2) ~~be made applicable to sources outside Indiana that~~
40 **appropriately consider:**

41 (A) ~~are causing;~~ **background;**

42 (B) ~~are contributing to;~~ **interstate;** or

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 ~~<103>~~ [95]. 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 ~~<104>~~ [96]. 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) supported by a statement of reasons; ~~and~~

(2) 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;~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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

2 SECTION ~~<105>~~ [97]. IC 13-14-8-6 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Each hearing on
 4 a proposed rule must be open to the public, and a reasonable
 5 opportunity to be heard with respect to the subject of a hearing shall be
 6 afforded to any person. **The board may define reasonable**
 7 **procedures to conduct an orderly hearing.**

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

13 (c) A person who:

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

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

18 SECTION ~~<106>~~ [98]. IC 13-14-8-7, AS AMENDED BY
 19 P.L.250-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~(a) Without limiting the~~
 21 ~~generality of the regulatory authority of the board under this title;~~ The
 22 board may adopt rules under IC 4-22-2 and IC 13-14-9 prescribing the
 23 following:

- 24 (1) Standards or requirements for discharge or emission
- 25 specifying the maximum permissible short term and long term
- 26 concentrations of various contaminants of the air, water, or land.
- 27 (2) Procedures for the administration of a system of permits for:

28 (A) the discharge of any contaminants;

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

- 30 (i) facility;
- 31 (ii) equipment; or
- 32 (iii) device;

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

34 (C) the operation of any:

- 35 (i) facility;
- 36 (ii) equipment; or
- 37 (iii) device;

38 to control or to prevent pollution.

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

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

42 (A) water wells;

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (B) water holes; and
 2 (C) drainage holes;
 3 to protect ground water against contamination.
 4 (5) Alert criteria and abatement standards for pollution episodes
 5 or emergencies constituting an acute danger to health or to the
 6 environment, including priority lists for terminating activities
 7 that contribute to the hazard, whether or not the activities would
 8 meet all discharge requirements of the board under normal
 9 conditions.
 10 (6) Requirements and procedures for the inspection of any
 11 equipment, facility, vehicle, vessel, or aircraft that may cause or
 12 contribute to pollution.
 13 (7) Requirements and standards for equipment and procedures
 14 for:
 15 (A) monitoring contaminant discharges at their sources;
 16 (B) the collection of samples; and
 17 (C) the collection, reporting, and retention, in accordance
 18 with record retention schedules adopted under IC 5-15-5.1,
 19 of data resulting from that monitoring.
 20 (8) Standards or requirements to control:
 21 (A) the discharge; or
 22 (B) the pretreatment;
 23 of contaminants introduced or discharged into publicly owned
 24 treatment works.
 25 (9) Fees, in accordance with IC 13-16-1.
 26 **(10) Any other matter authorized by this title.**
 27 (b) If the board is required to adopt new rules or amend existing
 28 rules to implement an amendment to the federal Resource Conservation
 29 and Recovery Act or an amendment to or addition of a National
 30 Emission Standard for Hazardous Air Pollutants under the federal
 31 Clean Air Act, the board shall adopt the new rules or amend the
 32 existing rules not more than nine (9) months after the date the federal
 33 law becomes effective. This subsection does not limit the board's
 34 authority to amend at any time the rules adopted under this subsection.
 35 SECTION ~~107~~ [99]. IC 13-14-8-10 IS AMENDED TO READ
 36 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. ~~A~~ The board
 37 may adopt rules under IC 4-22-2 to specify the following with respect
 38 to any of the board's rules:
 39 (1) Criteria to define what constitutes an undue hardship or
 40 burden, as used in section 8 of this chapter, for the purposes of
 41 that rule.
 42 (2) Procedures for making determinations on applications for

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

variances from that rule.

SECTION 10~~8~~^[0]. 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 10~~9~~^[1]. 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.~~^{[1] 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 ~~110~~^[102]. IC 13-14-8-11.6, AS AMENDED BY P.L.113-2014, SECTION 63, IS AMENDED TO READ AS

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 1~~<1>~~^[03]. 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 1~~<12>~~^[04]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 which federal law does not impose restrictions or
 2 requirements;
 3 (C) state the extent to which each alternative listed under
 4 clause (A) differs from federal law;
 5 (D) include any information known to the department about
 6 the potential fiscal impact of each alternative under clause
 7 (A) that creates:
 8 (i) a restriction or requirement more stringent ~~<or~~
 9 ~~burdensome~~ than a restriction or requirement
 10 imposed under federal law; or
 11 (ii) a restriction or requirement in a subject area in
 12 which federal law does not impose restrictions or
 13 requirements; and
 14 (E) set forth the basis for each alternative listed under
 15 clause (A).
 16 (3) Describe the relevant statutory or regulatory requirements or
 17 restrictions relating to the subject matter of the proposed rule
 18 that exist before the adoption of the proposed rule.
 19 (4) Request the submission of alternative ways to achieve the
 20 purpose of the proposed rule.
 21 (5) Request the submission of comments, including suggestions
 22 of specific language for the proposed rule.
 23 (6) Include a detailed statement of the issue to be addressed by
 24 adoption of the proposed rule.
 25 SECTION 1 ~~<13>~~ [05]. IC 13-14-9-4, AS AMENDED BY
 26 P.L.93-2024, SECTION 116, IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) In addition to the
 28 requirements of IC 4-22-2-23 and (if applicable) IC 4-22-2-24, the
 29 notice of public comment period submitted by the department to the
 30 publisher must do the following:
 31 (1) Contain a summary of the response of the department to
 32 written comments submitted under section 3 of this chapter, if
 33 applicable.
 34 (2) Request the submission of comments, including suggestions
 35 of specific amendments to the language contained in the
 36 proposed rule.
 37 (3) Identify each element of the proposed rule that imposes a
 38 restriction or requirement on persons to whom the proposed rule
 39 applies that:
 40 (A) is more stringent ~~<or burdensome>~~ than a restriction
 41 or requirement imposed under federal law; or
 42 (B) applies in a subject area in which federal law does not

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 impose a restriction or requirement.
- 2 (4) With respect to each element identified under subdivision
- 3 (3), identify:
- 4 (A) the environmental circumstance or hazard that dictates
- 5 the imposition of the proposed restriction or requirement to
- 6 protect human health and the environment;
- 7 (B) examples in which federal law is inadequate to provide
- 8 the protection referred to in clause (A); and
- 9 (C) the:
- 10 (i) estimated fiscal impact; and
- 11 (ii) expected benefits;
- 12 based on the extent to which the proposed rule is more
- 13 stringent ~~<or burdensome>~~ than the restrictions or
- 14 requirements of federal law, or on the creation of
- 15 restrictions or requirements in a subject area in which
- 16 federal law does not impose restrictions or requirements.
- 17 (5) For any element of the proposed rule that imposes a
- 18 restriction or requirement that is more stringent ~~<or~~
- 19 ~~burdensome>~~ than a restriction or requirement imposed under
- 20 federal law or that applies in a subject area in which federal law
- 21 does not impose restrictions or requirements, describe the
- 22 availability for public inspection of all materials relied upon by
- 23 the department in the development of the proposed rule,
- 24 including, if applicable:
- 25 (A) health criteria;
- 26 (B) analytical methods;
- 27 (C) treatment technology;
- 28 (D) economic impact data;
- 29 (E) environmental assessment data;
- 30 (F) analyses of methods to effectively implement the
- 31 proposed rule; and
- 32 (G) other background data.
- 33 (b) If the notice provided by the department concerning a proposed
- 34 rule identifies an element of the proposed rule that imposes a restriction
- 35 or requirement more stringent ~~<or burdensome>~~ than a restriction or
- 36 requirement imposed under federal law, the proposed rule shall not
- 37 become effective under this chapter until the adjournment sine die of
- 38 the regular session of the general assembly that begins after the
- 39 department provides the notice.
- 40 (c) Subsection (b) does not prohibit or restrict the commissioner,
- 41 the department, or the board from:
- 42 (1) adopting provisional rules under IC 4-22-2-37.1;

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 114. IC 13-14-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) Upon receipt of evidence that a pollution source or combination of sources, including an industrial user of a publicly owned treatment plant, is presenting an imminent and substantial endangerment to:~~

~~— (1) the health of persons; or~~

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

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

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

~~— (2) take other necessary action.~~

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

~~— (1) in addition to the authority contained in section 1 of this chapter; and~~

~~— (2) notwithstanding any other provision of this title.~~

> SECTION 1<15>^[06]. 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 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 1<16>^[07]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(10) working 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 1 ~~<47>~~ [08]. 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 1 ~~<48>~~ [09]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 11 ~~9~~ [0]. 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 1 ~~20~~ [11]. 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



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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.~~

SECTION ~~<121>~~ [112]. IC 13-15-2-1, AS AMENDED BY P.L.133-2012, SECTION 98, 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 to establish requirements and procedures for the issuance of permits.

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

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

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

SECTION 1 ~~<22>~~ [13]. 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 facilities and the department on administrative tasks that do not benefit the environment.

(6) Provide owners and operators of facilities with as much

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 operational flexibility as can reasonably be provided while being
 2 consistent with enforcement of permit requirements.
- 3 (b) The rules adopted under this section may provide for permits
 4 that contain the following:
- 5 (1) Authorization of emission trading.
 - 6 (2) Consolidated reporting mechanisms.
 - 7 (3) Third party certifications.
 - 8 (4) Multimedia regulation.
 - 9 (5) Other conditions consistent with subsection (a).
- 10 (c) The rules adopted under this section must provide that a permit
 11 issued under the rules adopted under this section meets the following
 12 criteria:
- 13 (1) Activities conducted under the permit must result in greater
 14 overall environmental protection than would otherwise be
 15 achieved under applicable law.
 - 16 (2) Upon issuance of a permit, all limits, conditions, and
 17 standards contained in the permit are enforceable under
 18 IC 13-30-3.
 - 19 (3) The permit applicant must give notice in accordance with
 20 IC 13-15-8, and the commissioner ~~shall~~ **may** give notice to the
 21 public and provide an opportunity to comment on the proposed
 22 permit in accordance with IC 13-15-5.
 - 23 (d) ~~The rules adopted under this section must allow~~ The
 24 department **shall strive** to give priority to applications involving
 25 permits that are issued as described in this section based on:
 - 26 (1) the degree of environmental benefit that may be obtained
 27 under the permit;
 - 28 (2) the potential application of any innovative control
 29 technologies or regulatory procedures that may be made
 30 available to other permit applicants and permit holders; and
 31 (3) other criteria that the board may establish.
 - 32 (e) The rules adopted under this section must be consistent with
 33 federal law for federally authorized or delegated permit programs.
- 34 SECTION 1 ~~23~~ [14]. IC 13-15-3-2 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A permit issued
 36 under:
- 37 (1) this article; (~~except IC 13-15-9~~);
 - 38 (2) IC 13-17-11;
 - 39 (3) IC 13-18-18; or
 - 40 (4) IC 13-20-1;
- 41 may be issued for any period determined by the department to be
 42 appropriate but not to exceed five (5) years.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(b) Except as provided in federal law, a valid permit that has been issued under this chapter that concerns an activity of a continuing nature may be renewed for a period of not more than ten (10) years as determined by the department. The board shall adopt rules implementing this subsection.

(c) The commissioner may delegate authority to issue or deny permits to a designated staff member.

SECTION 1 ~~<24>~~ [15]. 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 125. 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 1 ~~<24>~~ [1]6. 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.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (C) A major modification of a solid waste landfill.
- 2 (D) A major modification of a solid waste incinerator.
- 3 (E) A new hazardous waste treatment or storage facility.
- 4 (F) A new Part B permit issued under 40 CFR 270 et seq.
- 5 for an existing hazardous waste treatment or storage facility.
- 6 (G) A Class 3 modification under 40 CFR 270.42 to a
- 7 hazardous waste landfill.
- 8 (H) A new solid waste processing facility other than a
- 9 transfer station.
- 10 (2) Except as provided in IC 13-18-3-2.1, two hundred seventy
- 11 (270) days for an application concerning the following:
- 12 (A) A Class 3 modification under 40 CFR 270.42 of a
- 13 hazardous waste treatment or storage facility.
- 14 (B) A major new National Pollutant Discharge Elimination
- 15 System permit.
- 16 (C) A major modification to a solid waste processing
- 17 facility other than a transfer station.
- 18 (3) Except as provided in IC 13-18-3-2.1, one hundred eighty
- 19 (180) days for an application concerning the following:
- 20 (A) A new transfer station or a major modification to a
- 21 transfer station.
- 22 (B) A minor new National Pollutant Discharge Elimination
- 23 System individual permit.
- 24 (C) A permit concerning the land application of a material.
- 25 (D) A permit for marketing and distribution of a biosolid or
- 26 an industrial waste product.
- 27 (4) Except as provided in IC 13-18-3-2.1, one hundred fifty
- 28 (150) days for an application concerning a minor new National
- 29 Pollutant Discharge Elimination System general permit.
- 30 (5) One hundred twenty (120) days for an application concerning
- 31 a Class 2 modification under 40 CFR 270.42 to a hazardous
- 32 waste facility.
- 33 (6) ~~Ninety (90)~~ **One hundred twenty (120)** days for an
- 34 application concerning the following:
- 35 (A) A minor modification to a **waste** permit for the
- 36 following:
- 37 (i) A solid waste landfill.
- 38 (ii) A solid waste processing facility.
- 39 (iii) An incinerator.
- 40 (B) A wastewater facility or water facility construction
- 41 permit.
- 42 (7) The amount of time provided for in rules adopted by the

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 1 ~~↔~~ [1]7. 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 1 ~~↔~~ [1]8. 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~~ **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:

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (A) the general assembly enacts a statute;
 2 (B) ~~a~~ **the** board adopts a rule; or
 3 (C) the federal government enacts a statute or adopts a
 4 regulation;
 5 that imposes a new requirement concerning a class of
 6 applications that makes it infeasible for the commissioner to
 7 approve or deny the application within the period;
 8 (2) if:
 9 (A) the general assembly enacts a statute;
 10 (B) ~~a~~ **the** board adopts a rule; or
 11 (C) the federal government enacts a statute or adopts a
 12 regulation;
 13 that establishes a new permit program for which a period is not
 14 described under section 1 of this chapter; or
 15 (3) if some other significant factor concerning a class of
 16 applications makes it infeasible for the commissioner to approve
 17 or deny the application within the period.
 18 (b) If ~~a~~ **the** board adopts a rule described in subsection (a) as a
 19 provisional rule under IC 4-22-2-37.1 or as an interim rule under
 20 IC 4-22-2-37.2, the board shall
 21 ~~(1) include the variance procedures in the rule. and~~
 22 ~~(2) review the permits or licenses granted during the period the~~
 23 ~~rule is in effect after the rule expires.~~
 24 If ~~a~~ **the** board adopts a provisional rule or an interim rule under this
 25 subsection, the period described in section 1 of this chapter is
 26 suspended during the rulemaking process.
 27 SECTION 1 ~~⇒~~ **[1]**9. IC 13-15-4-4 IS REPEALED [EFFECTIVE
 28 JULY 1, 2026]. Sec. 4. ~~An application for a permit renewal that~~
 29 ~~includes a modification shall be reviewed within the period applicable~~
 30 ~~to the modification.~~
 31 SECTION 1 ~~⇒~~ **[2]**0. IC 13-15-4-5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Sections 1 through ~~4~~
 33 ~~⇒~~ **[4]** 3 and ~~section~~ 6 of this chapter do not alter the procedures and
 34 time frames set forth in the hazardous waste permit modification rules
 35 adopted by the department, except to the extent that sections 1
 36 through ~~4~~ **[4]** 3 and 6 of this chapter establish specific calendar day
 37 time frames where no time frame exists under the rules.
 38 SECTION 1 ~~⇒~~ **[2]**1. IC 13-15-4-6, AS AMENDED BY
 39 P.L.133-2012, SECTION 102, IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Notwithstanding
 41 the periods specified in sections 1 through ~~4~~ 3 of this chapter and this
 42 section, a person proposing to construct, modify, or operate any

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 1 ~~↔~~ [2]2. IC 13-15-4-10, AS AMENDED BY P.L.27-2024, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 1 ~~↔~~ [2] 3. 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~~ ~~(+)~~ **either** of the following alternatives:

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 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 1 ~~13-15-4-15~~ 24. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(2) authorize the consultant to begin work;
not later than fifteen (15) working 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 1 ~~↔~~ [2] 5. 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 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:

- (1) approve, with or without revision; or
- (2) deny;

the draft permit not later than twenty-five (25) working 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 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 later than twenty-five (25) working days after expiration of the
2 applicable period.

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

5 SECTION 1 ~~↔~~ [2] 6. IC 13-15-5-1.5, AS ADDED BY
6 P.L.66-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2026]: Sec. 1.5. Not later than ten (10) days
8 after the last day of a public comment period under this article or
9 applicable rules of the board, the commissioner may decide, based on
10 information received during the public comment period, to hold a
11 public hearing ~~or meeting~~ before the issuance or denial of a permit. If
12 the commissioner decides to hold a public hearing ~~or meeting~~ under
13 this section, the department shall:

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

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

19 SECTION 1 ~~↔~~ [2] 7. IC 13-15-6-1, AS AMENDED BY
20 P.L.128-2024, SECTION 18, IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than
22 fifteen (15) days after being served the notice provided by the
23 commissioner under IC 13-15-5-3:

24 (1) the permit applicant; or

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

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

36 SECTION 1 ~~↔~~ [2] 8. IC 13-15-7-3, AS AMENDED BY
37 P.L.128-2024, SECTION 20, IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A person aggrieved
39 by the revocation or modification of a permit may appeal the revocation
40 or modification to the office of administrative law proceedings for an
41 administrative review under IC 4-21.5-3. Pending the decision resulting
42 from the hearing under IC 4-21.5-3 concerning the permit revocation,

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 ~~or modification~~, the permit remains in force. However, the
 2 commissioner may seek injunctive relief with regard to the activity
 3 described in the permit while the decision resulting from the hearing
 4 is pending.

5 SECTION 1 ~~↔~~ [2]9. IC 13-15-7-4, AS AMENDED BY
 6 P.L.133-2012, SECTION 103, IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This section
 8 applies to a facility that:

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

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

13 (b) The board ~~shall~~ **may** adopt rules under IC 4-22-2 and
 14 IC 13-14-9 as part of the operating permit program established under
 15 42 U.S.C. 7661 through 7661f providing that a facility may make
 16 changes without a permit revision if the following conditions exist:

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

21 (2) The changes do not exceed emissions:

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

23 (B) expressed as total emissions;

24 allowable under the permit.

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

30 ~~SECTION 140. IC 13-15-9-1 IS REPEALED [EFFECTIVE JULY~~
 31 ~~1, 2026]. Sec. 1. A person may not:~~

32 ~~(1) construct or operate a nuclear powered generating facility or~~
 33 ~~nuclear fuel reprocessing plant; or~~

34 ~~(2) increase the capacity of such an existing facility;~~
 35 ~~without a permit from the department.~~

36 ~~SECTION 141. IC 13-15-9-2 IS REPEALED [EFFECTIVE JULY~~
 37 ~~1, 2026]. Sec. 2. (a) The board may adopt rules under IC 4-22-2 and~~
 38 ~~IC 13-14-9 establishing:~~

39 ~~> (1) conditions for the issuance of a permit under this chapter;~~
 40 ~~and~~

41 ~~(2) requirements for the operation of nuclear facilities;~~

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



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

SECTION 1 ~~<42>~~ [30]. IC 13-15-9-3, AS AMENDED BY P.L.133-2012, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A person proposing to construct:

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

shall file with the **board department** an environmental feasibility report ~~on a form prescribed by the board~~; concurrently with the filing of the ~~preliminary safety analysis documents~~ required to be filed with the United States Atomic Energy Commission: **Nuclear Regulatory Commission under 10 CFR Part 50 and Part 52.**

SECTION ~~<43>~~ [131]. IC 13-15-9-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 4: (a) The commissioner, on behalf of the board, may conduct a public hearing at a time and place to be determined by the department on the environmental effects of the proposed operation:

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

SECTION 1 ~~<44>~~ [32]. IC 13-15-9-5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 5: (a) The board shall adopt rules and standards under section 2 of this chapter to protect the citizens of Indiana from the hazards of radiation:

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

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

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

SECTION 1 ~~<45>~~ [33]. 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~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 not operated properly:
2 ~~SECTION 146. IC 13-15-10-4, AS AMENDED BY P.L. 133-2012,~~
3 ~~SECTION 110, IS AMENDED TO READ AS FOLLOWS~~
4 ~~[EFFECTIVE JULY 1, 2026]: Sec. 4. The board shall ~~may~~ adopt rules~~
5 ~~under IC 4-22-2 and IC 13-14-9 to implement this chapter. The rules~~
6 ~~must ~~may~~ include the following:~~
7 ~~— (1) Requirements for certification that consider any training that~~
8 ~~is required by state rule or federal regulation.~~
9 ~~— (2) Mandatory testing and retraining.~~
10 ~~— (3) Recognition of training programs that the board approves to~~
11 ~~serve as a training program that this chapter requires. A~~
12 ~~recognized training program may be offered by an employer or~~
13 ~~by any other provider.~~
14 ~~— (4) Recognition of an interim period for which existing facility~~
15 ~~operators must obtain certification.~~
16 ~~SECTION 147. IC 13-15-10-5, AS AMENDED BY P.L. 250-2019,~~
17 ~~SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
18 ~~JULY 1, 2026]: Sec. 5. (a) The board shall ~~may~~ establish by rule and~~
19 ~~cause to be collected fees for the following:~~
20 ~~— (1) Examination of applicants for certification.~~
21 ~~— (2) Issuance, renewal, or transfer of a certificate.~~
22 ~~— (3) Restoration of an expired certificate when that action is~~
23 ~~authorized by law.~~
24 ~~— (4) Issuance of certificates by reciprocity or endorsement for~~
25 ~~out-of-state applicants.~~
26 ~~— (5) Issuance of board or committee reciprocity or endorsements~~
27 ~~for resident practitioners who apply to another state for a~~
28 ~~certificate.~~
29 ~~— (b) A fee established under this section may not be less than fifty~~
30 ~~dollars (\$50) unless the fee is collected under a rule adopted by the~~
31 ~~board that sets a fee for miscellaneous expenses incurred by the~~
32 ~~department on behalf of operators regulated under rules adopted by the~~
33 ~~board. The fees may not be less than are required to pay all of the~~
34 ~~costs, both direct and indirect, of the operation of the department under~~
35 ~~this chapter, and are payable to the department in accordance with~~
36 ~~section 6 of this chapter.~~
37 (c) A fee may not be charged to an operator employed by a solid
38 waste facility that is wholly owned and operated by a unit of local
39 government.
40 SECTION ~~<148>~~[\[134\]](#). IC 13-16-1-2, AS AMENDED BY
41 P.L. 250-2019, SECTION 15, IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. To establish fees or

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

change the amount of a fee, the board shall:

(1) follow the procedure required for the adoption of rules; and

(2) take into account:

(A) the cost to the department of the issuance of a permit, license, or approval;

(B) the cost to the department of the performance of services in connection with the supervision, review, and other necessary activities related to the permit, license, or approval;

(C) the cost to the department of the surveillance of the activity or property covered by the license, permit, or approval;

(D) the cost to the department of amendments, modifications, and renewals of a permit, license, or approval; ~~and~~

(E) fees charged for equivalent activities in other states; **and**

(F) the schedule, form, and frequency of the fees match the operational or revenue needs of the program.

SECTION 1 ~~<49>~~ [35]. IC 13-16-1-4, AS AMENDED BY P.L.250-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall periodically review the fees established under this title. The board may set or change a fee if the board determines, based upon the information provided under subsections (b) and (c) and the provisions of section 3 of this chapter, that a fee is necessary or that the amount of a fee is not appropriate.

(b) To assist the board in the periodic review of fees required by this section, the department ~~shall:~~ **may:**

(1) arrange for an independent study of the costs referred to in section 2(2)(A) through 2(2)(D) of this chapter;

(2) develop information on fees charged for equivalent activities in other states, as applicable, as provided in section 2(2)(E) of this chapter; and

(3) periodically develop information on activities, functions, and permits that have been added or eliminated since the previous fee structure was adopted.

(c) The department ~~shall:~~ **may:**

(1) present the information described in subsection (b) to the board for consideration; and

(2) if ~~so directed by the board,~~ initiate a rulemaking under IC 13-14-9 to address fees.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 SECTION 1~~50~~ [36]. IC 13-16-1-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Before billing a
 3 person under IC 13-18-20, IC 13-20-21, or IC 13-22-12, the
 4 commissioner ~~shall~~ **may** review the money in the environmental
 5 management permit operation fund established under IC 13-15-11 and
 6 make the following adjustments:

7 (1) If the balance of the fund collected under IC 13-18-20, once
 8 obligated expenditures are subtracted from the balance, exceeds
 9 two million five hundred thousand dollars (\$2,500,000) as of
 10 July 1 each year, the commissioner shall adjust the annual fee
 11 schedule to bill an amount, in the aggregate, equivalent to the fee
 12 schedule amount, less the excess over two million five hundred
 13 thousand dollars (\$2,500,000). Adjustments to the individual
 14 bills must be proportional to the applicable fee divided by the
 15 total amount required by all the applicable fees. Adjustments to
 16 the annual fees apply only to the next assessment year and then
 17 revert to the amounts established under IC 13-18-20.

18 (2) If the balance of the fund collected under IC 13-20-21, once
 19 obligated expenditures are subtracted from the balance, exceeds
 20 two million five hundred thousand dollars (\$2,500,000) as of
 21 July 1 each year, the commissioner shall adjust the annual fee
 22 schedule to bill an amount, in the aggregate, equivalent to the fee
 23 schedule amount, less the excess over two million five hundred
 24 thousand dollars (\$2,500,000). Adjustments to the individual
 25 bills must be proportional to the applicable fee divided by the
 26 total amount required by all the applicable fees. Adjustments to
 27 the annual fees apply only to the next assessment year and then
 28 revert to the amounts established under IC 13-20-21.

29 (3) If the balance of the fund collected under IC 13-22-12, once
 30 obligated expenditures are subtracted from the balance, exceeds
 31 two million five hundred thousand dollars (\$2,500,000) as of
 32 July 1 each year, the commissioner shall adjust the annual fee
 33 schedule to bill an amount, in the aggregate, equivalent to the fee
 34 schedule amount, less the excess over two million five hundred
 35 thousand dollars (\$2,500,000). Adjustments to the individual
 36 bills must be proportional to the applicable fee divided by the
 37 total amount required by all the applicable fees. Adjustments to
 38 the annual fees apply only to the next assessment year and then
 39 revert to the amounts established under IC 13-22-12.

40 (b) The ~~appropriate~~ board may adopt rules under IC 4-22-2 and
 41 IC 13-14-9 to adjust the amount of the fund balance at which the
 42 commissioner is required to adjust individual bills under subsection

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(a)(1), (a)(2), or (a)(3). However, the amount of the fund balance established by rule under this subsection may not exceed two million five hundred thousand dollars (\$2,500,000).

SECTION 1 ~~<51>~~ [37]. IC 13-16-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The department ~~<~~ ~~[shall]~~ **may** establish fee payment schedules that allow a person that is required to pay an annual fee established under:

(1) this title; or

(2) rules adopted under this title;

to pay the fee in equal installments over a twelve (12) month period that begins on the date the fee is assessed.

(b) The department ~~shall~~ **may** allow a person to pay an annual fee according to a fee payment schedule established under this section if the person determines that a single payment of the entire fee is an undue hardship on the person.

(c) A fee payment schedule established under this section may not require a person to pay more than one (1) installment in any three (3) month period during the twelve (12) month period.

(d) The department is not required to assess installments separately.

(e) The department may issue appropriate late fees.

SECTION 1 ~~<52>~~ [38]. 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 ~~<153>~~ [139]. 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:

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 ~~154~~ **[140]**. IC 13-17-3-8 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 8: ~~The board shall carry out other duties imposed by law.~~

SECTION 1 ~~55~~ **[41]**. 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.**

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 1 ~~56~~ [42]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 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 1 ~~57~~ [43]. 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 1 ~~58~~ [44]. IC 13-17-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section does not apply to a person making an inspection under the authority of IC 22-8-1.1.

(b) The board ~~shall~~ may adopt a rule under IC 4-22-2 to do the

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 following:

2 (1) Establish a fee not to exceed one hundred fifty dollars (\$150)
3 per person per certification for persons seeking accreditation
4 through the program established under section 1 of this chapter.

5 (2) Establish a fee for asbestos contractors seeking licensing
6 through the program established under section 1 of this chapter.

7 (c) The amount of the fee established under subsection (b) must
8 not be more than is considered to be necessary to recover the cost of
9 establishing the accreditation and licensing programs.

10 (d) The proceeds of the fee shall be deposited in the asbestos trust
11 fund established by section 3 of this chapter.

12 SECTION ~~<159>~~ [145]. IC 13-17-6-10, AS AMENDED BY
13 P.L.128-2024, SECTION 22, IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) If the
15 commissioner finds that an asbestos project is not being performed in
16 accordance with air pollution control laws or rules adopted under air
17 pollution control laws, the commissioner may enjoin further work on
18 the asbestos project without prior notice or hearing by delivering a
19 notice to:

20 (1) the asbestos contractor engaged in the asbestos project; or
21 (2) the agent or representative of the asbestos contractor.

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

23 (1) specifically enumerate the violations of law that are
24 occurring on the asbestos project; and
25 (2) prohibit further work on the asbestos project until the
26 violations enumerated under subdivision (1) cease and the notice
27 is rescinded by the commissioner.

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

32 (d) An asbestos contractor or any other person aggrieved or
33 adversely affected by the issuance of a notice under subsection (a) may
34 obtain a review of the commissioner's action. ~~under IC 4-21-5 and~~
35 ~~IC 4-15-10.5.~~

36 SECTION ~~<160>~~ [146]. IC 13-17-6-11 IS AMENDED TO READ
37 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The
38 commissioner may ~~under IC 4-21-5~~ reprimand an asbestos contractor
39 or asbestos worker or suspend or revoke the license of an asbestos
40 contractor or the accreditation of an asbestos worker for the following
41 reasons:

42 (1) Fraudulently or deceptively obtaining or attempting to obtain

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 1 ~~<61>~~ [47]. IC 13-17-7 IS REPEALED [EFFECTIVE JULY 1, 2026]. (Clean Air Act Permit Compliance Program).

SECTION 1 ~~<62>~~ [48]. 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

(1) 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 1 ~~<63>~~ [49]. 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 1 ~~<64>~~ [50]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 desorption process;

(C) Desorption 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 ~~165~~ 151. 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 1~~66~~ 52. 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.

SECTION 1~~67~~ 53. 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 1~~68~~ 54. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 department's ~~Internet web site;~~ **website;**
 2 (3) make the list available for public comment for at least
 3 forty-five (45) days; and
 4 (4) provide information about the list to the board.
 5 (b) The board shall adopt a rule that:
 6 (1) establishes the methodology to be used in identifying waters
 7 as impaired; and
 8 (2) specifies the methodology and criteria for including and
 9 removing waters from the list of impaired waters.
 10 (c) In the establishment of the total maximum daily load for a
 11 surface water under Section 303(d)(1)(C) of the federal Clean Water
 12 Act (33 U.S.C. 1313(d)(1)(C)), the department shall, in identifying the
 13 surface water under Section 303(d)(1)(A) of the federal Clean Water
 14 Act (33 U.S.C. 1313(d)(1)(A)), make every reasonable effort to identify
 15 the pollutant or pollutants under consideration for the establishment of
 16 the total maximum daily load.
 17 (d) The department shall comply with subsection (e) if either of
 18 the following applies:
 19 (1) The department:
 20 (A) is unable, in identifying the surface water as described
 21 in subsection (c), to identify the pollutant or pollutants
 22 under consideration for the establishment of the total
 23 maximum daily load; and
 24 (B) determines, after identifying the surface water as
 25 described in subsection (c), that one (1) or more pollutants
 26 should be under consideration for establishment of the total
 27 maximum daily load.
 28 (2) The department:
 29 (A) in identifying the surface water as described in
 30 subsection (c), identifies the pollutant or pollutants under
 31 consideration for the establishment of the total maximum
 32 daily load; and
 33 (B) determines, after identifying the pollutant or pollutants
 34 as described in clause (A), that one (1) or more other
 35 pollutants should be under consideration for establishment
 36 of the total maximum daily load.
 37 (e) The department complies with subsection (d) if the department
 38 does the following before making a pollutant or pollutants the subject
 39 of consideration for the establishment of the total maximum daily load:
 40 (1) Determines and demonstrates that either or both of the
 41 following apply:
 42 (A) The surface water does not attain water quality

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 1~~69~~[55]. 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:~~

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

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

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

(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 1~~70~~[56]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 in IC 13-11-2-149.6.

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

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

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

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

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

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

18 (4) Whether the designation of the water body as an outstanding
19 state resource water will have a significant adverse effect on
20 future population, development, and economic growth in the
21 watershed, if the water body is in a watershed that has more than
22 three percent (3%) of its land in urban land uses or serves a
23 municipality with a population greater than five thousand
24 (5,000).

25 (5) Whether the designation of the water body as an outstanding
26 state resource water is necessary to protect the unique or special
27 ecological, recreational, or aesthetic significance of the water
28 body.

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

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

42 (j) Notwithstanding any other provision of this section, the

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 designation of an outstanding state resource water in effect on January
2 1, 2000, remains in effect.

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

5 (1) prevent degradation; and

6 (2) allow for increases and additions in pollutant loadings from
7 an existing or new discharge if:

8 (A) there will be an overall improvement in water quality
9 for the outstanding state resource water as described in this
10 section; and

11 (B) the applicable requirements of rules adopted by the
12 board under this section are met.

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

15 (1) A definition of significant lowering of water quality that
16 includes a de minimis quantity of additional pollutant load:

17 (A) for which a new or increased permit limit is required;
18 and

19 (B) below which antidegradation implementation
20 procedures do not apply.

21 (2) Provisions allowing the permittee to choose application of
22 one (1) of the following for each activity undertaken by the
23 permittee that will result in a significant lowering of water
24 quality in the outstanding state resource water:

25 (A) Implementation of a water quality project in the
26 watershed of the outstanding state resource water that will
27 result in an overall improvement of the water quality of the
28 outstanding state resource water.

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

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

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

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

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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

described in 40 CFR 131.12.

SECTION ~~477~~ [157]. 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 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 long term control plan; and

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

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

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

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

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

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

25 SECTION 1 ~~72~~ [58]. IC 13-18-3-2.6, AS ADDED BY
26 P.L.54-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2026]: Sec. 2.6. (a) Where appropriate, permits
28 shall contain schedules of compliance requiring the permittee to take
29 specific steps to achieve expeditious compliance with applicable
30 standards, limitations, and other requirements.

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

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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- (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 1 ~~<73>~~ [59]. IC 13-18-3-5 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 5: The board shall carry out other duties imposed by law.

~~<— SECTION 174. 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 175. 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:~~

- ~~— (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~~~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 ~~engineer and subsequently approved the plans; and~~
 2 ~~(D) all other requirements specified in rules adopted by the~~
 3 ~~board are met.~~
 4 ~~the plans are not required to be submitted to any state agency for a~~
 5 ~~permit, permission, or review, unless required by federal law.~~
 6 > SECTION ~~<176>~~ [160]. IC 13-18-3-13 IS AMENDED TO READ
 7 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. If a violation of
 8 327 IAC 15-5 **the department's construction storm water general**
 9 **permit** occurs, the department shall determine which person is
 10 responsible for committing the violation. ~~In making this determination,~~
 11 ~~the department shall, if appropriate, consider:~~
 12 (1) public records of ownership;
 13 (2) building permits issued by local units of government; or
 14 (3) other relevant information.
 15 The department's determination to proceed against a person responsible
 16 for committing a violation must be based on the specific facts and
 17 circumstances related to a particular violation.
 18 SECTION 1 ~~<77>~~ [61]. IC 13-18-3-14, AS AMENDED BY
 19 P.L.130-2018, SECTION 64, IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) The outstanding
 21 state resource water improvement fund is established. All money
 22 collected under section 2 of this chapter and any money accruing to the
 23 fund are continuously appropriated to the fund to carry out the purposes
 24 of section 2 of this chapter. Money in the fund at the end of a state
 25 fiscal year does not revert to the state general fund, unless the
 26 outstanding state resource water improvement fund is abolished.
 27 (b) The outstanding state resource water improvement fund shall
 28 be administered as follows:
 29 (1) The fund may be used by the department of environmental
 30 management to fund projects that will lead to overall
 31 improvement to the water quality of the affected outstanding
 32 state resource water.
 33 (2) The treasurer of state may invest the money in the fund not
 34 currently needed to meet the obligations of the fund in the same
 35 manner as other public money may be invested.
 36 (3) Any interest received accrues to the fund.
 37 (4) The expenses of administering the fund shall be paid from
 38 the fund.
 39 (c) ~~If money is disbursed from the outstanding state resource water~~
 40 ~~improvement fund in the previous state fiscal year or the commissioner~~
 41 ~~determines that the fund had a positive balance at the close of the~~
 42 ~~previous state fiscal year; Upon request by the house of~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 1 ~~<78>~~ [62]. 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:

- (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 1 ~~<79>~~ [63]. 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 180. IC 13-18-4-4 IS REPEALED [EFFECTIVE JULY~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

~~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 1 ~~<81>~~ [64]. 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 1 ~~<82>~~ [65]. 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 1 ~~<83>~~ [66]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 code laws.

2 SECTION 1 ~~<84>~~ [67]. IC 13-18-9-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department
4 shall enforce this chapter under IC 13-30-3 or IC 13-14-2-6.

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

12 SECTION ~~<85>~~ [168]. IC 13-18-10-2.1, AS AMENDED BY
13 P.L.199-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2026]: Sec. 2.1. (a) The department:

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

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

- 28 (1) continue to review the application;
29 (2) approve or deny the application as soon as practicable; and
30 (3) refund the applicant's application fee not later than
31 twenty-five (25) working days after the receipt of the applicant's
32 request.

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

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

42 (d) The department may establish requirements in an approval

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 regarding that part of the confined feeding operation that concerns
2 manure handling and application to assure compliance with:

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

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

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

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

- 23 (1) The nature and details of the acts attributed to the responsible
- 24 party.
- 25 (2) The degree of culpability of the responsible party.
- 26 (3) The responsible party's cooperation with the state, federal, or
- 27 foreign agencies involved in the investigation of the activities
- 28 involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6)
- 29 of this chapter.
- 30 (4) The responsible party's dissociation from any other persons
- 31 or entities convicted in a criminal enforcement action referred to
- 32 in section 1.4(c)(5) and 1.4(c)(6) of this chapter.
- 33 (5) Prior or subsequent self-policing or internal education
- 34 programs established by the responsible party to prevent acts,
- 35 omissions, or violations referred to in section 1.4(c)(5) and
- 36 1.4(c)(6) of this chapter.

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

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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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.

(j) An approval is considered to have been issued by the department in accordance with the material submitted in the application if the following conditions have been met:

(1) The department fails to make a decision on an application by the deadline.

(2) The applicant successfully completed a precoordination meeting with the department and provided all materials required to issue the approval at the precoordination meeting.

(3) The application, including design and specification, is substantially similar to the materials submitted at the precoordination meeting.

(4) The applicant has not submitted any revisions to the application after the application is received by the department.

The provisions of this subsection do not override the requirements of this chapter or IC 13-15.

SECTION ~~186~~ 169. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 ~~187~~ 170. 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 1 ~~88~~ 71. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (B) by any other state or jurisdiction for a purpose
 2 comparable to the purpose for which a certificate is issued
 3 under this chapter;
 4 has been revoked.
 5 (5) The operator has been convicted of a crime related to a
 6 certificate of the operator issued:
 7 (A) under this chapter; or
 8 (B) by any other state or jurisdiction for a purpose
 9 comparable to the purpose for which a certificate is issued
 10 under this chapter.
 11 (b) ~~A hearing and further proceedings shall be conducted in~~
 12 ~~accordance with IC 4-15-10.5. A person aggrieved by the revocation~~
 13 ~~or modification of a certificate of an operator may appeal the~~
 14 ~~revocation or modification to the office of administrative law~~
 15 ~~proceedings under IC 4-21.5-3.~~
 16 SECTION 1 ~~<89>~~ [72]. IC 13-18-11-13, AS AMENDED BY
 17 P.L.147-2015, SECTION 11, IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. The board ~~shall~~
 19 ~~may~~ adopt rules under IC 4-22-2 and IC 13-14-9 that are necessary to
 20 carry out the intent of this chapter. The rules ~~must~~ ~~may~~ include the
 21 following:
 22 (1) Provisions establishing the basis for classification of water
 23 treatment plants, water distribution systems, and wastewater
 24 treatment plants.
 25 (2) Provisions establishing qualifications of applicants and
 26 procedures for examination of candidates.
 27 (3) Provisions concerning fees for certification examinations.
 28 (4) Other provisions that are necessary for the administration of
 29 this chapter.
 30 SECTION 1 ~~<90>~~ [73]. IC 13-18-12-2.2, AS AMENDED BY
 31 P.L.250-2019, SECTION 23, IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. ~~(a) As used in this~~
 33 ~~section:~~
 34 (1) "chemical toilet" has the meaning set forth in 327
 35 IAC 7.1-2-6; and
 36 (2) "sewage disposal system" has the meaning set forth in 327
 37 IAC 7.1-2-36;
 38 on February 1, 2016.
 39 (b) As used in this section, "septage management vehicle" means
 40 a vehicle used for the removal of septage from sewage disposal
 41 systems.
 42 (c) Notwithstanding 327 IAC 7.1-6-1, The invoice provided to a

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 1 ~~91~~ **[74]**. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 (B) as ingredients in a soil amendment or soil substitute to
 2 be land applied;
 3 on the same basis as other materials under the rules concerning
 4 land application and marketing and distribution permits;
 5 (2) may not:
 6 (A) discriminate against the use of industrial waste products
 7 on the basis that the industrial waste products lack
 8 biological carbon;
 9 (B) impose requirements beyond applicable criteria in 327
 10 ~~IAC 6.1~~, **rules established by the board**, unless additional
 11 requirements are necessary for the protection of human
 12 health and the environment;
 13 (C) require that the finished soil amendment, soil substitute,
 14 or material to be land applied must be of a particular
 15 economic value; or
 16 (D) for any pollutant that has a pollutant limit or
 17 concentration in 327 IAC 6.1, require that an industrial
 18 waste product or the finished soil amendment, soil
 19 substitute, or material to be land applied satisfies:
 20 (i) the department's remediation closure guidance; or
 21 (ii) any other standards other than criteria in 327
 22 IAC 6.1;
 23 (3) for any pollutant present in the industrial waste products that
 24 does not have a pollutant limit or concentration in 327 IAC 6.1,
 25 shall consider the benefits of the finished soil amendment, soil
 26 substitute, or material to be land applied as compared to the
 27 measurable risks to human health and the environment based on
 28 the anticipated use of the finished soil amendment, soil
 29 substitute, or material to be land applied; and
 30 (4) shall require an application for a permit for the land
 31 application of industrial waste products to include
 32 characterization of individual industrial waste products at the
 33 point of waste generation before mixing the waste streams.
 34 (c) ~~The board may adopt rules for pollutant limits or~~
 35 ~~concentrations for pollutants for which limits or concentrations do not~~
 36 ~~exist in 327 IAC 6.1 as of July 1, 2011.~~
 37 SECTION 1 ~~92~~ 75. IC 13-18-12-3, AS AMENDED BY
 38 P.L.192-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The ~~board shall initiate;~~
 40 **department shall administer**, in accordance with IC 13-15, a septage
 41 management permit program for all persons who offer to perform or are
 42 performing septage management services.

M
 a
 r
 k
 u
 p

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

(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 1 ~~<93>~~ [76]. 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 1 ~~<94>~~ [77]. 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 1 ~~<95>~~ [78]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 ~~196~~ [179]. 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 1 ~~97~~ [80]. IC 13-18-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department under IC 13-14-2-2:

(1) may investigate allegations of; and

(2) shall investigate confirmed incidents of;

contamination of groundwater that affect private water supply wells.

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

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

(2) take emergency action, including emergency action under IC 13-14-10, to reduce exposure to well water contaminants that pose a threat to human health; and

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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

SECTION ~~198~~ [181]. IC 13-18-17-5, AS AMENDED BY P.L.56-2023, 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 1 ~~99~~ [82]. 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.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 ~~200~~ [183]. IC 13-18-17-7 IS REPEALED [EFFECTIVE JULY 1, 2026]. See: 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 ~~201~~ [184]. IC 13-18-27-1 IS REPEALED [EFFECTIVE JULY 1, 2026]. See: 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 ~~202~~ [185]. 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 ~~203~~ [186]. IC 13-18-27-9, AS ADDED BY

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 ~~204~~ [187]. 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 ~~205~~ [188]. 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 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(2) the fourteenth working 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 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 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 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 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 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 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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):

(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 ~~206~~ [189]. 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 ~~207~~ [190]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 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 ~~208~~ [191]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 ~~209~~ [192]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (B) is disposed of at a facility regulated under IC 14-34.
- 2 (2) The use of coal combustion residuals for the following:
- 3 (A) The extraction or recovery of materials and compounds
- 4 contained within the coal combustion residuals.
- 5 (B) Bottom ash as an antiskid material.
- 6 (C) Raw material for manufacturing another product.
- 7 (D) Mine subsidence, mine fire control, and mine sealing.
- 8 (E) Structural fill when combined with cement, sand, or
- 9 water to produce a controlled strength fill material.
- 10 (F) A base in road construction.
- 11 (G) Cover for coal processing waste disposal locations to
- 12 inhibit infiltration at surface and underground mines subject
- 13 to IC 14-34, so long as a demonstration is made in
- 14 concurrence with the department of natural resources that
- 15 the materials and methods to be employed are appropriate
- 16 for the intended use.
- 17 (H) Providing buffering or enhancing structural integrity for
- 18 refuse piles at surface and underground mines subject to
- 19 IC 14-34, so long as a demonstration is made in
- 20 concurrence with the department of natural resources that
- 21 the materials and methods to be employed are appropriate
- 22 for the intended use.
- 23 (I) Agricultural applications, when applied using
- 24 appropriate agronomic amounts to improve crop or
- 25 vegetative production.
- 26 SECTION ~~210~~ [193]. IC 13-19-3-7, AS AMENDED BY
- 27 P.L.133-2012, SECTION 133, IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~The department and~~
- 29 ~~the board shall allow a person~~ **A permit is not required** to use foundry
- 30 sand that meets Type III criteria under 329 IAC 10-9 for the following
- 31 activities: ~~in accordance with guidance without requiring the~~
- 32 ~~person to obtain any permits from the department:~~
- 33 (1) As a daily cover for litter and vermin control at a landfill in
- 34 accordance with any applicable permits issued for the landfill.
- 35 (2) As a protective cover for a landfill leachate system in
- 36 accordance with any applicable permits issued for the landfill.
- 37 (3) For use as capped embankments for ground and sight barriers
- 38 under ten thousand (10,000) cubic yards or embankments for
- 39 airports, bridges, or overpasses.
- 40 (4) For use:
- 41 (A) in a land application operation; or
- 42 (B) as a soil amendment;

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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.
- (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 ~~21~~ [\[194\]](#). 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.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 ~~<— SECTION 212. IC 13-19-4-6, AS AMENDED BY P.L.154-2005;~~
2 ~~SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
3 ~~JULY 1, 2026]: Sec. 6. Before making a determination to deny an~~
4 ~~application for the issuance, transfer, or major modification of a permit~~
5 ~~under section 5 of this chapter, the commissioner shall **may** consider~~
6 ~~the following mitigating factors:~~
- 7 ~~—— (1) The nature and details of the acts attributed to the applicant~~
8 ~~or responsible party.~~
 - 9 ~~—— (2) With respect to:~~
 - 10 ~~—— (A) a civil or an administrative complaint referred to in~~
11 ~~section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2)~~
12 ~~(before its repeal); or~~
 - 13 ~~—— (B) a criminal complaint referred to in section 5(a)(3) of~~
14 ~~this chapter or IC 13-7-10.2-4(a)(3) (before its repeal);~~
 - 15 ~~—— whether the matter has been resolved.~~
 - 16 ~~—— (3) With respect to:~~
 - 17 ~~—— (A) a civil or an administrative complaint referred to in~~
18 ~~section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2)~~
19 ~~(before its repeal);~~
 - 20 ~~—— (B) a criminal complaint referred to in section 5(a)(3) of~~
21 ~~this chapter or IC 13-7-10.2-4(a)(3) (before its repeal); or~~
 - 22 ~~—— (C) a judgment of conviction referred to in section 5(a)(4)~~
23 ~~of this chapter or IC 13-7-10.2-4(a)(4);~~
 - 24 ~~—— whether any appeal is pending.~~
 - 25 ~~—— (4) The degree of culpability of the applicant or responsible~~
26 ~~party.~~
 - 27 ~~—— (5) The applicant's or responsible party's cooperation with the~~
28 ~~state or federal agencies involved in the investigation of the~~
29 ~~activities involved in complaints and convictions referred to in~~
30 ~~section 5(a)(2) through 5(a)(5) of this chapter or~~
31 ~~IC 13-7-10.2-4(a)(2) through IC 13-7-10.2-4(a)(5) (before their~~
32 ~~repeal).~~
 - 33 ~~—— (6) The applicant's or responsible party's dissociation from any~~
34 ~~other persons or entities convicted of acts referred to in section~~
35 ~~5(a)(2) through 5(a)(5) of this chapter or IC 13-7-10.2-4(a)(2)~~
36 ~~through IC 13-7-10.2-4(a)(5) (before their repeal).~~
 - 37 ~~—— (7) Prior or subsequent self-policing or internal education~~
38 ~~programs established by the applicant to prevent activities~~
39 ~~referred to in section 5(a) of this chapter or IC 13-7-10.2-4(a)~~
40 ~~(before its repeal).~~
 - 41 ~~—— (8) Whether the best interests of the public will be served by~~
42 ~~denial of the permit.~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

~~(9) Any demonstration of good citizenship by the applicant or responsible party.~~

> SECTION ~~<213>~~[195]. 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 ~~<214>~~[196]. 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 ~~<215>~~[197]. IC 13-20-6-7, AS AMENDED BY P.L.133-2012, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) The department shall establish a uniform transfer station inspection program to protect the health of the residents of Indiana and the environment of Indiana:

(1) for transfer stations located:

(A) inside Indiana; and

(B) outside Indiana;

that receive municipal waste and that engage in waste transfer activities; and

(2) under rules adopted by the board.

(b) The board ~~shall~~ **may** establish fees payable by the transfer stations inspected. The amount of a fee imposed for the inspection of a transfer station may not exceed the cost of time and materials directly expended by:

(1) the department; or

(2) a contractor hired by the department;

for conducting the inspection of the transfer station.

SECTION ~~<216>~~[198]. 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 ~~<217>~~[199]. 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 ~~2<18>~~[00]. IC 13-20-10-7, AS AMENDED BY P.L.199-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. **(a)** A person who operates a composting facility that must be registered under this



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

chapter shall submit an annual report to the ~~department~~ **commissioner**
 (1) ~~before February 1 of each year, and~~
 (2) that indicates the volume of material processed by the
 composting facility during the preceding year.

(b) A person described in subsection (a) shall submit to the
 commissioner a completed composting activity report concerning
 the composting activities conducted by the person during the
 calendar year that ended on the most recent December 31.

(c) A person may elect to report more frequently than on an
 annual basis under subsection (a).

(d) A person described in subsection (a) shall submit a
 separate composting activity report under this section for each
 reporting period for each facility:

(1) that was owned or operated by the person; and

(2) at which the person conducted composting activities;

during the reporting period.

SECTION ~~219~~ [201]. 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 ~~220~~ [202]. 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, ~~if 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 2 ~~21~~ [03]. IC 13-20-10.5-3, AS AMENDED BY
 P.L.27-2024, SECTION 6, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2026]: Sec. 3. The department may determine

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 that a biomass an anaerobic digestion facility or a biomass gasification
 2 facility for which the input is a combination of biomass and solid waste
 3 is subject to regulation as a solid waste processing facility.

4 SECTION 2 ~~22~~ [04]. IC 13-20-10.5-3.5, AS ADDED BY
 5 P.L.27-2024, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2026]: Sec. 3.5. (a) The department shall make
 7 a determination under section 1 of this chapter concerning prior
 8 approval for the construction or expansion of a biomass an anaerobic
 9 digestion facility or biomass gasification facility for which the only
 10 input is biomass not later than ninety (90) days after the date on which
 11 the department receives the completed application for prior approval,
 12 including all required supplemental information, unless the department
 13 and the applicant agree to a longer time.

14 (b) Subject to subsection (a), the department may conduct any
 15 inquiry or investigation that:

16 (1) is consistent with the department's duties under this chapter;
 17 and

18 (2) the department considers necessary;
 19 before making a determination under section 1 of this chapter.

20 (c) If the department fails to make a determination within the time
 21 frame provided in subsection (a), the applicant may request and receive
 22 a refund of the fee paid by the applicant when the application for prior
 23 approval was submitted. The department shall continue to review the
 24 application and approve or deny the application as soon as practicable.

25 SECTION 2 ~~23~~ [05]. IC 13-20-13-3 IS AMENDED TO READ
 26 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The
 27 commissioner shall issue a waste tire storage site or waste tire
 28 processing operation certificate of registration to a person that owns or
 29 operates a waste tire storage site or waste tire processing operation if
 30 the person complies with the requirements of this chapter and rules
 31 adopted by the board under section 11 of this chapter.

32 (b) A certificate of registration issued under this section expires
 33 five (5) years after the date the certificate is issued.

34 (c) The commissioner may include in a certificate of registration
 35 issued under this section conditions that ensure compliance with:

36 (1) this chapter; and

37 (2) rules adopted by the board under this chapter;
 38 including a compliance schedule.

39 (d) The department may deny an application for a certificate of
 40 registration under this chapter if:

41 (1) the application is incomplete;

42 (2) the applicant has failed to comply with the requirements of:

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (A) this chapter;
- 2 (B) IC 13-20-14; or
- 3 (C) a rule adopted by the board under section 11 of this
- 4 chapter; or ~~under IC 13-20-14-6; or~~

5 (3) an enforcement action is pending against the applicant.

6 SECTION 2 ~~24~~ [06]. IC 13-20-13-5, AS AMENDED BY
 7 P.L.37-2012, SECTION 33, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2026]: Sec. 5. A person that obtains a certificate
 9 of registration under section 3 of this chapter must do the following:

- 10 (1) Report annually to the department on the following:
 - 11 (A) The number of passenger tire equivalents received at
 - 12 the waste tire storage site or by the waste tire processing
 - 13 operation.
 - 14 (B) The number and manner of disposal of the passenger
 - 15 tire equivalents.
- 16 (2) Maintain contingency plans to protect public health and the
- 17 environment.
- 18 (3) If the person operates a waste tire storage site, maintain
- 19 financial assurance acceptable to the department necessary for
- 20 waste tire removal, in an amount specified in rules adopted by
- 21 the board under ~~section 11(b)(3)~~ **section 11** of this chapter.
- 22 (4) Maintain a copy of the certificate of registration at the site.
- 23 (5) Comply with applicable rules and requirements established
- 24 by the fire prevention and building safety commission for indoor
- 25 waste tire storage sites.
- 26 (6) Retain a copy of manifests received from a waste tire
- 27 transporter under IC 13-20-14 for at least one (1) year and make
- 28 a copy of the manifests available to the department upon request.

29 SECTION 2 ~~25~~ [07]. IC 13-20-13-8, AS AMENDED BY
 30 P.L.37-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Except as provided in
 32 subsection (d)(2), (d)(3), (d)(6), and (d)(7), the waste tire management
 33 fund is established for the following purposes:

- 34 (1) The department may use not more than thirty-five percent
- 35 (35%) of the money deposited in the fund each year for:
 - 36 (A) the removal and disposal of waste tires from sites where
 - 37 the waste tires have been disposed of improperly; and
 - 38 (B) operating the waste tire education program under
 - 39 section 15 of this chapter.
- 40 (2) The department may use the remaining money deposited in
- 41 the fund each year to:
 - 42 (A) provide grants and loans under section 9(b) of this

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 chapter to entities involved in waste tire management
 2 activities; and
 3 (B) pay the expenses of administering the programs
 4 described in:
 5 (i) subdivision (1)(B); and
 6 (ii) clause (A).
 7 (b) The expenses of administering the fund shall be paid from
 8 money in the fund.
 9 (c) Money in the fund at the end of a state fiscal year does not
 10 revert to the state general fund.
 11 (d) Sources of money for the fund are the following:
 12 (1) Fees paid under section 4(a)(6) of this chapter and
 13 IC 13-20-14-5(c).
 14 (2) Fees collected under section 7 of this chapter. All money
 15 deposited in the fund under this subdivision may be used by the
 16 department for waste reduction, recycling, removal, or
 17 remediation projects.
 18 (3) Costs and damages recovered from a person or other entity
 19 under section 14 of this chapter or IC 13-20-14-8. All money
 20 deposited in the fund under this subdivision may be used by the
 21 department for removal and remediation projects.
 22 (4) Fees established by the general assembly for the purposes of
 23 this chapter.
 24 (5) Appropriations made by the general assembly.
 25 (6) Gifts and donations intended for deposit in the fund. A gift
 26 or donation deposited in the fund under this subdivision may be
 27 specified to be entirely for the use of the department.
 28 (7) Civil penalties collected under IC 13-30-4 for violations of:
 29 (A) this chapter;
 30 (B) IC 13-20-14; and
 31 (C) rules adopted under section 11 of this chapter. ~~and~~
 32 ~~IC 13-20-14-6.~~
 33 All money deposited in the fund under this subdivision may be
 34 used by the department for eligible projects.
 35 SECTION 2 ~~<26>~~ [08]. IC 13-20-13-11, AS AMENDED BY
 36 P.L.27-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2026]: Sec. 11. ~~(a) The board shall adopt rules~~
 38 ~~under IC 4-22-2 and IC 13-14-8 necessary to implement this chapter.~~
 39 ~~(b) (a) The Any rules adopted under this section by the board for~~
 40 **waste tires and used tires** must include the following:
 41 (1) Requirements for the registration of waste tire storage sites
 42 and waste tire processing operations.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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.

(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 2~~27~~^[09]. 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



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 provided in:

2 (1) rules adopted under subsection (d); and

3 (2) section 10 of this chapter;

4 a whole waste tire may not be disposed of at a solid waste landfill.

5 (b) The department may approve shredded or ground up tires for
6 use as daily cover for a solid waste landfill.

7 (c) Material approved under subsection (b) is exempt from
8 IC 13-20-22 and IC 13-21-13.

9 (d) The board ~~shall~~ **may** adopt rules that allow for the incidental
10 disposal of small amounts of whole waste tires at solid waste landfills.

11 (e) The rules adopted under subsection (d) may allow a landfill
12 operator to meet the requirements of the rule by employing procedures
13 designed to achieve the objectives of subsection (d) in lieu of a numeric
14 standard.

15 SECTION 2 ~~<28>~~ [10]. IC 13-20-14-5, AS AMENDED BY
16 P.L.37-2012, SECTION 37, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person may not act as a
18 waste tire transporter, as defined in IC 13-11-2-252, unless the person
19 is registered with the department as a waste tire transporter. To apply
20 for a certificate of registration as a waste tire transporter, a person must
21 submit the following to the department:

22 (1) The person's name.

23 (2) The address of the person's principal office.

24 (3) The addresses of any offices maintained by the person in
25 Indiana.

26 (4) Evidence of financial assurance ~~maintained in accordance~~
27 ~~with rules adopted under section 6 of this chapter~~, in the amount
28 of at least ten thousand dollars (\$10,000). The financial
29 assurance must be in the form of:

30 (A) a bond for performance, executed by a corporate surety
31 licensed to do business in Indiana;

32 (B) a negotiable certificate of deposit; or

33 (C) a negotiable letter of credit;

34 payable to the department and conditional upon faithful
35 performance of the requirements of this chapter and the
36 registration.

37 (b) The ~~rules adopted under section 6 of this chapter~~ **department**
38 must adopt a manifest form and require a waste tire transporter to
39 prepare and carry a manifest based upon that form each time a waste
40 tire transporter transports waste tires. The format and wording of the
41 form must require a waste tire transporter to enter information in each
42 manifest indicating the source and number of waste tires to be

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 2~~29~~^[11]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

department, a violation of:

(A) a condition of the registration; **or**

(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 2~~30~~^[12]. 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 ~~231~~^[213]. 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 2~~32~~^[14]. 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 2~~33~~^[15]. IC 13-20-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A person may apply to the commissioner for an exemption certificate on forms provided by the department. The department may require additional

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 information or materials to accompany the application as considered
2 necessary for an accurate evaluation of the application.

3 (b) The commissioner, according to rules adopted by the board,
4 may grant an exemption for an item, a product, or a material:

5 (1) manufactured for sale;

6 (2) sold for use; or

7 (3) used by the person;

8 in the person's business if the item, product, or material contains
9 incidental concentrations of PCB.

10 (c) In granting a certificate of exemption, the commissioner ~~shall~~
11 **may** impose conditions on the exemption so that the exemption covers
12 only incidental concentrations of PCB.

13 SECTION 2 ~~34~~ [16]. IC 13-20-17.7-4, AS ADDED BY
14 P.L.170-2006, SECTION 15, IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The
16 commissioner shall do the following:

17 (1) Not more than thirty (30) days after receiving a plan
18 developed by a motor vehicle manufacturer or a group of motor
19 vehicle manufacturers under section 1 of this chapter, issue a
20 public notice of a period of at least thirty (30) days during which
21 the public may submit written comments on the plan to the
22 commissioner.

23 (2) Not more than one hundred twenty (120) days after receiving
24 a plan, determine whether the entire plan complies with this
25 chapter and:

26 (A) if the entire plan complies with this chapter, approve
27 the plan in its entirety;

28 (B) if no part of the plan complies with this chapter, reject
29 the plan in its entirety; or

30 (C) if only part of the plan complies with this chapter,
31 approve that part and reject the rest of the plan.

32 (b) If a plan is approved in its entirety under subsection (a)(2)(A),
33 the motor vehicle manufacturers shall begin implementing the plan not
34 more than thirty (30) days after the date the plan is approved. If an
35 entire plan is rejected under subsection (a)(2)(B), the commissioner
36 shall inform the motor vehicle manufacturers why the plan was
37 rejected, and the manufacturers shall submit a new plan not more than
38 thirty (30) days after the commissioner informs the manufacturers that
39 the entire plan was rejected. If a plan is approved in part and rejected
40 in part under subsection (a)(2)(C), the manufacturers shall immediately
41 implement the approved part of the plan and submit a revision of the
42 rejected part of the plan not more than thirty (30) days after the

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 ~~2-35~~ 17. 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~~ ~~IC 10-20-13~~ or a rule adopted by the board.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 SECTION 2~~36~~[18]. IC 13-20-22-2, AS AMENDED BY
 2 P.L.120-2022, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The state solid waste
 4 management fund is established to provide money for the following:

5 (1) Programs that provide grants and loans that provide
 6 education and promote the following:

7 (A) Recycling and the use of recycled materials.

8 (B) Waste reduction.

9 (C) Management of yard waste.

10 (2) Providing grants to implement household hazardous waste
 11 source reduction or recycling projects.

12 (3) Providing grants for household hazardous waste and
 13 conditionally exempting small quantity generator waste
 14 collection, recycling, or disposal projects under IC 13-20-20.

15 (4) Payments by the department under IC 13-20-17.7-6.

16 (b) The expenses of administering the fund shall be paid from
 17 money in the fund.

18 (c) The sources of money for the fund are the following:

19 (1) All fees deposited into the fund under section 12(2) of this
 20 chapter.

21 (2) Accrued interest and other investment earnings of the fund.

22 (3) Appropriations made by the general assembly.

23 (4) Gifts and donations from any person to the fund.

24 (5) Civil penalties imposed under IC 13-30-4 for violations of
 25 IC 13-20-17.7 and proceeds received following a criminal
 26 conviction in connection with a violation of IC 13-20-17.7.

27 (6) Subject to subsection (f), assets assigned and other
 28 contributions made by persons.

29 (7) Transfers from the Indiana recycling promotion and
 30 assistance fund under ~~IC 4-23-5.5-14(k)~~ ~~IC 13-20-27-9(k)~~.

31 (8) Money credited to the fund from the environmental
 32 management special fund under IC 13-14-12-1(c).

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

36 (e) Money in the fund at the end of a state fiscal year does not
 37 revert to the state general fund.

38 (f) Money in the fund resulting from assets assigned and other
 39 contributions made under subsection (c)(6) may be used only by the
 40 department of environmental management to make payments under
 41 IC 13-20-17.7-6.

42 SECTION 2~~37~~[19]. IC 13-20-22-12, AS AMENDED BY

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

P.L.250-2019, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. The department shall deposit the following on a quarterly basis:

(1) Not less than fifty percent (50%) of the revenue from the fee imposed under section 1(a)(1) of this chapter into the Indiana recycling promotion and assistance fund established by ~~IC 4-23-5.5-14.~~ **IC 13-20-27-9.**

(2) Not more than fifty percent (50%) of the revenue from the fee imposed under section 1(a)(1) of this chapter into the state solid waste management fund established by section 2 of this chapter.

(3) The revenue from the fee imposed under section 1(a)(2) of this chapter into the hazardous substance response trust fund established by IC 13-25-4-1.

SECTION 2~~38~~**[20]**. 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 2~~39~~**[21]**. 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
- (4) April through June.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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.

SECTION 2 ~~<40>~~ [22]. 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



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

commissioner is required to submit under ~~IC 4-23-5.5-6.~~ **[IC 13-20-27-5.**

SECTION 2 ~~41~~ **[23]**. 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.

SECTION ~~242~~ **[224]**. IC 13-20-25-12, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [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 recycling activity report ~~<~~ **> []** form **posted on the department's website** 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (B) at the close of the calendar year.
- 2 (4) Provide for reporting of the quantity, in tons, of each type of
- 3 recyclable material listed in subsection (b) that was transported
- 4 from the reporting recycler's establishment, or (in the case of a
- 5 recycler that is a recyclable materials broker) that was
- 6 transported or delivered by arrangement of the recycler, to any
- 7 of the following:
- 8 (A) Other recyclers located in Indiana.
- 9 (B) Persons that are located in Indiana but are not recyclers,
- 10 including persons who may employ the recyclable material
- 11 as a raw material or a new product without further
- 12 recycling.
- 13 (C) Persons located outside Indiana.
- 14 (b) The uniform recycling activity report form posted on the
- 15 department's ~~Internet web site~~ **website** under subsection (a) must
- 16 specify that the information to be reported by a recycler under
- 17 subsection (a)(3) and (a)(4) must be reported separately for each of the
- 18 following types of recyclable materials:
- 19 (1) Glass.
- 20 (2) Metal, including white goods (ferrous).
- 21 (3) Metal (nonferrous).
- 22 (4) Paper and paper products (all grades).
- 23 (5) Plastic and plastic products.
- 24 (6) Single stream recyclable materials.
- 25 (7) Any other distinct type of recyclable material not specified
- 26 in subdivisions (1) through (6).
- 27 SECTION 2 ~~<43>~~ **[25]**. IC 13-20-26-1, AS AMENDED BY
- 28 P.L.153-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS
- 29 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) There is established a central
- 30 Indiana waste diversion project for the following purposes:
- 31 (1) Determining the most practical and effective means of:
- 32 (A) addressing domestic supply chain disruptions that result
- 33 in:
- 34 (i) scarcity of raw materials necessary for
- 35 manufacturing and other industries in Indiana;
- 36 (ii) increased prices of those raw materials; and
- 37 (iii) manufacturing delays, employment fluctuations,
- 38 and stagnant growth;
- 39 (B) preventing the unnecessary disposal of potentially
- 40 valuable recyclable materials in landfills and waste
- 41 incinerators;
- 42 (C) stimulating economic development, including the:

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (i) creation of employment opportunities throughout
- 2 Indiana; and
- 3 (ii) market development through the reuse of
- 4 recyclable materials by diverting the materials from
- 5 waste streams throughout the project area for
- 6 commercial reuse;
- 7 (D) advancing research and development to enhance
- 8 existing waste diversion efforts and support the creation of
- 9 new processes and technologies that expand upon the
- 10 existing universe of waste diversion and reuse of recyclable
- 11 material; and
- 12 (E) supporting recycling technology or programs that:
- 13 (i) involve the return, collection, and sorting of
- 14 recyclable glass, aluminum, or plastic beverage
- 15 containers;
- 16 (ii) are accessible to the general public; and
- 17 (iii) are operated by a retail merchant (as described in
- 18 IC 6-2.5-4-1), a professional sports or entertainment
- 19 venue, an airport, a school for students between
- 20 kindergarten and grade 12, or an institution of higher
- 21 education.
- 22 (2) Determining the feasibility of expansion of the waste
- 23 diversion program throughout Indiana by analyzing data
- 24 provided by project participants to the department to measure the
- 25 success of the project in:
- 26 (A) diverting waste from landfills and incinerators; and
- 27 (B) providing valuable raw materials for manufacturing and
- 28 other Indiana industries.
- 29 (3) Determining the potential for future market development.
- 30 (b) The project established under this section shall be limited to
- 31 applicants located in Marion County during the first round of grants.
- 32 Following the completion of the first round of grants, the project shall
- 33 be expanded for a second round of grants. Applicants located in the
- 34 following counties shall be eligible to receive grants during the second
- 35 round:
- 36 (1) Marion.
- 37 (2) Hamilton.
- 38 (3) Hancock.
- 39 (4) Shelby.
- 40 (5) Johnson.
- 41 (6) Morgan.
- 42 (7) Hendricks.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (8) Boone.
- 2 (c) An applicant who is eligible to participate in the project
- 3 established under this section must demonstrate direct connectivity in
- 4 diversion of valuable raw materials for procurement to identified
- 5 Indiana based end markets as a commodity.
- 6 (d) The project established under this section shall commence
- 7 upon the:
- 8 (1) approval of the proposals submitted under this chapter; and
- 9 (2) award of funds necessary to implement the project.
- 10 The duration of the project may not exceed four (4) years after the date
- 11 that the project commences.
- 12 (e) The project established under this section shall commence a
- 13 second round of grants within one (1) year after the first round of
- 14 grants are awarded to the selected projects. Applicants selected for a
- 15 grant during the first round of grants may apply for a grant during the
- 16 second round of grants.
- 17 (f) Grant applicants seeking funding from the project established
- 18 under this section must provide a financial match, as determined by the
- 19 Indiana recycling market development board under ~~IC 4-23-5.5-7~~, [\[](#)
- 20 [IC 13-20-27-6](#), to receive funding.
- 21 SECTION 2~~44~~[\[26\]](#). IC 13-20-26-3, AS ADDED BY
- 22 P.L.153-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS
- 23 [EFFECTIVE JULY 1, 2026]: Sec. 3. To implement the second round
- 24 of grants described in this chapter, the Indiana recycling market
- 25 development board ~~shall~~ **may not** award ~~not~~ more than a total of two
- 26 million dollars (\$2,000,000) to applicants.
- 27 SECTION 2~~45~~[\[27\]](#). IC 13-20-27 IS ADDED TO THE
- 28 INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS
- 29 [EFFECTIVE JULY 1, 2026]:
- 30 **Chapter 27. Indiana Recycling Market Development Board**
- 31 **Sec. 1. (a) The Indiana recycling market development board**
- 32 **is created and constitutes a public instrumentality of the state.**
- 33 **(b) The board consists of eight (8) members, who shall be**
- 34 **appointed by the governor for four (4) year terms. The governor's**
- 35 **appointees shall be chosen from among representatives of:**
- 36 **(1) the waste management industry;**
- 37 **(2) the recycling industry;**
- 38 **(3) Indiana universities and colleges with expertise in**
- 39 **recycling research and development;**
- 40 **(4) industrial and commercial consumers of recycled**
- 41 **feedstock;**
- 42 **(5) environmental groups; and**



1 (6) private citizens with a special interest in recycling.
 2 In appointing individuals under this subsection, the governor may
 3 consider geographic location, political affiliation, and other factors
 4 to ensure viewpoints are fairly balanced in terms of points of view
 5 represented on the board.

6 (c) A member may not serve more than two (2) consecutive
 7 four (4) year terms. The term of each member of the board
 8 continues until a successor is appointed.

9 (d) A vacancy in the office of an appointed member, other than
 10 by expiration, shall be filled in like manner as the original
 11 appointment for the remainder of the term of that retiring
 12 member. Appointed members may be removed by the governor at
 13 any time with or without cause.

14 (e) The board shall have seven (7) ex officio advisory members
 15 as follows:

16 (1) The governor.

17 (2) The director of the department of natural resources.

18 (3) The commissioner.

19 (4) Two (2) members from the house of representatives of
 20 opposite political parties appointed by the speaker of the
 21 house of representatives for two (2) year terms that expire
 22 June 30 of each odd-numbered year.

23 (5) Two (2) members from the senate of opposite political
 24 parties appointed by the president pro tempore of the senate
 25 for two (2) year terms that expire June 30 of each
 26 odd-numbered year.

27 (f) The department shall serve as the staff of the board.

28 (g) An ex officio advisory member identified in subsection (e)
 29 may, in writing, designate a representative to serve in an advisory
 30 capacity when the ex officio member is unable to attend a board
 31 meeting.

32 (h) The terms of the members of the board appointed by the
 33 governor under subsection (b) expire as follows:

34 (1) For four (4) of the members, as determined by the
 35 governor, December 31, 2025, and every fourth year
 36 thereafter.

37 (2) For four (4) of the members, as determined by the
 38 governor, December 31, 2027, and every fourth year
 39 thereafter.

40 Sec. 2. (a) Each member of the board who is not a state
 41 employee is entitled to the minimum salary per diem provided by
 42 IC 4-10-11-2.1(b). The member is also entitled to reimbursement

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 for mileage, traveling expenses as provided under IC 4-13-1-4, and
 2 other expenses actually incurred in connection with the member's
 3 duties as provided in the state policies and procedures established
 4 by the Indiana department of administration and approved by the
 5 budget agency.

6 (b) Each member of the board who is a state employee is
 7 entitled to reimbursement for traveling expenses as provided under
 8 IC 4-13-1-4 and other expenses actually incurred in connection
 9 with the member's duties as provided in the state policies and
 10 procedures established by the Indiana department of
 11 administration and approved by the budget agency.

12 (c) Each member of the board who is a member of the general
 13 assembly is entitled to receive the same per diem, mileage, and
 14 travel allowances paid to members of the general assembly serving
 15 on interim study committees established by the legislative council.
 16 Per diem, mileage, and travel allowances paid under this
 17 subsection shall be paid from appropriations made to the
 18 legislative council or the legislative services agency.

19 (d) Expenses paid under subsections (a) and (b) shall be paid
 20 from appropriations made to the department.

21 Sec. 3. The governor shall appoint one (1) of the appointed
 22 members as chairperson. Four (4) members of the board shall
 23 constitute a quorum and the affirmative vote of a majority of the
 24 membership shall be necessary for any action taken by the board.
 25 A vacancy in the membership of the board does not impair the
 26 right of the quorum to act.

27 Sec. 4. A member of the board must disclose to the board and
 28 the department any interest in a project the board may be
 29 considering for action. The board shall determine whether that
 30 member shall be allowed to participate in activities related to that
 31 project.

32 Sec. 5. (a) The board may do any of the following:

33 (1) Adopt procedures for the conduct of its business.

34 (2) Meet at least twice per year. The meetings shall be open
 35 to the public, conducted in accordance with IC 5-14-1.5, and
 36 have official minutes recorded for public scrutiny.

37 (3) Report annually in an electronic format under IC 5-14-6
 38 to the legislative council concerning:

39 (A) the projects in which it has participated and is
 40 currently participating with a complete list of
 41 expenditures for those projects; and

42 (B) the information obtained through the recycling

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 activity reports submitted to the commissioner under
 2 IC 13-20-25 concerning the calendar year most recently
 3 ended.
- 4 (4) Annually prepare an administrative budget for review by
 5 the budget agency and the budget committee.
- 6 (5) Keep proper records of accounts and make an annual
 7 report of its condition to the state board of accounts.
- 8 (6) Receive petitions and make determinations under
 9 IC 13-20.5-2-2.
- 10 (b) The board shall consider projects involving the creation of
 11 the following:
- 12 (1) Markets for products made from recycled materials.
- 13 (2) New products made from recycled materials.
- 14 (c) The board may promote, fund, and encourage programs
 15 facilitating the development and implementation of waste
 16 reduction, reuse, and recycling in Indiana.
- 17 Sec. 6. The board, upon approval by the governor and the
 18 budget agency, may make the following expenditures:
- 19 (1) Matching grants to federal, state, and local governmental
 20 agencies for research and development of:
- 21 (A) recycling projects; and
- 22 (B) recycling market development projects;
 23 in Indiana.
- 24 (2) Matching grants to individuals, corporations, limited
 25 liability companies, partnerships, educational institutions,
 26 and other private sector groups for recycling and recycling
 27 market research and development.
- 28 (3) Direct grants, loans, or loan guarantees to those
 29 individuals and organizations specified in subdivision (1) or
 30 (2).
- 31 (4) Contractual services for recycling and recycling market
 32 research and development programs.
- 33 (5) Other projects and expenses consistent with this chapter.
- 34 Sec. 7. The board does not have the authority to exercise the
 35 power of eminent domain.
- 36 Sec. 8. The board may:
- 37 (1) on behalf of the state, receive and accept grants, gifts, and
 38 contributions from public agencies, including the federal
 39 government, and from private agencies and private sources,
 40 including the Indiana business modernization and technology
 41 corporation, for the purpose of researching and developing
 42 recycling within the state, and may administer such,

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

including contracting with other public and private organizations, to carry out the purposes for which such grants, gifts, and contributions were made;

(2) establish application forms and procedures for programs consistent with this chapter;

(3) accept applications from private and public sources for funding of programs consistent with this chapter;

(4) provide funding for studies, research projects, and other activities required to assess the nature and extent of recycling markets in Indiana and the nature and extent of recycling resources to meet the needs of the state;

(5) deposit funds not currently needed to meet the obligations of the board with the treasurer of state to the credit of the fund, or invest in obligations as provided by IC 5-13-10.5; and

(6) participate in or sponsor programs, conferences, or seminars aimed at assisting the state in promoting recycling market development.

Sec. 9. (a) The Indiana recycling promotion and assistance fund is established. The purpose of the fund is to promote and assist recycling throughout Indiana by focusing economic development efforts on businesses and projects involving recycling. The fund shall be administered by the board.

(b) Sources of money for the fund consist of the following:

(1) Appropriations from the general assembly.

(2) Repayment proceeds of loans made from the fund.

(3) Gifts and donations.

(4) Money from the solid waste management fund.

(c) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The board may use money in the fund to make loans to assist:

(1) persons in establishing new recycling businesses;

(2) in the expansion of existing recycling businesses; and

(3) manufacturers in retrofitting equipment necessary to reuse or recycle secondary materials.

(e) The board shall establish loan:

(1) amounts;

(2) terms; and

(3) interest rates.

(f) The board may use money in the fund to make grants for research and development projects involving recycling. The board

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 shall establish amounts for grants.

2 (g) A person, business, or manufacturer that wants a grant or
3 loan from the fund must file an application with the board.

4 (h) The board shall establish criteria for awarding grants and
5 loans under this section.

6 (i) To implement the central Indiana waste diversion project
7 as described in IC 13-20-26, the board shall award not more than
8 four million dollars (\$4,000,000) in total to applicants chosen to
9 participate in the project based on:

10 (1) the recommendations of the department after conducting
11 an evaluation of the proposals submitted under
12 IC 13-20-26-2; and

13 (2) the requirements set forth in subsection (j).

14 (j) In awarding the funds described in subsection (i), the board
15 shall:

16 (1) consult with the department when reviewing the
17 proposals under IC 13-20-26-2;

18 (2) consider the:

19 (A) type; and

20 (B) amount;

21 of waste that is proposed to be diverted during the project
22 under IC 13-20-26;

23 (3) consider the potential for productive reuse of the waste
24 that is being diverted based on the information provided in
25 the proposal submitted under IC 13-20-26-2; and

26 (4) give priority to proposals with the largest amount of
27 waste diversion potential throughout the project under
28 IC 13-20-26.

29 (k) The board may transfer money in the fund to the state solid
30 waste management fund established by IC 13-20-22-2 for use by
31 the department to make payments under IC 13-20-17.7-6.

32 **Sec. 10. This chapter expires July 1, 2031.**

33 SECTION ~~2<46>~~ [28]. IC 13-20.5-1-4, AS AMENDED BY
34 P.L.200-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person may not operate as
36 a collector of covered electronic devices from covered entities unless
37 the person:

38 (1) has submitted to the department a completed registration
39 form; as required by ~~329 IAC 16-5-1~~; and

40 (2) otherwise complies with ~~329 IAC 16~~ rules established by
41 the board.

42 (b) A registration submitted under this section:



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- (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 2~~<47>~~[29]. 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 2~~<48>~~[30]. 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 2~~<49>~~[31]. IC 13-20.5-2-1, AS AMENDED BY P.L.200-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (g), a manufacturer that registers under IC 13-20.5-1 shall pay to the department at the time of registration an annual registration fee. The registration fee applies for the program year for which the registration is submitted to the department. The department shall deposit the fee in the electronic waste fund established by section 3 of this chapter.

(b) The registration fee for the initial program year to which the fee applies under subsection (a) is five thousand dollars (\$5,000). For each program year thereafter, the registration fee is equal to two thousand five hundred dollars (\$2,500).

(c) In addition to the registration fee under subsection (a), a manufacturer that registers under IC 13-20.5-1 and fails to meet the recycling goal under IC 13-20.5-4-1 is subject to a variable recycling fee for each program year that ends on March 31 of 2013 or December

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

31 of a later year. Not later than September 1, the department shall provide a statement to each manufacturer liable for the variable recycling fee that states at least the following:

- (1) The amount of the fee determined under subsection (d).
- (2) The method of calculation of the fee.
- (3) The due date of the fee.
- (4) The opportunity to petition under section 2 of this chapter.

The department shall deposit the fee in the Indiana recycling promotion and assistance fund established by ~~IC 4-23-5.5-14.~~ **IC 13-20-27-9.**

(d) The amount of the variable recycling fee, if applicable, is the amount determined in STEP FOUR of the following formula:

STEP ONE: Multiply the number of pounds of the manufacturer's video display devices sold to households during the immediately preceding program year, as reported in the manufacturer's registration for the program year under IC 13-20.5-1-1(c)(4), by the proportion of sales of video display devices required to be recycled under IC 13-20.5-4-1.

STEP TWO: Subject to subsection (e), add the number of pounds of covered electronic devices recycled by the manufacturer from covered entities during the immediately preceding program year, as reported to the department under IC 13-20.5-3-1(a), to the number of recycling credits the manufacturer elects to use to calculate the variable recycling fee, as reported to the department under IC 13-20.5-3-1(b)(2).

STEP THREE: Subtract the number of pounds determined in STEP TWO from the number of pounds determined in STEP ONE.

STEP FOUR: Multiply the greater of zero (0) or the number of pounds determined in STEP THREE by the per pound cost of recycling established as follows:

(A) Forty cents (\$0.40) per pound for manufacturers that recycle less than fifty percent (50%) of the number of pounds determined in STEP ONE.

(B) Thirty cents (\$0.30) per pound for manufacturers that recycle at least fifty percent (50%) but less than ninety percent (90%) of the number of pounds determined in STEP ONE.

(C) Twenty cents (\$0.20) per pound for manufacturers that recycle at least ninety percent (90%) of the number of pounds determined in STEP ONE.

(e) The following apply to the number of pounds of covered electronic devices recycled by the manufacturer from covered entities

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

during the immediately preceding program year for purposes of subsection (d), STEP TWO:

(1) Except as provided in subdivision (3), the number is multiplied by one and one-tenth (1.1) to the extent that the covered electronic devices were recycled in Indiana.

(2) Except as provided in subdivision (3), the number is multiplied by one and five-tenths (1.5) to the extent that the covered electronic devices were recycled from covered entities not located in a metropolitan statistical area, as defined by the federal Office of Management and Budget.

(3) The number is multiplied by one and six-tenths (1.6) to the extent that the covered electronic devices were:

(A) recycled from covered entities not located in a metropolitan statistical area, as defined by the federal Office of Management and Budget; and

(B) recycled in Indiana.

(f) A manufacturer may retain recycling credits to be added, in whole or in part, to the actual number of pounds of covered electronic devices recycled by the manufacturer from covered entities during the immediately preceding program year, as reported to the department under IC 13-20.5-3-1(a), during any of the three (3) immediately succeeding program years. A manufacturer may sell all or any part of its recycling credits to another manufacturer, at a price negotiated by the parties, and the other manufacturer may use the credits in the same manner.

(g) A manufacturer may not be charged a registration fee or a variable recycling fee for any year in which the combined number of video display devices produced by the manufacturer for sale to households is less than one hundred (100).

SECTION 2-~~50~~^[32]. IC 13-20.5-2-2, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. Not later than sixty (60) days after the date of the statement provided to a manufacturer under section 1(c) of this chapter, the manufacturer may petition the Indiana recycling market development board created by ~~IC 4-23-5.5-2~~^{>[IC 13-20-27-1]} for relief from the variable recycling fee imposed under section 1 of this chapter upon showing of good cause. In determining whether to grant a petition for relief under this section, the Indiana recycling market development board ~~shall determine~~ **may consider** whether the manufacturer has made good faith progress to achieve substantial compliance with this article. A determination by the Indiana recycling market development board under this subsection is

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

not subject to appeal by the manufacturer.

SECTION 2~~51~~³³. IC 13-20.5-2-3, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The electronic waste fund is established to implement this article. The fund shall be administered by the department.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The department may use the funds for the following:

(1) Provide education and outreach on recycling electronic devices and providing statewide collection events to assist citizens with proper disposal of electronic devices.

(2) Develop a system or program to make recycling electronics more accessible for citizens by providing funding directly to local solid waste management districts such as a grant program to provide reimbursement for electronic waste collection events, education, and outreach, and through a disposal voucher system that is developed and implemented by the department.

~~(c)~~ (d) The treasurer of state shall 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. Interest that accrues from these investments shall be deposited in the fund.

~~(d)~~ (e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

~~(e)~~ (f) Beginning in 2011 and continuing each year thereafter, as of the last day of the state fiscal year, the department shall determine the total amount of the variable recycling fees that were collected for that state fiscal year under section 1(c) of this chapter.

(f) Except as provided in subsection (g), if the total amount of registration fees collected by the department for a state fiscal year under section 1(a) of this chapter exceeds the amount the department determines necessary to administer this article for the next state fiscal year, the department shall refund on a pro rata basis, to all manufacturers that paid any fees for the state fiscal year that contributed to those collections, the amount of fees collected by the department that exceeds the amount necessary to administer this article for the next state fiscal year.

(g) The department is not required to refund amounts under subsection (f) if either or both of the following apply:

(1) The refund amount determined under subsection (f) is less than one hundred dollars (\$100).

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(2) The amount the manufacturer claiming the refund recycled for the manufacturer's most recent program year was less than fifty percent (50%) of the amount the manufacturer was required to recycle for that program year under IC 13-20.5-4-1.

SECTION ~~2-52~~ [34]. 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 ~~2-53~~ [235]. 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.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 2 ~~<54>~~ **[36]**. 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 2 ~~<55>~~ **[37]**. 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 2 ~~<56>~~ **[38]**. IC 13-20.5-4-3 IS REPEALED

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

[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 2~~<57>~~[39]. 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 2~~<58>~~[40]. 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 2~~<59>~~[41]. IC 13-21-1-1 IS AMENDED TO READ AS 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 2~~<60>~~[42]. 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 2 ~~<61>~~ [43]. 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 1 of this chapter.~~

SECTION 2 ~~<62>~~ [44]. 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 2 ~~<63>~~ [45]. 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 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;

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 ~~264~~ [246]. IC 13-22-2-2 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 2: The board shall adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter through IC 13-22-8, IC 13-22-11.5, and IC 13-22-13 through IC 13-22-14.~~

SECTION 2 ~~65~~ [47]. IC 13-22-2-3, AS AMENDED BY P.L.93-2024, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The board ~~shall adopt rules under IC 4-22-2 and IC 13-14-8 to~~ **may** develop criteria for determining hazardous waste. In developing ~~those~~ **for determining hazardous waste**, the board shall determine whether any waste to be or being disposed of meets any of the following conditions:

(1) Presents immediate or persistent hazards to humans or wildlife.

(2) Is resistant to natural degradation or detoxification.

(3) Is bioconcentrative, flammable, reactive, toxic, corrosive, or infectious in addition to any other harmful characteristics.

(b) The board shall do the following:

(1) Compile and maintain a listing of wastes that have been determined to be hazardous:

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (A) under the criteria described in subsection (a); or
 2 (B) by regulation of the United States Environmental
 3 Protection Agency.
 4 (2) Issue the listing by adopting rules under IC 4-22-2.
 5 ~~(c)~~ **(3)** ~~The board shall~~ Consider actions taken by adjoining states
 6 and the federal government for purposes of uniform criteria
 7 relating to the listing and delisting of waste under this section.
 8 ~~(d)~~ **(c)** The commissioner may exclude a waste produced at a
 9 particular generating facility from the listing under subsection (b) if the
 10 person seeking exclusion of the waste demonstrates to the satisfaction
 11 of the commissioner that the waste does not meet any of the criteria
 12 under which the waste was listed as a hazardous waste and:
 13 (1) the person seeking exclusion has already obtained exclusion
 14 of the waste from the listing maintained under 40 CFR 261 by
 15 the United States Environmental Protection Agency; or
 16 (2) if the department has received authority from the United
 17 States Environmental Protection Agency to delist waste under 40
 18 CFR 260.20 and 260.22, the person petitions the commissioner
 19 to consider the removal of a waste from the listing, and the
 20 commissioner follows the authorized procedure for delisting.
 21 ~~(e)~~ **(d)** The department shall establish a procedure by which a
 22 person may petition the commissioner to consider the removal of a
 23 specific waste from the lists maintained under subsection (b).
 24 SECTION 2 ~~<66>~~ **[48]**. IC 13-22-2-4 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall
 26 adopt rules under IC 4-22-2 and IC 13-14-8 on the proper and safe
 27 transportation, treatment, storage, and disposal of hazardous wastes.
 28 Whenever possible, the rules adopted under this section must allow for
 29 variation in Indiana with regard to population density, climate, and
 30 geology.
 31 (b) Rules adopted under this section concerning incinerators used
 32 as hazardous waste facilities may establish requirements more stringent
 33 than the requirements for hazardous waste incinerators established by
 34 regulations adopted by the Administrator of the United States
 35 Environmental Protection Agency under the following statutes:
 36 (1) The federal Resource Conservation and Recovery Act (42
 37 U.S.C. 6901 et seq.).
 38 (2) The federal Clean Air Act (42 U.S.C. 7401 et seq.), as ~~<>~~
 39 ~~amended by the federal Clean Air Act Amendments of 1990~~
 40 ~~(P.L. 101-549)~~. **amended.**
 41 SECTION 2 ~~<67>~~ **[49]**. IC 13-22-2-6 IS REPEALED [EFFECTIVE
 42 JULY 1, 2026]. ~~Sec. 6: The board shall do the following:~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- (1) ~~Adopt rules under IC 4-22-2 and IC 13-14-9 setting standards for closure and postclosure monitoring and maintenance plans.~~
 (2) ~~Include in the rules a requirement for prior notice of closure and a time limit for completion of closure.~~

SECTION 2 ~~<68>~~ [50]. IC 13-22-2-7, AS AMENDED BY P.L.133-2012, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The board ~~shall adopt rules under IC 4-22-2 and IC 13-14-9 setting~~ **may set** standards for corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a hazardous waste facility. ~~The~~ **Any** standards **adopted by the board** must require that corrective action be taken beyond the facility boundary where necessary to protect human health and the environment, unless the owner or operator of the facility concerned demonstrates to the satisfaction of the commissioner that, despite the best efforts of the owner or operator, the owner or operator is unable to obtain the necessary permission to undertake that action. The rules adopted under this section apply to the following:

- (1) All facilities operating under permits issued under IC 13-22-3. ~~<H> or IC 13-7-8.5 (before its repeal).~~
 (2) All landfills, surface impoundments, and waste piles, including any new units, replacements of existing units, and lateral expansions of existing units, that receive hazardous waste after July 26, 1982.

SECTION 2 ~~<69>~~ [51]. 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:

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- (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 2 ~~<70>~~ [52]. 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 2 ~~<71>~~ [53]. 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.
- (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 2 ~~<72>~~ [54]. 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.~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 The office shall study the information to be presented with advice
2 under this subsection.

3 SECTION 2~~<73>~~[55]. IC 13-22-11-2 IS REPEALED
4 [EFFECTIVE JULY 1, 2026]. Sec. 2: In directing the office to present
5 advice to businesses—under section 1(b) of this chapter, the
6 commissioner shall establish a priority among types of businesses
7 according to the following:

8 (1) The degree or magnitude of waste reduction that could be
9 achieved by a type of business, in comparison to the waste
10 reduction that could be achieved by other businesses.

11 (2) The financial and technical feasibility of the waste reduction
12 practices and technologies available to various types of
13 businesses.

14 (3) The statewide waste reduction impact likely to be achieved
15 through presenting advice to a type of business due to the
16 prevalence of that type of business in Indiana.

17 (4) Any other factors that, in the judgment of the commissioner,
18 may affect the overall effectiveness of the office in promoting
19 waste reduction in Indiana.

20 SECTION 2~~<74>~~[56]. IC 13-23-1-2, AS AMENDED BY
21 P.L.38-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board shall adopt rules
23 under IC 4-22-2, IC 13-14-8, and IC 13-14-9 for the establishment and
24 operation of the program established under section 1 of this chapter.

25 (b) (a) The Any rules adopted by the board establishing and
26 operating the program established under section 1 of this chapter~~<~~
27 ~~>~~[] must not be less stringent than the regulations adopted by the
28 Administrator of the United States Environmental Protection Agency
29 under Section 9003 of the federal Solid Waste Disposal Act, as
30 amended (42 U.S.C. 6991b, as amended).

31 (c) (b) The rules adopted under subsection (a) section 1 of this
32 chapter must include the following:

33 (1) Requirements for maintaining:

34 (A) a leak detection system;

35 (B) an inventory control system coupled with tank testing;

36 or

37 (C) a comparable system or method;

38 designed to identify releases in a manner consistent with the
39 protection of human health and the environment.

40 (2) Requirements for maintaining records of any:

41 (A) monitoring;

42 (B) leak detection system;

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 (C) inventory control system or tank testing; or
 2 (D) comparable system.
- 3 (3) Requirements for reporting of:
 4 (A) any releases; and
 5 (B) corrective action taken in response to a release.
- 6 (4) Requirements for ordering or taking corrective action in
 7 response to a release.
- 8 (5) Requirements for closure of underground storage tanks to
 9 prevent future releases of regulated substances into the
 10 environment.
- 11 (6) Requirements for maintaining evidence of financial
 12 responsibility for:
 13 (A) taking corrective action; and
 14 (B) compensating third parties for bodily injury and
 15 property damage caused by sudden and nonsudden
 16 accidental releases arising from the operation of an
 17 underground storage tank.
- 18 (7) Standards of performance for new underground storage
 19 tanks.
- 20 (8) Requirements for the following:
 21 (A) Providing notice to the department of the existence of
 22 operational and nonoperational underground storage tanks,
 23 as required under 42 U.S.C. 6991a(a).
 24 (B) Providing the information required on the form
 25 prescribed under 42 U.S.C. 6991a(b)(2).
 26 (C) Providing notice, by any person who sells a tank
 27 intended to be used as an underground storage tank, to the
 28 purchaser of that tank of the owner's notification
 29 requirements established by this article and 42 U.S.C.
 30 6991a(a).
- 31 (9) Requirements for the delivery prohibition program
 32 prescribed under 42 U.S.C. 6991k, including:
 33 (A) notice to owners or operators when an underground
 34 storage tank is declared ineligible for delivery, deposit, or
 35 acceptance of a regulated substance; and
 36 (B) procedures to enforce the delivery prohibition that
 37 include the use of a temporary emergency order under
 38 IC 4-21.5-4 for violations of section 4(a) of this chapter.
- 39 SECTION ~~275~~ 257. IC 13-23-3-1, AS AMENDED BY
 40 P.L.176-2023, SECTION 33, IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The department
 42 shall, under rules adopted by the board under IC 4-22-2 and

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 2-76 [58]. 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 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 described under this section must wait before taking the
2 examination again.

3 (d) The ~~state fire marshal department~~ may, under rules adopted
4 by the ~~fire prevention and building safety commission, board~~, certify
5 a person:

6 (1) under section 1 of this chapter; and

7 (2) by ~~reciprocity, equivalency~~;

8 if the person is licensed or certified by another state that has
9 certification requirements that are substantially similar to the
10 requirements established under this section.

11 SECTION 2 ~~<77>~~ [59]. IC 13-23-4-1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The rules adopted
13 under ~~IC 13-23-1-2(c)(6)~~ ~~<78>~~ [IC 13-23-1-2(b)(6)] may allow evidence
14 of financial responsibility in one (1) or a combination of the following
15 forms:

16 (1) Insurance.

17 (2) Guarantee.

18 (3) Surety bond.

19 (4) Letter of credit.

20 (5) Qualification as a self-insurer.

21 (6) Any other method satisfactory to the commissioner and the
22 Administrator of the United States Environmental Protection
23 Agency.

24 SECTION 2 ~~<78>~~ [60]. IC 13-23-4-2 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The rules adopted
26 under ~~IC 13-23-1-2(c)(6)~~ ~~<79>~~ [IC 13-23-1-2(b)(6)] may require the use
27 of certain policy provisions or contract terms, including provisions or
28 terms concerning the following:

29 (1) The minimum amount of coverage required for various
30 classes and categories of underground storage tanks established
31 under section 4 of this chapter.

32 (2) Conditions or defenses that are necessary or unacceptable in
33 establishing evidence of financial responsibility.

34 SECTION 2 ~~<79>~~ [61]. IC 13-23-4-4 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The rules adopted
36 under ~~IC 13-23-1-2(c)(6)~~ ~~<80>~~ [IC 13-23-1-2(b)(6)] may require a
37 minimum amount of coverage for particular classes or categories of
38 underground storage tanks containing petroleum. Minimum coverage
39 amounts established under this subsection must be at least one million
40 dollars (\$1,000,000) for each occurrence, with an appropriate aggregate
41 amount.

42 (b) The board may by rule set minimum coverage amounts lower

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 2 ~~80~~ [62]. 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 2 ~~81~~ [63]. 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 administration 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 2 ~~82~~ [64]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 2 ~~<83>~~ [65]. 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 2 ~~<84>~~ [66]. 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.**

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 2 ~~<85>~~ **[67]**. 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 ~~<86>~~ **[268]**. 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 2 ~~<87>~~ **[69]**. 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.~~

~~(d) A meeting must be held not later than fourteen (14) days after a request is made.~~

SECTION 2 ~~<88>~~ **[70]**. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 claims.
- 2 (C) Establish standards for determining the reasonableness
- 3 and cost effectiveness of corrective action for purposes of
- 4 reimbursement from the ELTF under IC 13-23-9-1.5(a)(1).
- 5 (D) Establish standards for priorities in the payment of
- 6 ELTF claims, including a priority for claims associated with
- 7 releases from USTs and ASTs that pose an immediate and
- 8 significant threat to the environment.
- 9 (E) Provide reimbursement from the petroleum storage tank
- 10 excess liability trust fund for fifty percent (50%) of costs of
- 11 decommissioning or replacing underground petroleum
- 12 storage tanks that meet the criteria under IC 13-23-9-1.7.
- 13 (F) Establish procedures to reopen ELTF eligibility and
- 14 funding for a release previously granted "no further action"
- 15 (NFA) status by the department should either the
- 16 department or the owner of the underground petroleum
- 17 storage tank or aboveground petroleum storage tank
- 18 subsequently decide to permanently decommission the use
- 19 of the site as **a an underground petroleum or**
- 20 **aboveground petroleum** facility and undertake the
- 21 investigation and remediation of any residual contamination
- 22 arising from the site's former use as **a an underground**
- 23 **petroleum or aboveground petroleum** facility. Before
- 24 reopening ELTF eligibility and funding, the administrator
- 25 may require that the applicant provide information
- 26 regarding the planned future use of the site.
- 27 (2) Take testimony and receive a written report at every meeting
- 28 of the board from the administrator or the administrator's
- 29 designee regarding the financial condition and operation of the
- 30 ELTF, including:
- 31 (A) a ~~detailed~~ breakdown of contractual and administrative
- 32 expenses the department is claiming from the ELTF under
- 33 IC 13-23-7-1(a)(4); and
- 34 (B) a claims statistics report consisting of:
- 35 (i) the status and amounts of claims submitted to the
- 36 ELTF; and
- 37 (ii) ELTF claims payments made.
- 38 ~~Testimony shall be taken and a written report shall be received~~
- 39 ~~under this subdivision at every meeting of the board. However,~~
- 40 ~~the testimony and written report are not required more than one~~
- 41 ~~(1) time during any thirty (30) day period.~~
- 42 (3) Consult with the department on administration of the ELTF

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 in developing uniform policies and procedures for revenue
2 collection and claims administration of the ELTF.

3 (b) The department shall consult with the board on administration
4 of the ELTF. The consultation must include evaluation of alternative
5 means of administering the ELTF in a cost effective and efficient
6 manner.

7 ~~(c) At each meeting of the board, the department shall provide the~~
8 ~~board with a written report on the financial condition and operation of~~
9 ~~the ELTF.~~

10 SECTION 2~~<89>~~[71]. IC 13-23-11-9 IS ADDED TO THE
11 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2026]: **Sec. 9. This chapter expires July 1,**
13 **2031.**

14 SECTION 2~~<90>~~[72]. IC 13-23-12-2, AS AMENDED BY
15 P.L.220-2014, SECTION 26, IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. If the total amount
17 of the fees owed under this article exceed five hundred dollars (\$500),
18 the fee payer has the option of paying the annual fees in four (4) equal
19 installment payments. ~~The department shall establish a payment~~
20 ~~schedule to implement this section.~~

21 SECTION 2~~<91>~~[73]. IC 13-23-13-2, AS AMENDED BY
22 P.L.176-2023, SECTION 51, IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner,
24 under rules adopted under IC 13-23-1-2, may undertake corrective
25 action with respect to any release of a regulated substance into the
26 environment from an underground storage tank or aboveground storage
27 tank if:

28 (1) that action is necessary, in the judgment of the commissioner,
29 to protect human health and the environment; and

30 (2) at least one (1) of the following conditions exists:

31 (A) A person cannot be found not later than ninety (90)
32 days after a suspected or confirmed release is identified (or
33 a shorter time necessary to protect human health and the
34 environment) who is:

35 (i) an owner or operator of the underground storage
36 tank or aboveground storage tank;

37 (ii) subject to the rules concerning corrective action;
38 and

39 (iii) capable of properly carrying out corrective action
40 with respect to the release.

41 (B) An existing situation requires prompt action by the
42 commissioner under this section to protect human health

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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(c)(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 2 ~~92~~ **[74]**. 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 2 ~~93~~ **[75]**. 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 2 ~~94~~ **[76]**. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 **or other media** of general circulation in the county health
2 officer's county.

3 (2) Provide any other notice of the release, spill, or overfill the
4 county health officer considers necessary or appropriate.

5 SECTION ~~2-95~~ [77]. IC 13-23-16-4, AS ADDED BY
6 P.L.221-2007, SECTION 16, IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. Notice provided by
8 a county health officer under section 3 of this chapter must include:

9 (1) the same information reported to the department under ~~329~~
10 ~~IAC 9-4-1(1) or 329 IAC 9-4-4(a); 40 CFR 280.50 or 40 CFR~~
11 **280.53**; and

12 (2) any other information the county health officer considers
13 necessary or appropriate.

14 SECTION ~~2-96~~ [78]. IC 13-24-1-1 IS REPEALED [EFFECTIVE
15 JULY 1, 2026]. Sec. 1. (a) ~~The commissioner may issue an order~~
16 ~~under:~~

17 (1) ~~IC 13-14-2-7;~~

18 (2) ~~IC 4-21.5-4; or~~

19 (3) ~~IC 4-21.5-3-6;~~

20 ~~to require an owner or operator or a responsible person to undertake~~
21 ~~removal or remedial action with respect to a release of petroleum at a~~
22 ~~petroleum facility.~~

23 (b) ~~If the commissioner determines that the removal or remedial~~
24 ~~action will be done properly and promptly by the owner, operator, or~~
25 ~~responsible person, the commissioner may enter into an agreed order~~
26 ~~with the owner, operator, or responsible person to implement necessary~~
27 ~~removal or remedial action.~~

28 (c) ~~If the commissioner and the owner or operator or the~~
29 ~~responsible party fail to agree on the appropriate and necessary~~
30 ~~removal or remedial action to be taken, the dispute shall be resolved~~
31 ~~under IC 4-21.5.~~

32 SECTION ~~2-97~~ [279]. IC 13-24-1-3 IS AMENDED TO READ
33 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Remedial
34 action undertaken or required under section 1 ~~or~~ 2 of this chapter may
35 include an exposure assessment.

36 (b) The cost of:

37 (1) an exposure assessment;

38 (2) a removal; or

39 (3) a remedial action;

40 undertaken under section 2 of this chapter may be recovered under
41 section 4 of this chapter.

42 SECTION ~~2-98~~ [280]. IC 13-24-1-6 IS AMENDED TO READ

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) To allow the commissioner to take or to assess the need for removal or remedial action under section 4, 2 or 3 of this chapter or to enforce this chapter, an owner, an operator, or a responsible party of a facility, upon the request of an officer, an employee, or a designated representative of the department, shall:

(1) furnish information relating to the facility or the facility's associated equipment or contents;

(2) conduct testing of the facility or the facility's associated equipment or contents;

(3) conduct testing of:

(A) soils;

(B) air;

(C) surface water; or

(D) ground water;

surrounding the facility if the testing, using methods that are similar to but do not exceed federal standards, confirms a release of petroleum, or if other evidence exists that gives cause for reasonable suspicion that a release has occurred;

(4) allow, at reasonable times, the officer, employee, or designated representative to have access to and to copy records that relate to the release at the facility; and

(5) allow the officer, employee, or designated representative to have access for response, removal, or remedial action under section 2 of this chapter.

(b) For the reasons described under subsection (a), an officer, an employee, or a designated representative of the department may enter, at reasonable times, a site where a facility is located or where petroleum may be present because of a release from a facility to do the following:

(1) Inspect and obtain samples of petroleum contained in the facility from any person.

(2) Conduct testing of:

(A) the facility;

(B) the facility's associated equipment or contents; or

(C) surrounding:

(i) soils;

(ii) air;

(iii) surface water; or

(iv) ground water.

(3) Take removal or remedial action under section 2 of this chapter.

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(c) An action authorized under this section shall be commenced and completed with reasonable promptness.

SECTION ~~2-99~~ [81]. 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 ~~300~~ [282]. 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 ~~301~~ [283]. 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 ~~302~~ [284]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(2) IC 13-24-1;
 the ~~state~~ **department** may impose a lien on the property on which the response is undertaken **or impose a restrictive covenant on property where remediation objectives set forth in IC 13-25-5-8.5 have not been met.** 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:

(1) a lien; or

(2) a restrictive covenant;

as described in this section.

SECTION ~~<303>~~ [285]. 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 ~~<304>~~ [286]. 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 ~~<305>~~ [287]. 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 ~~<306>~~ [288]. 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



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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 ~~307~~ [289]. 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 ~~308~~ [290]. 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 ~~309~~ [291]. 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 ~~310~~ [292]. 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 ~~311~~[293]. 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 ~~312~~[294]. 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 ~~313~~[295]. 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 ~~314~~ [296]. 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 ~~315~~ [297]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 agreement; and
 2 (iii) exceed the fee submitted by the applicant under
 3 section 2 of this chapter.
 4 (C) A schedule of payments to be made by the applicant to
 5 the department to recover the costs to the department.
 6 (2) A mechanism to resolve disputes arising from the evaluation,
 7 analysis, and oversight of the implementation of the work plan,
 8 including any of the following:
 9 (A) Arbitration.
 10 (B) Adjudication under IC 4-21.5.
 11 (C) A dispute resolution procedure provided under the
 12 Indiana Rules of Court.
 13 (3) A provision concerning the indemnification of the parties.
 14 (4) A provision concerning retention of records.
 15 (5) A timetable for the department to do the following:
 16 (A) Reasonably review and evaluate the adequacy of the
 17 work plan.
 18 (B) Make a determination concerning the approval or
 19 rejection of the work plan.
 20 (6) A provision concerning applicable interagency coordination.
 21 (7) A provision specifying the proposed remediation objectives
 22 to be achieved on the site, as described in section 8.5 of this
 23 chapter.
 24 (8) ~~The A~~ requirement that the applicant submit to the
 25 department a proposed voluntary remediation work plan
 26 (A) not later than ~~one hundred eighty (180) days~~ **one (1)**
 27 **year** ~~after the date the voluntary remediation~~
 28 ~~agreement is signed.~~ ~~for~~
 29 (B) ~~after a longer period if the extension is agreed to by the~~
 30 ~~department and the applicant.~~
 31 (9) Any other conditions considered necessary by the
 32 commissioner or the applicant concerning the effective and
 33 efficient implementation of this chapter.
 34 (b) If an agreement is not reached between an applicant and the
 35 commissioner within a reasonable time after good faith negotiations
 36 have begun between the applicant and the commissioner:
 37 (1) the applicant or the commissioner may withdraw from the
 38 negotiations; and
 39 (2) the department shall refund the unexpended part of the
 40 applicant's application fee.
 41 SECTION ~~316~~ **[298]**. IC 13-25-5-11 IS AMENDED TO READ
 42 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Before the

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 commissioner approves or rejects a proposed voluntary remediation
2 work plan under section 10 of this chapter, the commissioner must:

3 (1) notify local government units located in a county affected by
4 the proposed voluntary remediation work plan of the work plan;

5 (2) provide that a copy of the proposed voluntary remediation
6 work plan be placed in at least one (1) public library in a county
7 affected by the work plan; **published electronically on the**
8 **department's website;** and

9 (3) publish a notice requesting comments concerning the
10 proposed voluntary remediation work plan.

11 (b) A comment period of at least thirty (30) days must follow
12 publication of a notice under this section. During a comment period,
13 interested persons may do the following:

14 (1) Submit written comments to the commissioner concerning
15 the proposed voluntary remediation work plan.

16 (2) Request a public hearing concerning the proposed voluntary
17 remediation work plan.

18 (c) If the commissioner receives at least one (1) written request,
19 the commissioner may hold a public hearing in the geographical area
20 affected by the proposed voluntary remediation work plan on the
21 question of whether to approve or reject the work plan. The
22 commissioner shall consider all written comments and public
23 testimony.

24 SECTION ~~17~~ [299]. IC 13-25-5-15 IS AMENDED TO READ
25 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. **(a)** If an
26 applicant who submitted an approved voluntary remediation work plan
27 proceeds with the work plan, the department or a person under contract
28 with the department shall do the following:

29 (1) Oversee and review the implementation of the voluntary
30 remediation work plan.

31 (2) Make regular reports to the commissioner concerning the
32 remediation.

33 **(b) Upon submission of a report to the commissioner, the**
34 **commissioner may evaluate the remedial action every two (2) years**
35 **to verify the action is achieving project goals. If project goals are**
36 **not met, the commissioner may require modification of the**
37 **voluntary remediation work plan.**

38 **(c) If the parties are unable to agree to a modification as**
39 **provided for in subsection (b) within one hundred eighty (180)**
40 **days, the commissioner or applicant may withdraw the project**
41 **from the voluntary remediation work program. Projects**
42 **withdrawn from the voluntary remediation work program may be**

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

referred to the state clean-up program.

SECTION 3~~18~~[00]. 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 ~~319~~[301]. 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 ~~320~~[302]. 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:

(1) expenses; and

(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 3~~21~~[03]. IC 13-26-8-4, AS AMENDED BY P.L.165-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This section applies to the addition of territory to a regional sewage or solid waste district other than at the request of an eligible entity described in section 1 of this chapter. This section does not apply to a regional water district.

(b) To add territory to a district already established, the board of the district must file with the department a motion adopted by the board requesting the addition of territory to the district. If the motion is for

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

the addition of territory to a regional sewage district, the board, not later than ten (10) days after filing the motion with the department, must also file a copy of the motion in the office of:

(1) the executive of each governmental entity having territory within the territory proposed to be added to the regional sewage district; and

(2) the executive of a city or town having:

(A) a municipal sewage works under IC 36-9-23; or

(B) a public sanitation department under IC 36-9-25;

if the territory proposed to be added to the regional sewage district includes territory within the extraterritorial jurisdiction of the municipal sewage works or public sanitation department.

(c) Except as provided under subsections (d) and (e), if a motion is filed with the department under subsection (b):

(1) the same procedure must be used to add territory to the district as is provided for the establishment of a district under IC 13-26-2; and

(2) the department shall proceed in the same manner that is set forth in IC 13-26-2, IC 13-26-4, IC 13-26-6, and IC 13-26-7.

(d) Not more than one hundred eighty (180) days after the date a motion is filed with the department under subsection (b) to add territory to a district already established, if a petition is filed with the department that is signed by a majority of the freeholders within the area proposed to be added and indicating that the freeholders are opposed to the addition of the area by the district:

(1) the department may not proceed under subsection (c); and

(2) the territory may not be added to the district.

(e) For purposes of subsection (c):

~~(1) the commissioner is not required to appoint a hearing officer under IC 13-26-2-5;~~

~~(2)~~ (1) the board shall:

(A) provide the notice of; and

(B) conduct;

the hearing required under IC 13-26-2-6; and

~~(2)~~ (2) instead of making findings and recommendations under IC 13-26-2-8, the board shall submit documentary evidence to the commissioner to prove the:

(A) notice was provided; and

(B) hearing was conducted;

by the board as required under subdivision ~~(2)~~: (1).

SECTION 3 ~~22~~ [04]. IC 13-27-2-1 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 1: A division of pollution prevention is established~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 within the department:

2 SECTION 3~~<23>~~[05]. IC 13-27-2-2 IS REPEALED [EFFECTIVE
3 JULY 1, 2026]. Sec. 2: The commissioner shall appoint an assistant
4 commissioner to head the division:

5 SECTION 3~~<24>~~[06]. IC 13-27-2-3 IS REPEALED [EFFECTIVE
6 JULY 1, 2026]. Sec. 3: The commissioner shall hire employees of the
7 division:

8 SECTION 3~~<25>~~[07]. IC 13-27-2-4 IS REPEALED [EFFECTIVE
9 JULY 1, 2026]. Sec. 4: (a) The commissioner may appoint liaison
10 advisory panels to assist the division in the functions of the division:
11 Individual panels must include members representing different areas
12 of interest in and potential support of pollution prevention and
13 environmentally-related technical assistance; including the following:

14 (1) Industry:

15 (2) Education:

16 (3) Environmental and public interest groups:

17 (4) State government:

18 (5) Local government officials associated with state programs for
19 pollution prevention:

20 (6) Organized labor:

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

28 SECTION 3~~<26>~~[08]. IC 13-27-2-5 IS REPEALED [EFFECTIVE
29 JULY 1, 2026]. Sec. 5: The commissioner and the assistant
30 commissioner, through coordinated effort, shall do the following:

31 (1) Periodically review state environmental programs and
32 projects for their ability and progress in promoting multimedia
33 industrial pollution prevention:

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

40 (A) Encouraging regulatory flexibility to afford businesses
41 the opportunity to develop or implement pollution
42 prevention technologies and practices:

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 3 ~~<27>~~ [09]. IC 13-27-2-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 5.1. The department may do the following:**

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(1) Periodically review state environmental programs and projects for their ability and progress in promoting multimedia industrial pollution prevention.

(2) Assist the department in removing 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 3 ~~<28>~~ [10]. 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 3 ~~<29>~~ [11]. 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:

(1) The federal Clean Air Act (42 U.S.C. 7401 et seq.).

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(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 3 ~~<30>~~ [12]. 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 ~~<33>~~ [313]. IC 13-27-2-10 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. ~~10~~: (a) The commissioner ~~may award grants to support and sustain pollution prevention, including clean manufacturing through reductions in the use of toxic materials in production and commerce.~~

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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- 1 following:
- 2 (1) Grants to nonprofit organizations to establish free or low cost
- 3 technical assistance programs:
- 4 (2) Grants to assist:
- 5 (A) trade associations that represent manufacturers;
- 6 (B) business organizations;
- 7 (C) labor organizations; and
- 8 (D) educational institutions;
- 9 in developing training materials and making those training
- 10 materials available to workers for in-plant use that will foster
- 11 clean manufacturing:
- 12 (3) Grants to assist:
- 13 (A) industry;
- 14 (B) business organizations;
- 15 (C) educational institutions;
- 16 (D) labor organizations; and
- 17 (E) local units of government;
- 18 in establishing programs or materials to train and assist
- 19 personnel in developing methods to measure and plan for
- 20 pollution prevention:
- 21 (4) Grants to assist industry or business organizations; local units
- 22 of government; and educational institutions in creating programs
- 23 to train and certify:
- 24 (A) environmental auditors;
- 25 (B) engineers; and
- 26 (C) industrial hygienists;
- 27 to identify, evaluate, and implement pollution prevention
- 28 measures and alternatives in audits, plans; and programs:
- 29 (5) Grants to any organization for generic research and
- 30 development; pilot tests; and demonstration projects that:
- 31 (A) involve commonly used manufacturing processes or
- 32 materials; and
- 33 (B) will produce results that will be of use to manufacturers
- 34 other than manufacturers that may be involved in the
- 35 research and development; pilot tests; or demonstration
- 36 projects:
- 37 (c) The commissioner may require that a grantee provide matching
- 38 money for a grant awarded under this section:
- 39 (d) Grant money awarded under this section may not be spent for
- 40 capital improvements or equipment:
- 41 (e) The money for grants awarded under this section must come
- 42 from money appropriated to the department for the purposes of this

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 section:

2 SECTION 3~~32~~[14]. IC 13-27-2-10.1 IS ADDED TO THE
3 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: **Sec. 10.1. (a) The commissioner may**
5 **award grants to support and sustain pollution prevention,**
6 **including clean manufacturing through reductions in the use of**
7 **toxic materials in production and commerce.**

8 **(b) The commissioner may require that a grantee provide**
9 **matching money for a grant awarded under this section.**

10 **(c) Grant money awarded under this section may not be spent**
11 **for capital improvements or equipment.**

12 **(d) The money for grants awarded under this section must**
13 **come from money appropriated to the department for the purposes**
14 **of this section.**

15 SECTION 3~~33~~[15]. IC 13-27-2-11 IS REPEALED
16 [EFFECTIVE JULY 1, 2026]. ~~Sec. 11: The division shall sponsor pilot~~
17 ~~projects to develop and demonstrate innovative techniques for clean~~
18 ~~manufacturing. The results of pilot projects sponsored under this~~
19 ~~section shall be made available for use by the public. However,~~
20 ~~information about a pilot project that is considered proprietary by a~~
21 ~~manufacturer involved in the pilot project may not be disclosed to the~~
22 ~~public.~~

23 SECTION 3~~34~~[16]. IC 13-27-2-13 IS REPEALED
24 [EFFECTIVE JULY 1, 2026]. ~~Sec. 13: The commissioner may:~~

25 ~~(1) order all hearings and investigations necessary for the~~
26 ~~administration of this article; and~~

27 ~~(2) advise and assist other governmental units on matters of~~
28 ~~planning or program administration within the scope of the~~
29 ~~commissioner's powers, duties, and objectives under this article.~~

30 SECTION 3~~35~~[17]. IC 13-27-7-3 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 3. Programs**
32 **implemented by the division: department:**

33 **(1) must encourage pollution prevention; and**

34 **(2) may not discourage the use of recycling or treatment**
35 **techniques determined to be acceptable for pollution that has not**
36 **been prevented.**

37 SECTION 3~~36~~[18]. IC 13-28-1 IS REPEALED [EFFECTIVE
38 JULY 1, 2026]. (Office of Voluntary Compliance).

39 SECTION 3~~37~~[19]. IC 13-28-2-1 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 1. The voluntary**
41 **compliance fund is established for the purpose of providing money for**
42 **the following:**



SB 277—LS 6849/DI 150

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

(1) ~~Starting, operating, and staffing the office of~~ **Implementing**
voluntary compliance ~~established by IC 13-28-1-1.~~ **and**
technical assistance activities.

(2) Costs of voluntary compliance programs established under
this article.

SECTION 3 ~~38~~ [20]. 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
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:

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

- (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 3~~<39>~~[21]. 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 3~~<40>~~[22]. 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 3~~<41>~~[23]. 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~~

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 compliance requirements of the federal Clean Air Act (42 U.S.C.
2 7401 et seq.).

3 (2) Standardized forms and procedures for completing permit
4 applications.

5 (3) An ombudsman for small businesses.

6 SECTION ~~342~~ [324]. IC 13-28-5-3 IS REPEALED
7 [EFFECTIVE JULY 1, 2026]. Sec. 3: The ombudsman described in
8 section 2 of this chapter shall assist as necessary each small business
9 that applies for assistance with the following:

10 (1) Specific regulatory matters pending before the department.

11 (2) Permit applications.

12 SECTION 3 ~~43~~ [25]. IC 13-28-5-4 IS REPEALED [EFFECTIVE
13 JULY 1, 2026]. Sec. 4: The department may establish the technical and
14 environmental compliance assistance program required by this chapter
15 as part of the technical and compliance assistance program established
16 under IC 13-28-3.

17 SECTION 3 ~~44~~ [26]. IC 13-29-1-13 IS REPEALED
18 [EFFECTIVE JULY 1, 2026]. Sec. 13: The board shall adopt under
19 IC 4-22-2 and IC 13-14-9 the rules necessary to implement this chapter.

20 SECTION 3 ~~45~~ [27]. IC 13-30-1-2 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A citizen, a
22 partnership, a corporation, a limited liability company, an association,
23 or a public officer or agency, as a condition precedent to maintaining
24 an action, must give notice in writing by registered or certified mail to:

25 (1) the department of natural resources;

26 (2) (1) the department; and

27 (3) (2) the attorney general.

28 (b) The attorney general shall promptly notify all state
29 administrative agencies having jurisdiction over or control of the
30 pollution, impairment, destruction, or protection of the environment for
31 which relief is sought.

32 SECTION 3 ~~46~~ [28]. IC 13-30-2-1, AS AMENDED BY
33 P.L.133-2012, SECTION 158, IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not do
35 any of the following:

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

40 (A) the environment; or

41 (B) any publicly owned treatment works;

42 in any form that causes or would cause pollution that violates or

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

would violate rules, standards, or discharge or emission requirements adopted by the board under the environmental management laws.

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

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

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

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

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

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

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

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

(A) cause or contribute to pollution; or

(B) be designed to prevent pollution.

However, the commissioner or the board may approve experimental uses of any equipment, facility, or pollution control device that is considered necessary for the further development of the state of the art of pollution control.

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

(A) the air pollution control laws; or

(B) the rules adopted by the board.

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

(A) filed an application for; and

(B) received;

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

a permit from the department.

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

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

(A) is not approved; or

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

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

(13) Violate any:

(A) condition;

(B) limitation; or

(C) stipulation;

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

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

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

(B) IC 13-17-11.

(C) IC 13-18-18.

(D) IC 13-20-1.

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

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

SECTION 3 ~~<47>~~ [29]. IC 13-30-7-6 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 6: A business required to correct a violation that is subject to section 4 of this chapter may elect to resolve an enforcement action in the same manner as a business required to correct a violation that is not subject to section 4 of this chapter.

SECTION 3 ~~<48>~~ [30]. 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

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

1 transported used oil regulated under rules adopted by the board
 2 without a manifest or in violation of the standards established by
 3 the department for the management of used oil;
 4 commits a Class B misdemeanor.

5 (b) Notwithstanding the maximum fine provisions of IC 35-50-3-3,
 6 criminal fines for a person convicted of an offense described in
 7 subsection (a) shall be assessable in a maximum amount of not less
 8 than ten thousand dollars (\$10,000) per day per violation.

9 (c) Except as provided in subsection (d), a person regulated under
 10 IC 13-17 who knowingly violates:

11 (1) any applicable requirements of IC 13-17-4, IC 13-17-5,
 12 IC 13-17-6, ~~IC 13-17-7~~, IC 13-17-8, IC 13-17-9, IC 13-17-10, or
 13 IC 13-17-13 or of rules of the board implementing the chapters
 14 referred to in this subdivision;

15 (2) any condition of a permit issued by the department under
 16 IC 13-17; or

17 (3) any fee or filing requirement in IC 13-17, including the
 18 requirement to file an application for a permit under IC 13-17;
 19 commits a Class C misdemeanor.

20 (d) Notwithstanding the maximum fine provisions of IC 35-50-3-4,
 21 criminal fines for a person convicted of an offense described in
 22 subsection (c) shall be assessable in a maximum amount of not less
 23 than ten thousand dollars (\$10,000) per day per violation.

24 (e) Except as provided in subsection (f), a person who willfully or
 25 negligently violates:

26 (1) any applicable standards or limitations of IC 13-18-3-2.4,
 27 IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or
 28 IC 13-18-16 or of rules of the board implementing the chapters
 29 referred to in this subdivision;

30 (2) any condition of a National Pollutant Discharge Elimination
 31 System permit issued by the department under IC 13-18-19 or
 32 rules adopted by the board under IC 13-18-19;

33 (3) any National Pollutant Discharge Elimination System Permit
 34 filing requirement under IC 13-18-19; or

35 (4) any condition of a permit issued by the department in
 36 accordance with the requirements of 33 U.S.C. 1344;
 37 commits a Class A misdemeanor.

38 (f) Notwithstanding the maximum fine provisions of IC 35-50-3-2,
 39 criminal fines for a person convicted of an offense described in
 40 subsection (e) shall be assessable in a maximum amount of not less
 41 than ten thousand dollars (\$10,000) per day per violation.

42 (g) A person who willfully or recklessly violates any applicable

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p

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.[]

SECTION 331. [EFFECTIVE UPON PASSAGE] (a) The legislative services agency shall prepare legislation for introduction in the 2027 regular session of the general assembly to make any necessary amendments to the Indiana Code to conform to the amendments made by this act.

(b) This SECTION expires July 1, 2027.

SECTION 332. An emergency is declared for this act.]

SB 277—LS 6849/DI 150



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M
a
r
k
u
p