
SENATE BILL No. 277

AM027718 has been incorporated into January 29, 2026 printing.

Synopsis: Indiana department of environmental management.

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

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

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

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

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SENATE BILL No. 277

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 rule, including any deadlines for action by regulated entities.
 2 (3) Any penalties, sanctions, or fines imposed for noncompliance
 3 with the rule.
 4 (4) Any other concerns of small businesses with respect to the
 5 rule, including the agency's application or enforcement of the
 6 rule in particular situations. ~~However, in the case of a rule~~
 7 ~~adopted by the department of environmental management or a~~
 8 ~~board listed in IC 13-14-9-1, the coordinator assigned to the rule~~
 9 ~~may refer a small business with concerns about the application~~
 10 ~~or enforcement of the rule in a particular situation to the~~
 11 ~~ombudsman designated under IC 13-28-3-2; or, if applicable,~~
 12 ~~under IC 13-28-5-2(3).~~
 13 (e) The coordinator assigned to a rule shall provide guidance
 14 under this section in response to questions and concerns expressed by
 15 small businesses affected by the rule. The coordinator may also issue
 16 general guidelines or informational pamphlets to assist small
 17 businesses in complying with the rule. Any guidelines or informational
 18 pamphlets issued under this subsection shall be made available:
 19 (1) for public inspection and copying at the offices of the agency
 20 under IC 5-14-3; and
 21 (2) electronically through electronic gateway access.
 22 (f) The coordinator assigned to a rule shall keep a record of all
 23 comments, questions, and complaints received from small businesses
 24 with respect to the rule. The coordinator shall deliver the record, along
 25 with any accompanying documents submitted by small businesses, to
 26 the director:
 27 (1) not later than ten (10) days after the date on which the rule is
 28 submitted to the publisher under section 35 of this chapter; and
 29 (2) before July 15 of each year during which the rule remains in
 30 effect.
 31 The coordinator and the director shall keep confidential any
 32 information concerning a small business to the extent that the
 33 information is exempt from public disclosure under IC 5-14-3-4.
 34 (g) Not later than November 1 of each year, the director shall:
 35 (1) compile the records received from all of the agency's
 36 coordinators under subsection (f);
 37 (2) prepare a report that sets forth:
 38 (A) the number of comments, complaints, and questions
 39 received by the agency from small businesses during the
 40 most recent state fiscal year, categorized by the subject
 41 matter of the rules involved;
 42 (B) the number of complaints or questions reported under

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

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

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

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1 IC 4-22-2-28.1(a)) and work with the office of technology
 2 established by IC 4-13.1-2-1 to place information concerning the
 3 availability of these services on state websites that the small
 4 business ombudsman or a state agency determines are most
 5 likely to be visited by small business owners and managers.
 6 (8) Assist in training agency coordinators who will be assigned
 7 to rules under IC 4-22-2-28.1(b).
 8 (9) Investigate and attempt to resolve any matter regarding
 9 compliance by a small business with a law, rule, or policy
 10 administered by a state agency, either as a party to a proceeding
 11 or as a mediator.

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

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

- 21 (1) IC 13-17-3-15.
 22 ~~(2) IC 13-17-7.~~
 23 ~~(3) (2) IC 13-17-8-10.~~
 24 ~~(4) (3) IC 13-17-9.~~
 25 ~~(5) (4) IC 13-17-10.~~
 26 ~~(6) (5) IC 13-17-11.~~
 27 ~~(7) (6) IC 13-17-13.~~

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

- 32 ~~(1) an actual; or~~
 33 ~~(2) a potential;~~
 34 ~~alternative to incineration.~~

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

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

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1 **and**

2 **(2) includes a methane recovery system.**

3 SECTION 6. IC 13-11-2-9.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2026]: **Sec. 9.5. "Appropriate feedstock", for**
6 **purposes of this chapter, means a specific solid waste stream**
7 **segregated from other solid wastes and that can be successfully**
8 **processed with other solid waste or products for recovery of**
9 **materials or energy through an anaerobic digestion facility or a**
10 **gasification facility.**

11 SECTION 7. IC 13-11-2-15 IS REPEALED [EFFECTIVE JULY
12 1, 2026]. ~~Sec. 15. "Assistant commissioner", for purposes of IC 13-27,~~
13 ~~refers to the individual appointed by the commissioner under~~
14 ~~IC 13-27-2-2 to the highest position in the division of pollution~~
15 ~~prevention.~~

16 SECTION 8. IC 13-11-2-16.6, AS ADDED BY P.L.189-2011,
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2026]: ~~Sec. 16.6. "Biomass", for purposes of sections 16.7 and~~
19 ~~16.8 7.3, 88.7, 205, and 212~~ of this chapter and IC 13-20-10.5, means
20 biological material that is available on a renewable recurring basis and
21 is used as a source of renewable energy, including the following:

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

32 SECTION 9. IC 13-11-2-16.7 IS REPEALED [EFFECTIVE JULY
33 1, 2026]. ~~Sec. 16.7. "Biomass anaerobic digestion facility", for~~
34 ~~purposes of IC 13-20-10.5:~~

35 ~~(1) means a facility that incorporates equipment that promotes~~
36 ~~the decomposition of biomass to simple organics and biogas~~
37 ~~products in the oxygen free environment of a closed, sealed~~
38 ~~chamber; and~~

39 ~~(2) includes a methane recovery system.~~

40 SECTION 10. IC 13-11-2-16.8 IS REPEALED [EFFECTIVE
41 JULY 1, 2026]. ~~Sec. 16.8. "Biomass gasification facility", for purposes~~
42 ~~of IC 13-20-10.5; means a facility that incorporates equipment to carry~~

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1 out a thermochemical process that, with little or no oxygen present,
2 converts biomass into a synthesis gas:

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

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

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

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

- 21 (1) 33 U.S.C. 1251 et seq.; and
22 (2) **as applicable**, regulations adopted under 33 U.S.C. 1251 et
23 seq.

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

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

38 **A determination by the department under this subdivision is appealable**
39 **under IC 4-21.5.**

40 SECTION 16. IC 13-11-2-60 IS REPEALED [EFFECTIVE JULY
41 1, 2026]. **Sec. 60. "Division", for purposes of IC 13-27, refers to the**
42 **division of pollution prevention:**

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1 SECTION 17. IC 13-11-2-77, AS AMENDED BY P.L.176-2023,
 2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 77. (a) "Facility", for purposes of IC 13-15-1-3,
 4 means a structure or an area of land used for the disposal, treatment,
 5 storage, recovery, processing, or transferring of solid waste **or**
 6 hazardous waste. ~~or atomic radiation.~~ The term includes the following:

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

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

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

15 ~~a regulated air pollutant.~~

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

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

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

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

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

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

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

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

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

6 SECTION 18. IC 13-11-2-80 IS REPEALED [EFFECTIVE JULY
 7 1, 2026]. ~~Sec. 80: "FESOP", for purposes of IC 13-17-7, means a~~
 8 ~~federally enforceable state operating permit issued to a source that~~
 9 ~~would require a Title V operating permit but due to a federally~~
 10 ~~enforceable operating restriction has potential emissions less than the~~
 11 ~~amount that would require a Title V operating permit.~~

12 SECTION 19. IC 13-11-2-88.7 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2026]: **Sec. 88.7. "Gasification facility", for**
 15 **purposes of IC 13-20-10.5, means a facility that incorporates**
 16 **equipment to carry out a thermochemical process that, with little**
 17 **or no oxygen present, converts biomass, appropriate feedstock, or**
 18 **both into a synthesis gas.**

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

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

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

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

31 SECTION 21. IC 13-11-2-109 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 109. "Industrial
 33 pretreatment permit", for purposes of IC 13-18-20, refers to a permit
 34 issued by the state to an industry discharging to a publicly owned
 35 treatment works that:

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

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

40 SECTION 22. IC 13-11-2-114.2, AS AMENDED BY
 41 P.L.112-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2026]: Sec. 114.2. "Land application

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1 operation", for purposes of IC 13-18-12 and IC 13-19-3, means an
 2 operation in which sludge, waste products, or wastewater generated by
 3 industrial, municipal, or semipublic facilities are disposed of by
 4 **application upon or spraying or spreading onto the land surface,**
 5 incorporation into the soil, **or injection below the land surface.** The
 6 term does not include the operation of **an underground injection well,**
 7 a landfill, or an open dump.

8 SECTION 23. IC 13-11-2-138 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 138. "Navigable
 10 waters" ~~for purposes of IC 13-24-2,~~ means waters of the United States
 11 (as defined in the federal Clean Water Act (33 U.S.C. 1362(7))).

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

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

18 SECTION 25. IC 13-11-2-156 IS REPEALED [EFFECTIVE
 19 JULY 1, 2026]. ~~Sec. 156: "Pending", for purposes of IC 13-17-7, means~~
 20 ~~not completed as of January 1, 1994.~~

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

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

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

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

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

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

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

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

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

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

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

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

36 (4) IC 13-19-3.

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

38 SECTION 27. IC 13-11-2-168 IS REPEALED [EFFECTIVE
 39 JULY 1, 2026]. ~~Sec. 168: "Potential emissions", for purposes of~~
 40 ~~IC 13-17-7, means emissions calculated:~~

41 ~~(1) before:~~

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

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- 1 (B) the application of any applicable state or federal:
- 2 (i) rule;
- 3 (ii) regulation; or
- 4 (iii) statute;
- 5 that establishes emission limitations or standards; and
- 6 (2) after consideration of any physical or operational limitation
- 7 on the capacity of a facility or source.

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

- 14 (b) The term includes:
- 15 (1) devices and systems used in the storage, treatment,
- 16 recycling, and reclamation of municipal sewage or
- 17 compatible industrial wastes; and
- 18 (2) a municipality (as defined in Section 502(4) of the Clean
- 19 Water Act) that has jurisdiction over the indirect discharges
- 20 to and the discharges from a treatment works.

- 21 (c) The term does not include:
- 22 (1) pipes;
- 23 (2) sewers; or
- 24 (3) other conveyances;
- 25 not connected to a facility providing treatment.

26 SECTION 29. IC 13-11-2-199.4 IS REPEALED [EFFECTIVE
 27 JULY 1, 2026]. Sec. ~~199.4~~. "~~Septage management vehicle~~", for
 28 purposes of ~~IC 13-18-12-2.2~~, has the meaning set forth in
 29 ~~IC 13-18-12-2.2(b)~~.

30 SECTION 30. IC 13-11-2-201, AS AMENDED BY P.L.107-2016,
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2026]: Sec. 201. (a) "Sewage disposal system", for purposes
 33 of this chapter, IC 13-18-12 (except as provided in subsection (b)), and
 34 IC 13-20-17.5, means septic tanks, septic tank soil absorption systems,
 35 septage holding tanks, seepage pits, cesspools, privies, composting
 36 toilets, interceptors or grease traps, portable sanitary units, and other
 37 equipment, facilities, or devices used to:

- 38 (1) store;
- 39 (2) treat;
- 40 (3) make inoffensive; or
- 41 (4) dispose of;
- 42 human excrement or liquid carrying wastes of a domestic nature.

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

3 SECTION 31. IC 13-11-2-203.5, AS AMENDED BY P.L.1-2010,
4 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 203.5. (a) Except as provided in subsection (b),
6 "small business", for purposes of section 47.7 of this chapter, means a
7 business that satisfies all the following:

- 8 (1) The business is independently owned and operated.
- 9 (2) The principal office of the business is located in Indiana.
- 10 (3) The business satisfies either of the following:
 - 11 (A) The business has not more than:
 - 12 (i) one hundred (100) employees; and
 - 13 (ii) average annual gross receipts of ten million dollars
 - 14 (\$10,000,000).
 - 15 (B) If the business is a manufacturing business, the business
 - 16 does not have more than one hundred (100) employees.

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

19 SECTION 32. IC 13-11-2-212, AS AMENDED BY P.L.54-2023,
20 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2026]: Sec. 212. (a) "Solid waste processing facility", for
22 purposes of IC 13-19-3-8.2, IC 13-19-4, IC 13-20-1, IC 13-20-4, and
23 IC 13-20-6, and subject to subsection (b), means a facility at which at
24 least one (1) of the following is located:

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

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

- 39 (1) A facility or operation that generates solid waste.
- 40 (2) An advanced recycling facility.
- 41 (3) **A facility that:**
 - 42 (A) **processes solely:**

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- 1 (i) biomass, appropriate feedstock, or recyclable
- 2 material; or
- 3 (ii) a mixture of the materials described in item (i);
- 4 and
- 5 (B) is located at a permitted beneficial use facility or an
- 6 anaerobic digestion facility or gasification facility.

7 SECTION 33. IC 13-11-2-213 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 213. "Source", for
 9 purposes of IC 13-17-3, and ~~IC 13-17-7~~, means an aggregation of one
 10 (1) or more facilities that are:

- 11 (1) located on:
 - 12 (A) one (1) piece of property; or
 - 13 (B) contiguous or adjacent properties; and
- 14 (2) owned, operated, or controlled by the same person.

15 SECTION 34. IC 13-11-2-214 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 214. "Source
 17 reduction", for purposes of ~~IC 13-17-7~~ and IC 13-21, means a reduction
 18 in the amount of solid waste generated that is achieved through actions
 19 affecting the source of the solid waste.

20 SECTION 35. IC 13-11-2-224 IS REPEALED [EFFECTIVE
 21 JULY 1, 2026]. Sec. 224. "Stormwater permit", for purposes of
 22 ~~IC 13-18-20~~, refers to a permit issued to a facility regulated under ~~327~~
 23 ~~IAC 15-5 or 327 IAC 15-6~~.

24 SECTION 36. IC 13-11-2-232 IS REPEALED [EFFECTIVE
 25 JULY 1, 2026]. Sec. 232. "Title V operating permit", for purposes of
 26 ~~IC 13-17-7~~, means a permit required by 42 U.S.C. 7661a.

27 SECTION 37. IC 13-11-2-245, AS AMENDED BY P.L.198-2016,
 28 SECTION 636, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2026]: Sec. 245. (a) "Vehicle", for purposes of
 30 IC 13-17-5, refers to a vehicle required to be registered with the bureau
 31 of motor vehicles and required to have brakes. The term does not
 32 include the following:

- 33 (1) Mobile homes. ~~(house trailers)~~;
- 34 (2) Trailers weighing not more than three thousand (3,000)
- 35 pounds.
- 36 (3) A vehicle that is at least twenty-five (25) years old.
- 37 (4) Special machinery (as defined in IC 9-13-2-170.3).
- 38 (b) "Vehicle", for purposes of IC 13-20-4, refers to a municipal
- 39 waste collection and transportation vehicle.
- 40 (c) "Vehicle", for purposes of IC 13-20-13-7, means a motor
- 41 vehicle, a farm tractor (as defined in IC 9-13-2-56), an implement of
- 42 agriculture (as defined in IC 9-13-2-77), a semitrailer (as defined in

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1 IC 9-13-2-164(a) or IC 9-13-2-164(b)), and types of equipment,
2 machinery, implements, or other devices used in transportation,
3 manufacturing, agriculture, construction, or mining. The term does not
4 include a lawn and garden tractor that is propelled by a motor of not
5 more than twenty-five (25) horsepower.

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

8 SECTION 38. IC 13-12-4-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The general
10 assembly recognizes the following:

11 (1) The profound impact of human activity on the interrelations
12 of all components of the natural environment, particularly the
13 profound influences of the following:

- 14 ~~(A)~~ **(A)** Population growth.
- 15 ~~(B)~~ **(A)** High-density urbanization.
- 16 ~~(C)~~ **(B)** Industrial expansion.
- 17 ~~(D)~~ **(C)** Resource exploitation.
- 18 ~~(E)~~ **(D)** New and expanding technological advances.

19 (2) The critical importance of restoring and maintaining
20 environmental quality to the overall welfare and development of
21 humans.

22 (3) That each person should enjoy a healthful environment.

23 (4) That each person has a responsibility to contribute to the
24 preservation and enhancement of the environment.

25 SECTION 39. IC 13-12-4-4 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. To carry out the
27 policy set forth in this chapter, it is the continuing responsibility of the
28 state to use all practicable means, consistent with other essential
29 considerations of state policy, to improve and coordinate state plans,
30 functions, programs, and resources to the end that the state may do the
31 following:

32 (1) Fulfill the responsibilities of each generation as trustee of the
33 environment for succeeding generations.

34 (2) Assure for all citizens of Indiana safe, healthful, productive,
35 and esthetically and culturally pleasing surroundings.

36 (3) Attain the widest range of beneficial uses of the environment
37 without degradation, risk to health or safety, or other undesirable
38 and unintended consequences.

39 (4) Preserve important historic, cultural, and natural aspects of
40 our national heritage and maintain, wherever possible, an
41 environment that supports diversity and variety of individual
42 choice.

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1 (5) Achieve a balance between population and resource use that
 2 will permit **Maintain** high standards of living and a wise sharing
 3 of life's amenities.
 4 (6) Enhance the quality of renewable resources and approach the
 5 maximum attainable recycling of depletable resources.
 6 SECTION 40. IC 13-12-4-5, AS AMENDED BY P.L.133-2012,
 7 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2026]: Sec. 5. To the fullest extent possible:
 9 (1) the policies, rules, and statutes of the state shall be
 10 interpreted and administered in accordance with the policies set
 11 forth in this chapter; and
 12 (2) all state agencies shall do the following:
 13 (A) Use a systematic, interdisciplinary approach that will
 14 ensure the integrated use of the natural and social sciences
 15 and the environmental design arts in planning and decision
 16 making that may have an impact on the environment.
 17 (B) Identify and develop methods and procedures that will
 18 ensure that unquantified environmental amenities and
 19 values may be given appropriate consideration in decision
 20 making along with economic and technical considerations.
 21 (C) Include in every recommendation or report on proposals
 22 for legislation and other major state actions significantly
 23 affecting the quality of the human environment a detailed
 24 statement by the responsible official on the following:
 25 (i) The environmental impact of the proposed action.
 26 (ii) Any adverse environmental effects that cannot be
 27 avoided should the proposal be implemented.
 28 (iii) Alternatives to the proposed action.
 29 (iv) The relationship between local short term uses of
 30 the environment and the maintenance and
 31 enhancement of long-term productivity.
 32 (v) Any irreversible and ir retrievable commitments of
 33 resources that would be involved if the proposed action
 34 should be implemented.
 35 Before making a detailed statement, the responsible state
 36 official shall consult with and obtain the comments of each
 37 state agency that has jurisdiction by law or special expertise
 38 with respect to any environmental impact involved. Copies
 39 of the statement and the comments and views of the
 40 appropriate federal, state, and local agencies that are
 41 authorized to develop and enforce environmental standards
 42 shall be made available to the governor and to the public

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- 1 and must accompany the proposal through the agency
- 2 review processes. The board shall by rule define the actions
- 3 that constitute a major state action significantly affecting
- 4 the quality of the human environment.
- 5 (D) Study, develop, and describe appropriate alternatives to
- 6 recommend courses of action in any proposal that involves
- 7 unresolved conflicts concerning alternative uses of
- 8 available resources.
- 9 (E) Recognize the long range character of environmental
- 10 problems and, where consistent with the policy of the state,
- 11 lend appropriate support to initiatives, resolutions, and
- 12 programs designed to maximize state cooperation in
- 13 anticipating and preventing a decline in the quality of the
- 14 environment.
- 15 (F) Make available to counties, municipalities, institutions,
- 16 and individuals advice and information useful in restoring,
- 17 maintaining, and enhancing the quality of the environment.
- 18 (G) Initiate and use ecological information in the planning
- 19 and development of resource oriented projects.

20 SECTION 41. IC 13-12-4-6 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. All state agencies
 22 shall review their:

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

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

29 SECTION 42. IC 13-12-4-8 IS REPEALED [EFFECTIVE JULY
 30 1, 2026]. Sec. 8: This chapter may not be construed to require an
 31 environmental impact statement for the issuance of a license or permit
 32 by any state agency.

33 SECTION 43. IC 13-12-4-10 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. Any state agency
 35 that is required by the federal National Environmental Policy Act (P.L.
 36 91-190) (42 U.S.C. 4321 et seq.) to file a federal environmental impact
 37 statement is not required to file a statement with the state government
 38 as provided under sections 5 and 6 of this chapter unless the action
 39 contemplated requires state legislation or state appropriations: exempt
 40 from the requirements of this chapter with respect to the action
 41 requiring the statement.

42 SECTION 44. IC 13-12-5-1 IS REPEALED [EFFECTIVE JULY

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1 1, 2026]. Sec. 1: The general assembly recognizes that there are two (2)
2 approaches to environmental protection:

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

5 SECTION 45. IC 13-12-5-2 IS REPEALED [EFFECTIVE JULY
6 1, 2026]. Sec. 2: Clean manufacturing consists of economically feasible
7 practices that reduce, avoid, or eliminate the unnecessary use of
8 harmful industrial materials and the generation of industrial wastes,
9 pollutants, emissions, and discharges at the point of production. Clean
10 manufacturing practices are limited to the following:

- 11 (1) Product reformulation.
- 12 (2) Input substitution.
- 13 (3) Equipment redesign.
- 14 (4) Improved operations and procedures.

15 SECTION 46. IC 13-12-5-3 IS REPEALED [EFFECTIVE JULY
16 1, 2026]. Sec. 3: Waste management or pollution control consists of
17 environmental protection practices employed after industrial wastes,
18 pollutants, discharges, and emissions have been generated. Waste
19 management or pollution control practices include the following:

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

30 SECTION 47. IC 13-13-2-2 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner
32 ~~shall~~ **may** appoint individuals to the other positions in the department.

33 SECTION 48. IC 13-13-2-3 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner
35 may establish an ad hoc group to study and make recommendations
36 regarding critical environmental issues. The ad hoc group may include
37 the following:

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

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

2 SECTION 49. IC 13-13-3-1 IS REPEALED [EFFECTIVE JULY
3 1, 2026]. Sec. 1. The department must include the following offices:

4 (1) ~~An office dealing with environmental emergencies.~~

5 (2) ~~An office for communications with the public.~~

6 (3) ~~A hearings office, including the department's hearing
7 officers.~~

8 (4) ~~An office to conduct investigations.~~

9 SECTION 50. IC 13-13-3-2, AS AMENDED BY P.L.114-2008,
10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2026]: Sec. 2. The department ~~must~~ **may** include the
12 following: ~~divisions:~~

13 (1) ~~An air pollution control division.~~ **An office of air quality.**

14 (2) ~~A water pollution control division.~~ **An office of water
15 quality.**

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

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

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

22 SECTION 51. IC 13-13-5-1 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. Except as provided
24 in IC 14-37, the department is designated as the following:

25 (1) The water pollution agency for Indiana for all purposes of the
26 Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in
27 effect January 1, 1988, and the federal Safe Drinking Water Act
28 (42 U.S.C. 300f through 300j) in effect January 1, 1988.

29 (2) The solid waste agency for Indiana for all purposes of the
30 federal Resource Conservation and Recovery Act (42 U.S.C.
31 6901 et seq.) in effect January 1, 1988.

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

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

39 (5) The state agency with responsibility concerning the federal
40 Comprehensive Environmental Response, Compensation, and
41 Liability Act of 1980, as amended by the federal Superfund
42 Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601

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1 through 9675) as in effect on January 1, 1993, and concerning 40
2 CFR 300.505, Subpart F of the National Oil and Hazardous
3 Substances Pollution Contingency Plan.

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

7 SECTION 52. IC 13-13-5-2 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The department
9 may take any action necessary to secure for Indiana the benefits of the
10 statutes described in section 1 of this chapter.

11 (b) **To achieve the goals of cooperative federalism, the**
12 **department shall actively engage with its federal counterparts**
13 **through comments, petitions, letters, advisory committees,**
14 **rulemaking activities, and other means, to ensure federal**
15 **environmental laws and their implementation serve the state of**
16 **Indiana under this title. The department shall prioritize**
17 **opportunities to address federal actions that are unnecessary,**
18 **create barriers to environmentally beneficial projects, or are**
19 **inconsistent with the law or best available science.**

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

24 SECTION 54. IC 13-13-7.1-2, AS AMENDED BY P.L.42-2024,
25 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2026]: Sec. 2. The panel consists of the following members:

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

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

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

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

14 (5) Two (2) members, appointed by the governor, who:
15 (A) are not owners of, or representatives of owners of, a
16 small business stationary source; and
17 (B) will represent the general public.

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

21 ~~(4)~~ (6) The commissioner of the department of environmental
22 management or the commissioner's designee.

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

26 SECTION 55. IC 13-13-7.1-3, AS AMENDED BY P.L.42-2024,
27 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2026]: Sec. 3. (a) ~~The term of a member appointed to the~~
29 ~~panel under section 2(1) or 2(2) of this chapter is two (2) years and~~
30 ~~expires June 30 of each odd-numbered year.~~

31 ~~(b)~~ (a) The term of a member appointed to the panel under section
32 ~~2(3)~~ **section 2(1) through 2(5)** of this chapter is four (4) years. ~~The~~
33 ~~term expires June 30, 2025, and each fourth year thereafter.~~

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

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

- 40 (1) **who is a member of the general assembly; and**
- 41 (2) **whose term has not expired on or before July 1, 2026;**
- 42 **may finish the remainder of the term. The person appointed to fill**

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1 **that position serves for a four (4) year term as described in**
 2 **subsection (a).**

3 SECTION 56. IC 13-13-7.1-5, AS ADDED BY P.L.53-2014,
 4 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2026]: Sec. 5. The individual serving on the
 6 panel under ~~section 2(4)~~ **section 2(6)** of this chapter is a nonvoting
 7 member.

8 SECTION 57. IC 13-13-7.1-6, AS AMENDED BY P.L.1-2025,
 9 SECTION 177, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2026]: Sec. 6. The ~~chairperson of the legislative~~
 11 ~~council~~ **governor** shall appoint the chair of the panel from the
 12 members appointed under ~~section 2(1) or 2(2)~~ **section 2** of this chapter.
 13 The chair of the panel serves at the pleasure of the ~~chairperson of the~~
 14 ~~legislative council~~ **governor**. The panel shall meet at the call of the
 15 chair of the panel.

16 SECTION 58. IC 13-13-7.1-11 IS REPEALED [EFFECTIVE
 17 JULY 1, 2026]. ~~Sec. 11: The panel shall carry out the duties required~~
 18 ~~of a compliance advisory panel under Section 507 of the federal Clean~~
 19 ~~Air Act (42 U.S.C. 7661f).~~

20 SECTION 59. IC 13-13-7.1-12, AS AMENDED BY P.L.42-2024,
 21 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2026]: Sec. 12. The department of
 23 ~~environmental management~~ shall **may** provide administrative and
 24 technical support to the panel, as ~~provided in IC 13-28-3-2~~, including
 25 duties related to the development and dissemination of reports and
 26 advisory opinions.

27 SECTION 60. IC 13-13-7.1-13, AS AMENDED BY P.L.42-2024,
 28 SECTION 103, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2026]: Sec. 13. Except as provided in section
 30 9 of this chapter, the expenses of the panel shall be paid from
 31 appropriations to the department. ~~of environmental management.~~

32 SECTION 61. IC 13-13-7.1-14 IS REPEALED [EFFECTIVE
 33 JULY 1, 2026]. ~~Sec. 14: The panel shall submit an annual report to the~~
 34 ~~legislative council in an electronic format under IC 5-14-6.~~

35 SECTION 62. IC 13-13-8-2, AS ADDED BY P.L.133-2012,
 36 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2026]: Sec. 2. (a) The following entities are abolished on
 38 January 1, 2013:

- 39 (1) The air pollution control board (established by IC 13-17-2
 40 before its repeal).
 41 (2) The water pollution control board (established by IC 13-18-1
 42 before its repeal).

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- 1 (3) The solid waste management board (established by
2 IC 13-19-2 before its repeal).
- 3 (b) All powers, duties, and liabilities are transferred from the
4 entities abolished under subsection (a) to the environmental rules board
5 established by section 3 of this chapter effective January 1, 2013.
- 6 (c) ~~On and after January 1, 2013, a reference to an entity abolished~~
7 ~~under subsection (a) in a statute or rule shall be treated as a reference~~
8 ~~to the environmental rules board.~~
- 9 (d) The rules adopted by the entities abolished under subsection
10 (a) shall be treated, administered, and implemented as follows:
- 11 (1) ~~The rules adopted before January 1, 2013, by the air pollution~~
12 ~~control board abolished under subsection (a)(1):~~
- 13 (A) ~~shall be treated as though the rules were adopted by the~~
14 ~~environmental rules board; and~~
- 15 (B) ~~shall be administered and implemented by the air~~
16 ~~pollution control division of the department described in~~
17 ~~IC 13-13-3-2(1).~~
- 18 (2) ~~The rules adopted before January 1, 2013, by the water~~
19 ~~pollution control board abolished under subsection (a)(2):~~
- 20 (A) ~~shall be treated as though the rules were adopted by the~~
21 ~~environmental rules board; and~~
- 22 (B) ~~shall be administered and implemented by the water~~
23 ~~pollution control division of the department described in~~
24 ~~IC 13-13-3-2(2).~~
- 25 (3) ~~The rules adopted before January 1, 2013, by the solid waste~~
26 ~~management board abolished under subsection (a)(3):~~
- 27 (A) ~~shall be treated as though the rules were adopted by the~~
28 ~~environmental rules board; and~~
- 29 (B) ~~shall be administered and implemented by the solid~~
30 ~~waste management division of the department described in~~
31 ~~IC 13-13-3-2(3).~~
- 32 (e) ~~A member of an entity abolished under subsection (a) may~~
33 ~~serve until December 31, 2012. The initial members of the~~
34 ~~environmental rules board shall be appointed under section 4 of this~~
35 ~~chapter not later than December 31, 2012.~~
- 36 SECTION 63. IC 13-13-8-4, AS AMENDED BY P.L.250-2019,
37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2026]: Sec. 4. (a) The board consists of the following ~~sixteen~~
39 ~~(46) eighteen (18)~~ members:
- 40 (1) The following ex officio members:
- 41 (A) The commissioner, or the commissioner's designee,
42 who serves as a nonvoting member of the board.

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- 1 (B) The director of the department of natural resources or
- 2 **the director's designee.**
- 3 (C) ~~The lieutenant governor.~~ **director of the state**
- 4 **department of agriculture or the director's designee.**
- 5 (D) The secretary of commerce or the secretary's designee.
- 6 **(E) The chairperson appointed under IC 13-13-7.1-6,**
- 7 **who serves as a nonvoting member of the board.**
- 8 **(F) The chairperson selected under IC 13-23-11-5, who**
- 9 **serves as a nonvoting member of the board.**
- 10 (2) The following twelve (12) members, who shall be appointed
- 11 by the governor based on recommendations from representative
- 12 constituencies:
- 13 (A) One (1) representative of agriculture.
- 14 (B) One (1) representative of manufacturing.
- 15 (C) One (1) representative of environmental interests.
- 16 (D) One (1) representative of labor.
- 17 (E) One (1) representative of local government.
- 18 (F) One (1) representative of small business.
- 19 (G) One (1) health professional. ~~who holds a license to~~
- 20 ~~practice in Indiana.~~
- 21 (H) One (1) representative of the solid waste management
- 22 industry.
- 23 (I) One (1) representative of a public utility. ~~that engages in~~
- 24 ~~the production and transmission of electricity.~~
- 25 (J) One (1) representative of the ~~residential or commercial~~
- 26 ~~construction industry.~~
- 27 (K) Two (2) representatives of the general public. ~~who~~
- 28 ~~cannot qualify for membership on the board under clauses~~
- 29 ~~(A) through (J).~~
- 30 (b) An individual appointed under subsection (a)(2) must possess
- 31 knowledge, experience, or education qualifying the individual to
- 32 represent the constituency the individual is being recommended to
- 33 represent.
- 34 **(c) In appointing members under subsection (a)(2), the**
- 35 **governor may consider geographic location, political affiliation,**
- 36 **and other factors to ensure viewpoints are fairly balanced.**
- 37 SECTION 64. IC 13-13-8-5 IS REPEALED [EFFECTIVE JULY
- 38 1, 2026]. Sec. 5: Except as provided in section 4(a)(1)(A) of this
- 39 chapter, an ex officio member of the board may designate in writing a
- 40 technical representative to serve as a voting member of the board when
- 41 the ex-officio member is unable to attend a board meeting.
- 42 SECTION 65. IC 13-13-8-6 IS REPEALED [EFFECTIVE JULY

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1 1, 2026]. Sec. 6. Not more than six (6) of the appointed members of the
2 board may be members of the same political party.

3 SECTION 66. IC 13-13-8-7, AS ADDED BY P.L.133-2012,
4 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 7. (a) An appointed member of the board serves
6 a term of four (4) years. **A member may not serve more than two (2)**
7 **consecutive terms.**

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

10 (c) ~~If a vacancy occurs in the appointed membership of the board;~~
11 ~~the governor shall appoint a member not later than ninety (90) days~~
12 ~~after the vacancy occurs for the remainder of the unexpired term~~
13 ~~created by the vacancy. The board shall suspend the exercise of the~~
14 ~~board's duties if the vacancy has not been filled within ninety (90) days~~
15 ~~after the vacancy occurs. **If a vacancy occurs in the appointed**~~
16 ~~**membership of the board, the governor shall appoint an individual**~~
17 ~~**to fill the unexpired term of the vacating member. A member**~~
18 ~~**appointed to fill a vacancy must meet the same qualifications**~~
19 ~~**specified under section 4 of this chapter for the vacating member.**~~

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

23 SECTION 67. IC 13-13-8-10, AS ADDED BY P.L.133-2012,
24 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2026]: Sec. 10. The governor ~~shall annually select:~~ **may**
26 **designate:**

27 (1) one (1) of the appointed members of the board to serve as
28 chairperson; and

29 (2) another of the appointed members to serve as vice
30 chairperson.

31 SECTION 68. IC 13-13-8-11, AS ADDED BY P.L.133-2012,
32 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2026]: Sec. 11. Each member of the board shall fully disclose
34 any potential conflicts of interest ~~relating to permits or enforcement~~
35 ~~**orders and recuse themselves as appropriate for particular matters**~~
36 ~~**before the board**~~ under the:

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

39 (2) federal Resource Conservation and Recovery Act (42 U.S.C.
40 6901 et seq.);

41 (3) federal Comprehensive Environmental Response,
42 Compensation, and Liability Act of 1980, as amended by the

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1 federal Superfund Amendments and Reauthorization Act of
 2 1986 (42 U.S.C. 9601 through 9675);
 3 (4) federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
 4 and
 5 (5) federal Safe Drinking Water Act (42 U.S.C. 300f through
 6 300j).

7 SECTION 69. IC 13-13-8-13, AS ADDED BY P.L.133-2012,
 8 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 13. (a) The board may select, from a list of three
 10 (3) qualified individuals recommended by the governor, an
 11 independent third party who is not an employee of the state to serve as
 12 legal counsel.

13 (b) The legal counsel shall do the following:
 14 (1) Advise the board on legal matters or proceedings arising
 15 from the exercise of the board's duties;
 16 (2) Review all materials prepared for the board by the
 17 department for legal accuracy and sufficiency and direct the
 18 department to make any necessary revisions.

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

22 SECTION 70. IC 13-13-8-14, AS ADDED BY P.L.133-2012,
 23 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2026]: Sec. 14. The board may establish advisory committees
 25 for the purpose of giving advice on any matters pertaining to the
 26 business of the board. **Board members may also be members of an**
 27 **advisory committee.** A member appointed to an advisory committee,
 28 **who is not a member of the board,** shall serve at the pleasure of the
 29 board and is not entitled to a salary, per diem, or reimbursement of
 30 expenses.

31 SECTION 71. IC 13-14-1-5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The department shall
 33 develop and implement a ~~program of public awareness and~~
 34 ~~participation to assure maximum programs to maximize public~~
 35 **awareness, participation, and** citizen involvement in the evolution
 36 and continuation of the environmental programs of the state.

37 SECTION 72. IC 13-14-1-7, AS AMENDED BY P.L.133-2012,
 38 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2026]: Sec. 7. The commissioner shall prepare the proposed
 40 budget of the department and, **if necessary,** the board.

41 SECTION 73. IC 13-14-1-9, AS AMENDED BY P.L.133-2012,
 42 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 9. (a) The commissioner ~~shall~~ **may** issue permits,
2 licenses, orders, and variances as authorized by:

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

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

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

14 SECTION 74. IC 13-14-1-10 IS REPEALED [EFFECTIVE JULY
15 1, 2026]. Sec. 10: The department shall encourage and assist units of
16 local government in developing programs and facilities for the
17 following:

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

22 SECTION 75. IC 13-14-1-11.5, AS AMENDED BY THE
23 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
24 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2026]: Sec. 11.5. (a) If the department proposes to utilize a
26 policy or statement that:

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

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

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

- 38 (1) the proposed policy or statement;
- 39 (2) information on the availability for public inspection of all
40 materials relied upon by the department in the development of
41 the proposed policy or statement, including, if applicable:
42 (A) health criteria;

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- 1 (B) analytical methods;
 2 (C) treatment technology;
 3 (D) economic impact data;
 4 (E) environmental assessment data; and
 5 (F) other background data;
- 6 (3) the date, time, and location of the presentation under this
 7 subsection to the appropriate board; and
 8 (4) information regarding the opportunity for a person to
 9 comment to the department and the appropriate board on the
 10 proposed policy or statement before or at the time of the
 11 presentation under this subsection.
- 12 The department shall provide to the appropriate board at the time of the
 13 presentation under this subsection a copy of all comments made by a
 14 person under subdivision (4). The proposed policy or statement may
 15 not be put into effect until thirty (30) days after the policy or statement
 16 is presented to the appropriate board.
- 17 (c) If the department utilizes a policy or statement described in
 18 subsection (a), the department shall distribute:
- 19 (1) two (2) copies of the policy or statement to the publisher of
 20 the Indiana Register for publication in the Indiana Register; and
 21 (2) the copies required under IC 4-23-7.1-26 to the Indiana
 22 library and historical department.
- 23 (d) The department shall:
- 24 (1) maintain a current list of all department policies and
 25 statements described in subsection (a) that the department may
 26 use in the department's external affairs; and
 27 (2) update the list at least one (1) time each month.
- 28 (e) The department shall include the following information on the
 29 list described in subsection (d) for each policy or statement:
- 30 (1) The title of the policy or statement.
 31 (2) The identification number of the policy or statement.
 32 (3) The date the policy or statement was originally adopted.
 33 (4) The date the policy or statement was last revised.
 34 (5) A reference to all other policies or statements described in
 35 subsection (a) that are repealed or amended by the policy or
 36 statement.
 37 (6) A brief description of the subject matter of the policy or
 38 statement.
- 39 (f) At least one (1) time every three (3) months, the department
 40 shall distribute two (2) copies of the list maintained and updated under
 41 subsection (d) to the following:
 42 (1) The publisher of the Indiana Register.

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1 (2) The Indiana library and historical department.

2 **(g) A policy or statement put into effect by this section after**
 3 **July 1, 2026, expires January 1 of the fifth year after the year in**
 4 **which the policy or statement takes effect, unless the policy or**
 5 **statement expires or is repealed on an earlier date or is**
 6 **reauthorized under this section.**

7 SECTION 76. IC 13-14-1-11.7, AS ADDED BY P.L.218-2016,
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 11.7. (a) ~~Before July 1 of each year,~~ The
 10 department shall ~~report:~~ **make available in an electronic format:**

11 (1) any administrative rule that has been:

12 (A) proposed by the department; or

13 (B) adopted by the board; **and**

14 ~~(2) any operating policy or procedure that has been instituted or~~
 15 ~~altered by the department; and~~

16 ~~(3) (2) any nonrule policy or statement that has been proposed or~~
 17 ~~put into effect under section 11.5 of this chapter;~~

18 ~~since the preceding July 1 that constitutes a change in the policy~~
 19 ~~previously followed by the department under this title and the rules~~
 20 ~~adopted by the board.~~

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

27 SECTION 77. IC 13-14-1-13 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) The
 29 commissioner shall establish and administer monitoring and reporting
 30 requirements as necessary to carry out the duties and to exercise the
 31 powers provided in the following:

32 (1) Air pollution control laws.

33 (2) Water pollution control laws.

34 (3) Environmental management laws.

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

38 SECTION 78. IC 13-14-1-14 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. The department
 40 shall ~~may~~ do the following:

41 (1) Develop and maintain an information clearinghouse on the
 42 following subjects:



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- 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 79. IC 13-14-1-17 IS REPEALED [EFFECTIVE JULY
- 25 1, 2026]. Sec. 17. (a) Before November 1 of each year, the department
- 26 shall submit an annual report to the governor and to the legislative
- 27 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

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- 1 of permit applications in each department permit program
- 2 during the preceding twelve (12) month period.
- 3 (B) The amount of:
 - 4 (i) permit fees collected; and
 - 5 (ii) expenditures made from fee revenue;
 - 6 during the preceding twelve (12) month period.
- 7 (C) A discussion of possible increases or decreases in the
- 8 operating costs of each department permit and inspection
- 9 program.
- 10 (D) A discussion of the measures that have been taken by
- 11 the department to improve the operating efficiency of the
- 12 permit and inspection programs.
- 13 (E) The number of notices issued by the department under
- 14 IC 13-15-4-10.
- 15 (F) A discussion of the department's operational goals for
- 16 the next twelve (12) months.
- 17 (G) A permit status report that includes the following
- 18 information:
 - 19 (i) The facility name and type of each permit
 - 20 application pending on January 1 of the previous year
 - 21 and the date each application was filed with the
 - 22 department.
 - 23 (ii) The action taken on each application by December
 - 24 31 of the previous year.
 - 25 (iii) The facility name and type of each permit
 - 26 application pending on December 31 of the previous
 - 27 year and the date each was filed with the department.
- 28 (4) Information concerning permits that have been
- 29 administratively extended that includes for each permit:
 - 30 (A) the number of months that the permit has been
 - 31 administratively extended;
 - 32 (B) the number of months that the department has extended
 - 33 a period under IC 13-15-4-8 or suspended processing of a
 - 34 permit application under IC 13-15-4-10;
 - 35 (C) the type of permit according to the types identified in
 - 36 IC 13-18-20-2 through IC 13-18-20-11; and
 - 37 (D) the dates when public notice of a draft permit was
 - 38 given.
- 39 (5) Information concerning the progress of remedial actions
- 40 commenced under IC 13-25-4.
- 41 (6) Information concerning the pollution prevention information
- 42 gathered under IC 13-27-6; including the following:

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- 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

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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 80. IC 13-14-2-1, AS AMENDED BY P.L.263-2013,
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 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, including those related to enforcement.**
42 (3) **Notices provided under IC 13-17-6-10 and IC 13-25.**

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- 1 **(4) Decisions made under IC 13-14-8-11 and IC 13-25-5-6.**
- 2 **(5) Emergency orders.**
- 3 **(6) Approval, denial, revocations, modification, or renewal**
- 4 **of permits.**
- 5 **(7) Denial of a claim under the petroleum storage tank excess**
- 6 **liability trust fund established by IC 13-23-7-1.**
- 7 **(h) The department shall include in written communications**
- 8 **as appropriate information regarding the process by which an**
- 9 **agency action described in subsection (g) is reviewed.**

10 SECTION 81. IC 13-14-2-9, AS ADDED BY P.L.220-2014,
 11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2026]: Sec. 9. (a) This section applies to a restrictive covenant
 13 created in connection with a remediation project conducted under:

- 14 (1) IC 13-23;
- 15 (2) IC 13-24;
- 16 (3) IC 13-25-4; or
- 17 (4) IC 13-25-5.

- 18 (b) If:
- 19 (1) a change of conditions or an advancement in science or
- 20 technology permits a modification of the conditions and
- 21 restrictions imposed by a restrictive covenant; and
- 22 (2) the modification of the conditions and restrictions imposed
- 23 by the restrictive covenant would not increase the potential
- 24 hazards to human health or the environment;

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

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

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

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

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

5 SECTION 82. IC 13-14-3-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall
 7 encourage and advise local governmental units referred to in
 8 IC 13-11-2-158 in developing facilities or establishing standards for the
 9 following:

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

14 SECTION 83. IC 13-14-4 IS REPEALED [EFFECTIVE JULY 1,
 15 2026]. (Notice to Department of Plans and Programs Affecting the
 16 Environment).

17 SECTION 84. IC 13-14-5-2 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) ~~Except as~~
 19 ~~provided in section 3 of this chapter~~; The designated agent of the
 20 department conducting the inspection must provide the property owner
 21 **or representative of the property owner** with the following:

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

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

36 SECTION 85. IC 13-14-5-3 IS REPEALED [EFFECTIVE JULY
 37 1, 2026]. Sec. 3: ~~If the designated agent of the department completes~~
 38 ~~the inspection at a time when the property owner is not available to~~
 39 ~~receive an oral report under section 2 of this chapter~~; ~~the designated~~
 40 ~~agent shall send a written summary of the inspection in accordance~~
 41 ~~with IC 13-14-2-1 to the property owner not later than forty-five (45)~~
 42 ~~calendar days following the inspection.~~

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1 SECTION 86. IC 13-14-5-5 IS REPEALED [EFFECTIVE JULY
2 1, 2026]. ~~Sec. 5. The board shall adopt rules under IC 4-22-2 and~~
3 ~~IC 13-14-9 to administer this chapter and IC 13-30-7.~~

4 SECTION 87. IC 13-14-5-6 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The property
6 owner may provide information in response to any of the following:

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

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

16 SECTION 88. IC 13-14-8-1, AS AMENDED BY P.L.93-2024,
17 SECTION 115, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board may:

- 19 (1) adopt;
20 (2) repeal;
21 (3) rescind; or
22 (4) amend;

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

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

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

31 SECTION 89. IC 13-14-8-3 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A rule or standard
33 adopted by a board may:

- 34 (1) make different provisions as required by varying
35 circumstances and conditions for different contaminant sources
36 and for different geographical areas;
37 (2) ~~be made applicable to sources outside Indiana that~~
38 **appropriately consider:**
39 (A) ~~are causing;~~ **background;**
40 (B) ~~are contributing to;~~ **interstate;** or
41 (C) ~~could cause or contribute to;~~ **international sources of;**
42 ~~environmental pollution; in Indiana; and~~

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- 1 (3) make provision for abatement standards and procedures:
- 2 (A) concerning occurrences, emergencies, or pollution; or
- 3 (B) on other short term conditions constituting an acute
- 4 danger to health or to the environment.

5 SECTION 90. IC 13-14-8-4 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. In adopting rules and
 7 establishing standards, ~~a~~ **the board shall take into account may**
 8 **consider** the following:

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

25 SECTION 91. IC 13-14-8-5, AS AMENDED BY P.L.133-2012,
 26 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2026]: Sec. 5. (a) Any person may present written proposals
 28 for the adoption, amendment, or repeal of a rule by the board. A
 29 proposal presented under this section must be:

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

41 the board ~~shall~~ **may** give notice and hold a hearing on the proposal.
 42 SECTION 92. IC 13-14-8-6 IS AMENDED TO READ AS

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

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

11 (c) A person who:

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

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

16 SECTION 93. IC 13-14-8-7, AS AMENDED BY P.L.250-2019,
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2026]: Sec. 7. (a) ~~Without limiting the generality of the~~
 19 ~~regulatory authority of the board under this title,~~ The board may adopt
 20 rules under IC 4-22-2 and IC 13-14-9 prescribing the following:

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

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

25 (A) the discharge of any contaminants;

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

27 (i) facility;

28 (ii) equipment; or

29 (iii) device;

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

31 (C) the operation of any:

32 (i) facility;

33 (ii) equipment; or

34 (iii) device;

35 to control or to prevent pollution.

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

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

39 (A) water wells;

40 (B) water holes; and

41 (C) drainage holes;

42 to protect ground water against contamination.

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- 1 (5) Alert criteria and abatement standards for pollution episodes
- 2 or emergencies constituting an acute danger to health or to the
- 3 environment, including priority lists for terminating activities
- 4 that contribute to the hazard, whether or not the activities would
- 5 meet all discharge requirements of the board under normal
- 6 conditions.
- 7 (6) Requirements and procedures for the inspection of any
- 8 equipment, facility, vehicle, vessel, or aircraft that may cause or
- 9 contribute to pollution.
- 10 (7) Requirements and standards for equipment and procedures
- 11 for:
- 12 (A) monitoring contaminant discharges at their sources;
- 13 (B) the collection of samples; and
- 14 (C) the collection, reporting, and retention, in accordance
- 15 with record retention schedules adopted under IC 5-15-5.1,
- 16 of data resulting from that monitoring.
- 17 (8) Standards or requirements to control:
- 18 (A) the discharge; or
- 19 (B) the pretreatment;
- 20 of contaminants introduced or discharged into publicly owned
- 21 treatment works.
- 22 (9) Fees, in accordance with IC 13-16-1.
- 23 **(10) Any other matter authorized by this title.**
- 24 (b) If the board is required to adopt new rules or amend existing
- 25 rules to implement an amendment to the federal Resource Conservation
- 26 and Recovery Act or an amendment to or addition of a National
- 27 Emission Standard for Hazardous Air Pollutants under the federal
- 28 Clean Air Act, the board shall adopt the new rules or amend the
- 29 existing rules not more than nine (9) months after the date the federal
- 30 law becomes effective. This subsection does not limit the board's
- 31 authority to amend at any time the rules adopted under this subsection.
- 32 SECTION 94. IC 13-14-8-10 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. ~~A~~ **The** board may
- 34 adopt rules under IC 4-22-2 to specify the following with respect to any
- 35 of the board's rules:
- 36 (1) Criteria to define what constitutes an undue hardship or
- 37 burden, as used in section 8 of this chapter, for the purposes of
- 38 that rule.
- 39 (2) Procedures for making determinations on applications for
- 40 variances from that rule.
- 41 SECTION 95. IC 13-14-8-11, AS AMENDED BY P.L.128-2024,
- 42 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 11. (a) A person affected by a decision of the
2 commissioner under sections 8 and 9 of this chapter may, within fifteen
3 (15) days after receipt of notice of the decision, appeal the decision to
4 the office of administrative law proceedings. ~~All proceedings under this~~
5 ~~section to appeal the commissioner's decision are governed by~~
6 ~~IC 4-21.5.~~

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

9 SECTION 96. IC 13-14-8-11.5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.5. (a) The
11 department shall prepare and publish in the Indiana Register guidance
12 on the application process and criteria for obtaining a site-specific
13 limitation for a National Pollutant Discharge Elimination System
14 (NPDES) permit. Criteria to be considered must include wet weather
15 events, water effects ratio, and other site-specific considerations as
16 determined by the department. Water effects ratio shall be the ratio of
17 the aquatic toxicity of a parameter in the water of the receiving stream
18 compared to the aquatic toxicity of the parameter in the laboratory
19 water used to determine the standard.

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

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

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

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

38 SECTION 97. IC 13-14-8-11.6, AS AMENDED BY
39 P.L.113-2014, SECTION 63, IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.6. (a) A discharger
41 is not required to obtain a state permit for the modification or
42 construction of a water pollution treatment or control facility if the

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1 discharger has an effective:
 2 (1) National Pollutant Discharge Elimination System (NPDES)
 3 industrial permit for direct discharges to surface water; or
 4 (2) industrial waste pretreatment permit not issued by the
 5 department for discharges to a publicly owned treatment works.
 6 (b) If a modification is for the treatment or control of any new
 7 influent pollutant or increased levels of any existing pollutant, within
 8 thirty (30) days after commencement of operation, the discharger shall
 9 file with the department a notice of installation for the additional
 10 pollutant control equipment and a design summary of any
 11 modifications.

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

15 SECTION 98. IC 13-14-9-0.1 IS REPEALED [EFFECTIVE JULY
 16 1, 2026]. ~~Sec. 0.1. The amendments made to sections 3 and 4 of this~~
 17 ~~chapter by P.L.100-2006 apply only to proposed rules for which the~~
 18 ~~department of environmental management provides notice under~~
 19 ~~section 3 of this chapter, as amended by P.L.100-2006, after June 30,~~
 20 ~~2006.~~

21 SECTION 99. IC 13-14-9-3, AS AMENDED BY P.L.249-2023,
 22 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2026]: Sec. 3. Before publication of the notice described in
 24 IC 4-22-2-23, the department may provide notice in the Indiana
 25 Register of a public comment period regarding potential rulemaking.
 26 A notice provided under this section must do the following:

- 27 (1) Identify the authority under which the proposed rule is to be
- 28 adopted.
- 29 (2) Describe the subject matter and the basic purpose of the
- 30 proposed rule. The description required by this subdivision must:
 - 31 (A) list all alternatives being considered by the department
 - 32 at the time of the notice;
 - 33 (B) state whether each alternative listed under clause (A)
 - 34 creates:
 - 35 (i) a restriction or requirement more stringent **or**
 - 36 **burdensome** than a restriction or requirement imposed
 - 37 under federal law; or
 - 38 (ii) a restriction or requirement in a subject area in
 - 39 which federal law does not impose restrictions or
 - 40 requirements;
 - 41 (C) state the extent to which each alternative listed under
 - 42 clause (A) differs from federal law;

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- 1 (D) include any information known to the department about
- 2 the potential fiscal impact of each alternative under clause
- 3 (A) that creates:
- 4 (i) a restriction or requirement more stringent **or**
- 5 **burdensome** than a restriction or requirement imposed
- 6 under federal law; or
- 7 (ii) a restriction or requirement in a subject area in
- 8 which federal law does not impose restrictions or
- 9 requirements; and
- 10 (E) set forth the basis for each alternative listed under
- 11 clause (A).
- 12 (3) Describe the relevant statutory or regulatory requirements or
- 13 restrictions relating to the subject matter of the proposed rule
- 14 that exist before the adoption of the proposed rule.
- 15 (4) Request the submission of alternative ways to achieve the
- 16 purpose of the proposed rule.
- 17 (5) Request the submission of comments, including suggestions
- 18 of specific language for the proposed rule.
- 19 (6) Include a detailed statement of the issue to be addressed by
- 20 adoption of the proposed rule.
- 21 SECTION 100. IC 13-14-9-4, AS AMENDED BY P.L.93-2024,
- 22 SECTION 116, IS AMENDED TO READ AS FOLLOWS
- 23 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) In addition to the
- 24 requirements of IC 4-22-2-23 and (if applicable) IC 4-22-2-24, the
- 25 notice of public comment period submitted by the department to the
- 26 publisher must do the following:
- 27 (1) Contain a summary of the response of the department to
- 28 written comments submitted under section 3 of this chapter, if
- 29 applicable.
- 30 (2) Request the submission of comments, including suggestions
- 31 of specific amendments to the language contained in the
- 32 proposed rule.
- 33 (3) Identify each element of the proposed rule that imposes a
- 34 restriction or requirement on persons to whom the proposed rule
- 35 applies that:
- 36 (A) is more stringent **or burdensome** than a restriction or
- 37 requirement imposed under federal law; or
- 38 (B) applies in a subject area in which federal law does not
- 39 impose a restriction or requirement.
- 40 (4) With respect to each element identified under subdivision
- 41 (3), identify:
- 42 (A) the environmental circumstance or hazard that dictates

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

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1 SECTION 101. IC 13-14-10-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) Upon receipt of
 3 evidence that a pollution source or combination of sources, including
 4 an industrial user of a publicly owned treatment plant, is presenting an
 5 imminent and substantial endangerment to:

- 6 (1) the health of persons; or
 7 (2) the welfare of persons whose livelihood is endangered;

8 the commissioner ~~shall~~ **may** bring suit under subsection (b).

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

- 12 (1) immediately restrain any person causing or contributing to
 13 the alleged pollution to stop the discharge or introduction of
 14 contaminants causing or contributing to the pollution; or
 15 (2) take other necessary action.

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

- 18 (1) in addition to the authority contained in section 1 of this
 19 chapter; and
 20 (2) notwithstanding any other provision of this title.

21 SECTION 102. IC 13-14-11-5, AS AMENDED BY P.L.133-2012,
 22 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2026]: Sec. 5. The ~~board shall adopt rules requiring the~~
 24 ~~execution of a confidentiality agreement~~ **department may execute**
 25 **confidentiality agreements** with persons employed, contracted, or
 26 subcontracted by the department that is enforceable by:

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

29 SECTION 103. IC 13-14-12-4, AS AMENDED BY P.L.9-2024,
 30 SECTION 341, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) **Upon request by:**

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

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

39 (b) The report must:

- 40 (1) include the beginning and ending balance, disbursements,
 41 and receipts, including accrued interest or other investment
 42 earnings of the fund;

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- 1 (2) comply with accounting standards under IC 4-13-2-7(a)(1);
- 2 and
- 3 (3) be available to the public.
- 4 (c) ~~The state comptroller shall forward copies of the report to the~~
- 5 ~~following:~~
- 6 (1) ~~The commissioner.~~
- 7 (2) ~~The standing committees of the house of representatives and~~
- 8 ~~the senate concerned with the environment.~~
- 9 (3) ~~The board.~~

10 SECTION 104. IC 13-15-1-1, AS AMENDED BY P.L.133-2012,
 11 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2026]: Sec. 1. The board shall establish requirements for the
 13 issuance of permits to control air pollution, ~~noise, and atomic radiation,~~
 14 including the following:

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

23 SECTION 105. IC 13-15-1-2, AS AMENDED BY P.L.133-2012,
 24 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2026]: Sec. 2. The board shall establish requirements for the
 26 issuance of permits to control water pollution, ~~and atomic radiation,~~
 27 including the following:

- 28 (1) Permits to control or limit the discharge of any contaminants
- 29 into state waters or into a publicly owned treatment works.
- 30 (2) Permits for the construction, installation, or modification of
- 31 facilities, equipment, or devices to control or limit any discharge,
- 32 emission, or disposal of contaminants into the waters of Indiana
- 33 or into a publicly owned treatment works.
- 34 (3) Permits for the operation of facilities, equipment, or devices
- 35 to control or limit the discharge, emission, or disposal of any
- 36 contaminants into the waters of Indiana or into a publicly owned
- 37 treatment works.

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

42 SECTION 106. IC 13-15-1-3, AS AMENDED BY P.L.100-2021,

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1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2026]: Sec. 3. The board shall establish requirements for the
3 issuance of permits to control solid waste **and** hazardous waste, ~~and~~
4 ~~atomic radiation~~, including the following:

5 (1) Permits to control or limit the disposal of any contaminants
6 onto or into the land.

7 (2) Permits for the construction, installation, or modification of
8 facilities, equipment, or devices:

9 (A) to control or limit any discharge, emission, or disposal
10 of contaminants into the land; or

11 (B) for the storage, treatment, processing, transferring, or
12 disposal of solid waste or hazardous waste.

13 (3) Permits for the operation of facilities, equipment, or devices:

14 (A) to control or limit the discharge, emission, transfer, or
15 disposal of any contaminants into the land; or

16 (B) for the storage, transportation, treatment, processing,
17 transferring, or disposal of solid waste or hazardous waste.

18 (4) Permits for the disposal of coal combustion residuals in
19 landfills and surface impoundments.

20 SECTION 107. IC 13-15-1-3.2, AS ADDED BY P.L.120-2022,
21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2026]: Sec. 3.2. (a) A transfer station or any facility that holds
23 a valid permit or authorization to haul, treat, store, dispose of, or ship
24 hazardous waste may haul, transfer, consolidate, process, ship, or
25 otherwise manage solid waste without also holding a permit to haul,
26 transfer, process, or ship solid waste.

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

32 (c) Solid waste that is managed:

33 (1) at a transfer station; or

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

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

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

39 (1) at a transfer station; or

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

42 comes into direct contact with a hazardous waste, the solid waste

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1 becomes subject to 40 CFR 261.3(a)(2)(iv) and shall then be managed
2 as a hazardous waste.

3 ~~(e) The board shall amend 329 IAC 11 to conform to this section.~~
4 SECTION 108. IC 13-15-2-1, AS AMENDED BY P.L.133-2012,
5 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2026]: Sec. 1. (a) The board shall ~~may~~ adopt rules under
7 IC 4-22-2 and IC 13-14-9 to establish requirements and procedures for
8 the issuance of permits.

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

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

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

16 SECTION 109. IC 13-15-2-2, AS AMENDED BY P.L.133-2012,
17 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2026]: Sec. 2. (a) The board may adopt rules under IC 4-22-2
19 and IC 13-14-9 to allow the department to issue permits that do the
20 following:

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

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

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

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

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

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

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

41 (1) Authorization of emission trading.

42 (2) Consolidated reporting mechanisms.

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- 1 (3) Third party certifications.
- 2 (4) Multimedia regulation.
- 3 (5) Other conditions consistent with subsection (a).
- 4 (c) The rules adopted under this section must provide that a permit
- 5 issued under the rules adopted under this section meets the following
- 6 criteria:
- 7 (1) Activities conducted under the permit must result in greater
- 8 overall environmental protection than would otherwise be
- 9 achieved under applicable law.
- 10 (2) Upon issuance of a permit, all limits, conditions, and
- 11 standards contained in the permit are enforceable under
- 12 IC 13-30-3.
- 13 (3) The permit applicant must give notice in accordance with
- 14 IC 13-15-8, and the commissioner ~~shall~~ **may** give notice to the
- 15 public and provide an opportunity to comment on the proposed
- 16 permit in accordance with IC 13-15-5.
- 17 (d) ~~The rules adopted under this section must allow~~ The
- 18 department **shall strive** to give priority to applications involving
- 19 permits that are issued as described in this section based on:
- 20 (1) the degree of environmental benefit that may be obtained
- 21 under the permit;
- 22 (2) the potential application of any innovative control
- 23 technologies or regulatory procedures that may be made
- 24 available to other permit applicants and permit holders; and
- 25 (3) other criteria that the board may establish.
- 26 (e) The rules adopted under this section must be consistent with
- 27 federal law for federally authorized or delegated permit programs.
- 28 SECTION 110. IC 13-15-3-2 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A permit issued
- 30 under:
- 31 (1) this article; ~~(except IC 13-15-9);~~
- 32 (2) IC 13-17-11;
- 33 (3) IC 13-18-18; or
- 34 (4) IC 13-20-1;
- 35 may be issued for any period determined by the department to be
- 36 appropriate but not to exceed five (5) years.
- 37 (b) Except as provided in federal law, a valid permit that has been
- 38 issued under this chapter that concerns an activity of a continuing
- 39 nature may be renewed for a period of not more than ten (10) years as
- 40 determined by the department. The board shall adopt rules
- 41 implementing this subsection.
- 42 (c) The commissioner may delegate authority to issue or deny

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1 permits to a designated staff member.

2 SECTION 111. IC 13-15-3-3 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A public hearing

4 shall be held on the question of:

5 (1) the issuance of an original or renewal permit for a hazardous

6 waste disposal facility under IC 13-22-3; or

7 (2) the issuance of an original permit for a solid waste disposal

8 facility or a solid waste incinerator regulated under IC 13-20-8;

9 as provided in subsection (b).

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

11 (1) the request of the applicant;

12 (2) the filing of a petition requesting a public hearing that is

13 signed by one hundred (100) adult individuals who:

14 (A) reside in the county where the proposed or existing

15 facility is or is to be located; or

16 (B) own real property within one (1) mile of the site of the

17 proposed or existing facility; or

18 (3) the ~~motion~~ **determination** of the commissioner.

19 (c) The public hearing authorized by this section does not

20 constitute an agency action under IC 4-21.5.

21 SECTION 112. IC 13-15-3-4 IS AMENDED TO READ AS

22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. If the petition under

23 section 3(b)(2) of this chapter requests that the public hearing be

24 conducted at a location within a county affected by a proposed permit,

25 the department shall **attempt to** conduct the public hearing at that

26 location.

27 SECTION 113. IC 13-15-4-1, AS AMENDED BY P.L.113-2014,

28 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

29 JULY 1, 2026]: Sec. 1. (a) Except as provided in sections 2, 3, and 6

30 of this chapter, the commissioner shall approve or deny an application

31 filed with the department after July 1, 1995, within the following

32 number of days:

33 (1) Three hundred sixty-five (365) days for an application

34 concerning the following **waste permits**:

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

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

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

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

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

40 (F) A new Part B permit issued under 40 CFR 270 et seq.

41 for an existing hazardous waste treatment or storage facility.

42 (G) A Class 3 modification under 40 CFR 270.42 to a

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- 1 hazardous waste landfill.
- 2 (H) A new solid waste processing facility other than a
- 3 transfer station.
- 4 (2) Except as provided in IC 13-18-3-2.1, two hundred seventy
- 5 (270) days for an application concerning the following:
- 6 (A) A Class 3 modification under 40 CFR 270.42 of a
- 7 hazardous waste treatment or storage facility.
- 8 (B) A major new National Pollutant Discharge Elimination
- 9 System permit.
- 10 (C) A major modification to a solid waste processing
- 11 facility other than a transfer station.
- 12 (3) Except as provided in IC 13-18-3-2.1, one hundred eighty
- 13 (180) days for an application concerning the following:
- 14 (A) A new transfer station or a major modification to a
- 15 transfer station.
- 16 (B) A minor new National Pollutant Discharge Elimination
- 17 System individual permit.
- 18 (C) A permit concerning the land application of a material.
- 19 (D) A permit for marketing and distribution of a biosolid or
- 20 an industrial waste product.
- 21 (4) Except as provided in IC 13-18-3-2.1, one hundred fifty
- 22 (150) days for an application concerning a minor new National
- 23 Pollutant Discharge Elimination System general permit.
- 24 (5) One hundred twenty (120) days for an application concerning
- 25 a Class 2 modification under 40 CFR 270.42 to a hazardous
- 26 waste facility.
- 27 (6) ~~Ninety (90)~~ **One hundred twenty (120)** days for an
- 28 application concerning the following:
- 29 (A) A minor modification to a **waste** permit for the
- 30 following:
- 31 (i) A solid waste landfill.
- 32 (ii) A solid waste processing facility.
- 33 (iii) An incinerator.
- 34 (B) A wastewater facility or water facility construction
- 35 permit.
- 36 (7) The amount of time provided for in rules adopted by the
- 37 board for an application ~~concerning the following:~~
- 38 (A) ~~An air pollution construction permit that is subject to~~
- 39 ~~326 IAC 2-2 and 326 IAC 2-3.~~
- 40 (B) ~~An air pollution facility construction permit (other than~~
- 41 ~~as defined in 326 IAC 2-2).~~
- 42 (C) ~~Registration of an air pollution facility. for an air~~

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1 **pollution permit.**
2 (8) Sixty (60) days for an application concerning the following:
3 (A) A Class 1 modification under 40 CFR 270.42 requiring
4 prior written approval, to a hazardous waste:
5 (i) landfill;
6 (ii) incinerator;
7 (iii) treatment facility; or
8 (iv) storage facility.
9 (B) Any other permit not specifically described in this
10 section for which the application fee exceeds forty-nine
11 dollars (\$49) and for which a time frame has not been
12 established under section 3 of this chapter.
13 (b) When a person holding a valid permit concerning an activity
14 of a continuing nature has made a timely and sufficient application for
15 a renewal permit, ~~under the rules of one (1) of the boards;~~ the
16 commissioner shall approve or deny the application on or before the
17 expiration date stated in the permit for which renewal is sought.
18 SECTION 114. IC 13-15-4-2, AS AMENDED BY P.L.1-2007,
19 SECTION 127, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section does not apply
21 to permit applications described in section 1(a)(1) or 1(a)(2) of this
22 chapter.
23 (b) **Unless otherwise specified in applicable rules or laws,** if the
24 department determines that a public hearing should be held under:
25 (1) IC 13-15-3-3; or
26 (2) any other applicable rule or law;
27 the commissioner has thirty (30) days in addition to the number of days
28 provided for in section 1 of this chapter in which to approve or deny the
29 application.
30 SECTION 115. IC 13-15-4-3, AS AMENDED BY P.L.93-2024,
31 SECTION 117, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~A~~ **The** board may adopt a rule
33 under IC 4-22-2 that changes a period described under section 1 of this
34 chapter within which the commissioner must approve or deny an
35 application:
36 (1) if:
37 (A) the general assembly enacts a statute;
38 (B) ~~a~~ **the** board adopts a rule; or
39 (C) the federal government enacts a statute or adopts a
40 regulation;
41 that imposes a new requirement concerning a class of
42 applications that makes it infeasible for the commissioner to

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1 approve or deny the application within the period;
 2 (2) if:
 3 (A) the general assembly enacts a statute;
 4 (B) ~~a~~ **the** board adopts a rule; or
 5 (C) the federal government enacts a statute or adopts a
 6 regulation;
 7 that establishes a new permit program for which a period is not
 8 described under section 1 of this chapter; or
 9 (3) if some other significant factor concerning a class of
 10 applications makes it infeasible for the commissioner to approve
 11 or deny the application within the period.
 12 (b) If ~~a~~ **the** board adopts a rule described in subsection (a) as a
 13 provisional rule under IC 4-22-2-37.1 or as an interim rule under
 14 IC 4-22-2-37.2, the board shall
 15 ~~(1) include the variance procedures in the rule. and~~
 16 ~~(2) review the permits or licenses granted during the period the~~
 17 ~~rule is in effect after the rule expires.~~
 18 If ~~a~~ **the** board adopts a provisional rule or an interim rule under this
 19 subsection, the period described in section 1 of this chapter is
 20 suspended during the rulemaking process.
 21 SECTION 116. IC 13-15-4-4 IS REPEALED [EFFECTIVE JULY
 22 1, 2026]. ~~Sec. 4: An application for a permit renewal that includes a~~
 23 ~~modification shall be reviewed within the period applicable to the~~
 24 ~~modification.~~
 25 SECTION 117. IC 13-15-4-5 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Sections 1 through
 27 ~~4 3~~ and ~~section~~ 6 of this chapter do not alter the procedures and time
 28 frames set forth in the hazardous waste permit modification rules
 29 adopted by the department, except to the extent that sections 1 through
 30 ~~4 3~~ and 6 of this chapter establish specific calendar day time frames
 31 where no time frame exists under the rules.
 32 SECTION 118. IC 13-15-4-6, AS AMENDED BY P.L.133-2012,
 33 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Notwithstanding the periods
 35 specified in sections 1 through ~~4 3~~ of this chapter and this section, a
 36 person proposing to construct, modify, or operate any equipment,
 37 facility, or pollution control device that is demonstrated to achieve
 38 pollution control or pollution prevention in excess of applicable
 39 federal, state, or local requirements may apply to the commissioner for
 40 an interim permit to construct, modify, or operate the equipment,
 41 facility, or pollution control device.
 42 (b) The commissioner shall approve or deny the interim permit not

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1 later than sixty (60) days after receipt of the application for an interim
 2 permit, unless the applicant and the commissioner agree that a longer
 3 review period is necessary.

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

- 5 (1) the permit requirements provided under this title; and
 6 (2) rules adopted under this title;

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

9 SECTION 119. IC 13-15-4-10, AS AMENDED BY P.L.27-2024,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2026]: Sec. 10. The commissioner may suspend the
 12 processing of an application, and the period described under sections
 13 1 through 6 of this chapter is suspended, if one (1) of the following
 14 occurs:

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

- 18 (A) do not contain adequate information for the department
 19 to process the application; or
 20 (B) are not consistent with applicable law.

21 The period described under sections 1 through 6 of this chapter
 22 shall be suspended during the first two (2) notices of deficiency
 23 sent to an applicant under this subdivision. If more than two (2)
 24 notices of deficiency are issued on an application, the period
 25 may not be suspended unless the applicant agrees in writing to
 26 defer processing of the application pending the applicant's
 27 response to the notice of deficiency. A notice of deficiency may
 28 include a request for the applicant to conduct tests or sampling
 29 to provide information necessary for the department to process
 30 the application. If an applicant's response does not contain
 31 complete information to satisfy all deficiencies described in a
 32 notice of deficiency, the department shall notify the applicant not
 33 later than thirty (30) ~~working~~ **business** days after receiving the
 34 response. The commissioner shall resume processing the
 35 application, and the period described under sections 1 through
 36 6 of this chapter resumes on the earliest of the date the
 37 department receives and stamps as received the applicant's
 38 complete information, the date marked by the department on a
 39 certified mail return receipt accompanying the applicant's
 40 complete information, or the date a notice is sent by the
 41 department to the applicant confirming that the department has
 42 received the applicant's complete information.

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- 1 (2) The commissioner receives a written request from an
 2 applicant to:
 3 (A) withdraw; or
 4 (B) defer processing of;
 5 the application for the purposes of resolving an issue related to
 6 a permit or to provide additional information concerning the
 7 application.
- 8 (3) The department is required by federal law or by an agreement
 9 with the United States Environmental Protection Agency for a
 10 federal permit program to transmit a copy of the proposed permit
 11 to the administrator of the United States Environmental
 12 Protection Agency for review and possible objections before the
 13 permit may be issued. The period described under sections 1
 14 through 6 of this chapter ~~shall~~ **may** be suspended from the time
 15 the department submits the proposed permit to the administrator
 16 for review until:
 17 (A) the department receives the administrator's concurrence
 18 or objection to the issuance of the proposed permit; or
 19 (B) the period established in federal law by which the
 20 administrator is required to make objections expires without
 21 the administrator having filed an objection.
- 22 (4) A board initiates ~~emergency~~ **provisional or interim**
 23 rulemaking under section 3(b) of this chapter to revise the period
 24 described under sections 1 through 6 of this chapter.
- 25 SECTION 120. IC 13-15-4-11 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) If an applicant
 27 is operating pursuant to a continuation of an existing permit pending
 28 determination of an application for a new or renewed permit under
 29 IC 13-15-3-6, the applicant may proceed under this section after
 30 notifying the commissioner in writing of its intent to do so.
- 31 (b) If the commissioner does not issue or deny a permit within the
 32 time specified under sections 1 through 6 of this chapter, the applicant
 33 may proceed under this section. After reaching an agreement with the
 34 commissioner or after consulting with the commissioner for thirty (30)
 35 days and failing to reach an agreement, the applicant may choose to
 36 proceed under ~~one (+)~~ **either** of the following alternatives:
 37 (1) The:
 38 (A) applicant may, except as provided in section 12.1 of this
 39 chapter, request and receive a refund of a permit application
 40 fee paid by the applicant; and
 41 (B) commissioner shall do the following:
 42 (i) Continue to review the application.

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- 1 (ii) Approve or deny the application as soon as
 2 practicable.
 3 (iii) Except as provided in section 12.1 of this chapter,
 4 refund the applicant's application fee not later than
 5 twenty-five (25) **working business** days after the
 6 receipt of the applicant's request.
- 7 ~~(2)~~ The:
 8 (A) applicant may:
 9 (i) ~~except as provided in section 12.1 of this chapter,~~
 10 ~~request and receive a refund of a permit application fee~~
 11 ~~paid by the applicant; and~~
 12 (ii) ~~submit to the department a draft permit and any~~
 13 ~~required supporting technical justification for the~~
 14 ~~permit; and~~
 15 (B) commissioner shall do the following:
 16 (i) ~~Review the draft permit.~~
 17 (ii) ~~Approve, with or without revision, or deny the draft~~
 18 ~~permit in accordance with section 16 of this chapter.~~
 19 (iii) ~~Except as provided in section 12.1 of this chapter,~~
 20 ~~refund the applicant's application fee not later than~~
 21 ~~twenty-five (25) working days after the receipt of the~~
 22 ~~applicant's request.~~
- 23 ~~(3)~~ **(2)** The:
 24 (A) applicant may hire an outside consultant to prepare a
 25 draft permit and any required supporting technical
 26 justification for the permit; and
 27 (B) commissioner shall:
 28 (i) review the draft permit; and
 29 (ii) approve, with or without revision, or deny the draft
 30 permit in accordance with section 16 of this chapter.
- 31 SECTION 121. IC 13-15-4-15 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant
 33 chooses to proceed under section ~~11(b)(3)~~ **11(b)(2)** of this chapter, the
 34 department and the applicant shall jointly:
 35 (1) select a consultant that has the appropriate background to
 36 review the applicant's application; and
 37 (2) authorize the consultant to begin work;
 38 not later than fifteen (15) **working business** days after the department
 39 receives notice that the applicant has chosen to proceed under section
 40 ~~11(b)(3)~~ **11(b)(2)** of this chapter.
 41 (b) The commissioner may:
 42 (1) consult with the applicant regarding the advisability of

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- 1 proceeding under this section; and
 2 (2) document the communications.

3 SECTION 122. IC 13-15-4-16 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If an applicant
 5 chooses to proceed under section 11(b)(2) or ~~11(b)(3)~~ of this chapter,
 6 the applicant or a consultant shall prepare and submit to the
 7 commissioner the draft permit and any required supporting technical
 8 justification for the permit not later than thirty-five (35) ~~working~~
 9 **business** days after

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

15 (b) Subject to subsection (c), the commissioner shall:
 16 (1) approve, with or without revision; or
 17 (2) deny;

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

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

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

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

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

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

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

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

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

41 SECTION 123. IC 13-15-5-1.5, AS ADDED BY P.L.66-2024,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 1.5. Not later than ten (10) days after the last day
 2 of a public comment period under this article or applicable rules of the
 3 board, the commissioner may decide, based on information received
 4 during the public comment period, to hold a public hearing ~~or meeting~~
 5 before the issuance or denial of a permit. If the commissioner decides
 6 to hold a public hearing ~~or meeting~~ under this section, the department
 7 shall:

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

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

13 SECTION 124. IC 13-15-6-1, AS AMENDED BY P.L.128-2024,
 14 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2026]: Sec. 1. (a) Not later than fifteen (15) days after being
 16 served the notice provided by the commissioner under IC 13-15-5-3:

17 (1) the permit applicant; or

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

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

29 SECTION 125. IC 13-15-7-3, AS AMENDED BY P.L.128-2024,
 30 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2026]: Sec. 3. A person aggrieved by the revocation or
 32 modification of a permit may appeal the revocation or modification to
 33 the office of administrative law proceedings for an administrative
 34 review under IC 4-21.5-3. Pending the decision resulting from the
 35 hearing under IC 4-21.5-3 concerning the permit revocation, ~~or~~
 36 ~~modification~~, the permit remains in force. However, the commissioner
 37 may seek injunctive relief with regard to the activity described in the
 38 permit while the decision resulting from the hearing is pending.

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

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- 1 (1) has been issued an operating permit by the ~~board;~~
 2 ~~commissioner;~~ or
 3 (2) is operating without a permit but has made a timely and
 4 complete application for a permit under IC 13-17-8-10.
 5 (b) The board ~~shall~~ **may** adopt rules under IC 4-22-2 and
 6 IC 13-14-9 as part of the operating permit program established under
 7 42 U.S.C. 7661 through 7661f providing that a facility may make
 8 changes without a permit revision if the following conditions exist:
 9 (1) The changes are not modifications under any provision of
 10 Title I of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as
 11 amended. ~~by the federal Clean Air Act Amendments of 1990~~
 12 ~~(P.L.101-549);~~
 13 (2) The changes do not exceed emissions:
 14 (A) expressed as a rate of emissions; or
 15 (B) expressed as total emissions;
 16 allowable under the permit.
 17 (3) The facility provides the commissioner with written
 18 notification at least seven (7) days before the proposed changes
 19 are made. However, the board may adopt rules that provide a
 20 different period for notifications that involve emergency
 21 situations.
 22 SECTION 127. IC 13-15-9-1 IS REPEALED [EFFECTIVE JULY
 23 1, 2026]. ~~Sec. 1: A person may not:~~
 24 ~~(1) construct or operate a nuclear powered generating facility or~~
 25 ~~nuclear fuel reprocessing plant; or~~
 26 ~~(2) increase the capacity of such an existing facility;~~
 27 ~~without a permit from the department.~~
 28 SECTION 128. IC 13-15-9-2 IS REPEALED [EFFECTIVE JULY
 29 1, 2026]. ~~Sec. 2: (a) The board may adopt rules under IC 4-22-2 and~~
 30 ~~IC 13-14-9 establishing:~~
 31 ~~(1) conditions for the issuance of a permit under this chapter;~~
 32 ~~and~~
 33 ~~(2) requirements for the operation of nuclear facilities;~~
 34 (b) Rules adopted by the board may relate to:
 35 (1) air pollution from nuclear facilities;
 36 (2) water pollution from nuclear facilities; or
 37 (3) other environmental problems associated with nuclear
 38 facilities.
 39 SECTION 129. IC 13-15-9-3, AS AMENDED BY P.L.133-2012,
 40 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2026]: Sec. 3. A person proposing to construct:
 42 (1) a nuclear powered generating facility; or

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1 (2) a nuclear fuel reprocessing plant;
 2 shall file with the **board department** an environmental feasibility
 3 report ~~on a form prescribed by the board~~; concurrently with the filing
 4 of the ~~preliminary safety analysis documents~~ required to be filed with
 5 the United States Atomic Energy Commission: **Nuclear Regulatory**
 6 **Commission.**

7 SECTION 130. IC 13-15-9-4 IS REPEALED [EFFECTIVE JULY
 8 1, 2026]. Sec. 4: (a) ~~The commissioner, on behalf of the board, may~~
 9 ~~conduct a public hearing at a time and place to be determined by the~~
 10 ~~department on the environmental effects of the proposed operation:~~

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

13 SECTION 131. IC 13-15-9-5 IS REPEALED [EFFECTIVE JULY
 14 1, 2026]. Sec. 5: (a) ~~The board shall adopt rules and standards under~~
 15 ~~section 2 of this chapter to protect the citizens of Indiana from the~~
 16 ~~hazards of radiation:~~

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

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

21 (1) ~~appropriate procedures of monitoring any discharge; and~~

22 (2) ~~a report of each discharge to the department.~~

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

28 (1) Operators of solid waste incinerators and waste to energy
 29 facilities.

30 (2) Operators of land disposal sites.

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

34 SECTION 133. IC 13-15-10-4, AS AMENDED BY P.L.133-2012,
 35 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2026]: Sec. 4. The board ~~shall~~ **may** adopt rules
 37 under IC 4-22-2 and IC 13-14-9 to implement this chapter. The rules
 38 ~~must~~ **may** include the following:

39 (1) Requirements for certification that consider any training that
 40 is required by state rule or federal regulation.

41 (2) Mandatory testing and retraining.

42 (3) Recognition of training programs that the board approves to

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1 serve as a training program that this chapter requires. A
 2 recognized training program may be offered by an employer or
 3 by any other provider.

4 (4) Recognition of an interim period for which existing facility
 5 operators must obtain certification.

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

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

16 (1) consistent with the general intent and purposes declared in
 17 IC 13-17-1 and section 1 of this chapter; and

18 (2) necessary to the implementation of the federal Clean Air Act
 19 (42 U.S.C. 7401 et seq.), as amended. ~~by the Clean Air Act~~
 20 ~~Amendments of 1990 (P.L.101-549).~~

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

27 (1) environmental significance of;

28 (2) federal requirements for federally delegated or approved
 29 programs concerning; and

30 (3) need for opportunity for public participation on;
 31 the permits or permit modifications.

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

39 (1) emissions; and

40 (2) impacts.

41 (d) The board may ~~amend 326 IAC 2-6~~ or adopt ~~new~~ rules to
 42 establish a general requirement for sources to report hazardous air

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1 pollutant emissions (as defined by 42 U.S.C. 7412(b)).

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

4 SECTION 137. IC 13-17-3-9 IS REPEALED [EFFECTIVE JULY
5 1, 2026]. Sec. 9: (a) The commissioner shall assist and cooperate with
6 other groups interested in and affected by air pollution:

7 (b) The commissioner may do the following:

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

9 (A) other state agencies;

10 (B) towns, cities, and counties;

11 (C) industries;

12 (D) other states;

13 (E) the federal government; and

14 (F) affected groups;

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

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

19 (A) Air pollution:

20 (B) The causes, effects, prevention, control, and abatement
21 of air pollution:

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

24 (A) Air pollution:

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

26 (4) Encourage voluntary cooperation by persons, towns, cities,
27 and counties or other affected groups in restoring and preserving
28 a reasonable degree of purity of air within Indiana:

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

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

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

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

41 SECTION 138. IC 13-17-5-9, AS AMENDED BY P.L.104-2022,
42 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 9. (a) After December 31, 2006; The board may
 2 not adopt a rule under air pollution control laws that requires motor
 3 vehicles to undergo a periodic test of emission characteristics in the
 4 following counties:

5 (1) A county having a population of more than eighty thousand
 6 four hundred (80,400) and less than eighty-two thousand
 7 (82,000);

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

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

13 (c) Unless the budget agency approves a periodic vehicle
 14 inspection program for a county referred to in subsection (a); the board
 15 shall amend 326 IAC 13-1.1 so that it does not apply after December
 16 31, 2006; to a county referred to in subsection (a);

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

32 (1) in attainment of the national ambient air quality
 33 standards; or

34 (2) classified below moderate nonattainment for ozone
 35 national ambient air quality standards.

36 SECTION 139. IC 13-17-5-10, AS ADDED BY P.L.187-2025,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2026]: Sec. 10. Not later than December 31, 2025, the
 39 department shall do the following:

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

42 (2) Identify air pollution reduction or regulatory relief strategies

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1 that can do the following with respect to the federal Clean Air
2 Act (42 U.S.C. 7401 et seq.), as amended: ~~by the federal Clean~~
3 ~~Air Act Amendments of 1990 (P.L.101-549):~~

- 4 (A) Ensure that affected areas within Indiana are no longer
- 5 designated as nonattainment.
- 6 (B) Result in the eventual phase out of the inspection and
- 7 maintenance program for light duty vehicles.
- 8 (C) Meet emissions goals.
- 9 (D) Appropriately address air pollution contributions to
- 10 nonattainment areas in Indiana from sources that cannot be
- 11 addressed by state or local controls, including contributions
- 12 from international, natural or background, interstate,
- 13 mobile, and stationary sources as well as exceptional events
- 14 that are unlikely to recur.
- 15 (E) Result in the withdrawal of Lake County and Porter
- 16 County from the Metropolitan Chicago Interstate Air
- 17 Quality Control Region.

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

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

- 27 (1) the asbestos contractor engaged in the asbestos project; or
- 28 (2) the agent or representative of the asbestos contractor.
- 29 (b) A notice issued under this section must:
- 30 (1) specifically enumerate the violations of law that are
- 31 occurring on the asbestos project; and
- 32 (2) prohibit further work on the asbestos project until the
- 33 violations enumerated under subdivision (1) cease and the notice
- 34 is rescinded by the commissioner.
- 35 (c) Not later than ten (10) days after receiving written notification
- 36 from a contractor that violations enumerated in a notice issued under
- 37 this section have been corrected, the commissioner shall issue a
- 38 determination whether or not to rescind the notice.

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

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

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

9 (2) Failing to meet the qualifications for a license or
10 accreditation or failing to comply with the requirements of air
11 pollution control laws or rules adopted under air pollution
12 control laws.

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

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

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

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

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

23 SECTION 142. IC 13-17-7 IS REPEALED [EFFECTIVE JULY
24 1, 2026]. (Clean Air Act Permit Compliance Program).

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

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

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

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

39 ~~(1) issue; or~~

40 ~~(2) consider an application for;~~

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

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

9 (1) Alternative technologies such as the following:

10 (A) The application of lime to break down PCB.

11 (B) The low temperature thermal disorption process.

12 (C) Disorption and vaporization extraction.

13 (D) Plasma torch technology.

14 (E) Bacterial remediation.

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

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

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

22 (1) present the report to:

23 (A) the governor; and

24 (B) the general assembly; and

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

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

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

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

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

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

37 SECTION 149. IC 13-18-2-3, AS AMENDED BY THE
38 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
39 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2026]: Sec. 3. (a) The department shall prepare a list of
41 impaired waters for the purpose of complying with federal regulations
42 implementing Section 303(d) of the federal Clean Water Act (33

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1 U.S.C. 1313(d)). In determining whether a water body is impaired, the
 2 department shall consider all existing and readily available water
 3 quality data and related information. The department, before submitting
 4 the list to the United States Environmental Protection Agency, shall:

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

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

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

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

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

25 (1) The department:

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

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

34 (2) The department:

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

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

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

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

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

(B) The surface water:

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

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

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

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

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

SECTION 150. 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 151. 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;

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- 1 except as provided in IC 14-37.
- 2 (b) "Degradation" has the meaning set forth in IC 13-11-2-50.5.
- 3 (c) "Outstanding national resource water" has the meaning set
4 forth in IC 13-11-2-149.5.
- 5 (d) "Outstanding state resource water" has the meaning set forth
6 in IC 13-11-2-149.6.
- 7 (e) "Watershed" has the meaning set forth in IC 14-8-2-310.
- 8 (f) The board may designate a water body as an outstanding state
9 resource water by rule if the board determines that the water body has
10 a unique or special ecological, recreational, or aesthetic significance.
- 11 (g) Before the board may adopt a rule designating a water body as
12 an outstanding state resource water, the board must consider the
13 following:
- 14 (1) Economic impact analyses, presented by any interested party,
15 taking into account future population and economic development
16 growth.
- 17 (2) The biological criteria scores for the water body, using
18 factors that consider fish communities, macro invertebrate
19 communities, and chemical quality criteria using representative
20 biological data from the water body under consideration.
- 21 (3) The level of current urban and agricultural development in
22 the watershed.
- 23 (4) Whether the designation of the water body as an outstanding
24 state resource water will have a significant adverse effect on
25 future population, development, and economic growth in the
26 watershed, if the water body is in a watershed that has more than
27 three percent (3%) of its land in urban land uses or serves a
28 municipality with a population greater than five thousand
29 (5,000).
- 30 (5) Whether the designation of the water body as an outstanding
31 state resource water is necessary to protect the unique or special
32 ecological, recreational, or aesthetic significance of the water
33 body.
- 34 (h) Before the board may adopt a rule designating a water body as
35 an outstanding state resource water, the board must make available to
36 the public a written summary of the information considered by the
37 board under subsections (f) and (g), including the board's conclusions
38 concerning that information.
- 39 (i) **Upon request by the house of representatives or senate**
40 **committees on environmental affairs**, the commissioner shall present
41 a **summary of the comments received from the comment period and**
42 information that supports a water body designation as an outstanding

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

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

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

10 (1) prevent degradation; and

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

13 (A) there will be an overall improvement in water quality
 14 for the outstanding state resource water as described in this
 15 section; and

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

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

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

22 (A) for which a new or increased permit limit is required;
 23 and

24 (B) below which antidegradation implementation
 25 procedures do not apply.

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

30 (A) Implementation of a water quality project in the
 31 watershed of the outstanding state resource water that will
 32 result in an overall improvement of the water quality of the
 33 outstanding state resource water.

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

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

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

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

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

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

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1 effect on January 1, 2009.

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

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

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

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

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

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

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

37 (2) the approved long term control plan:

38 (A) is incorporated into:

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

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

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

42 and

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- 1 (C) specifies the water quality based requirements that
 2 apply to combined sewer overflows during and immediately
 3 following wet weather events, as provided in subsection
 4 (a)(1);
 5 (3) the NPDES permit holder has implemented the approved
 6 long term control plan; and
 7 (4) subject to subsection (c), 40 CFR 131.10, 40 CFR 131.20,
 8 and 40 CFR 131.21 are satisfied.
 9 (c) For purposes of subsection (b)(4), 40 CFR 131.10 may be
 10 satisfied by including appropriate data and information in the long term
 11 control plan.
 12 (d) The department shall implement the CSO wet weather limited
 13 use subcategory and associated water quality based requirements under
 14 this section when the subcategory and requirements are approved by
 15 the United States Environmental Protection Agency. The department
 16 shall seek approval of the United States Environmental Protection
 17 Agency in a timely manner.
 18 (e) The NPDES permit holder shall monitor its discharges and the
 19 water quality in the affected receiving stream periodically as provided
 20 in the long term control plan. The NPDES permit holder shall provide
 21 all such information to the department.
 22 (f) In conjunction with a review of its long term control plan under
 23 section 2.4 of this chapter, the NPDES permit holder shall review
 24 information generated after the use attainability analysis was approved
 25 by the department to determine whether the conclusion of the use
 26 attainability analysis is still valid. The NPDES permit holder shall
 27 provide the results of the review to the department.
 28 (g) The board shall adopt rules under IC 13-14-8 and IC 13-14-9
 29 to implement this section. ~~before October 1, 2006.~~
 30 SECTION 153. IC 13-18-3-2.6, AS ADDED BY P.L.54-2005,
 31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2026]: Sec. 2.6. (a) Where appropriate, permits shall contain
 33 schedules of compliance requiring the permittee to take specific steps
 34 to achieve expeditious compliance with applicable standards,
 35 limitations, and other requirements.
 36 (b) The schedule of compliance shall require compliance as soon
 37 as reasonably possible, but **not later than five (5) years from the date**
 38 **applicable standards, limitations, or other requirements are**
 39 **incorporated into the permit and** may remain in effect as long as the
 40 National Pollutant Discharge Elimination System (NPDES) permit
 41 requirements are in effect.
 42 (c) The department shall, at the request of the NPDES permit

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

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

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

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

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

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

SECTION 155. 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 156. IC 13-18-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: ~~Sec. 13. If a violation of 327 IAC 15-5 the department's construction storm water general permit~~ occurs, the department shall determine which person is responsible for committing the violation. ~~In making this determination, the department shall, if appropriate, consider:~~

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

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

SECTION 157. IC 13-18-3-14, AS AMENDED BY P.L. 130-2018, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) The outstanding state resource water

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1 improvement fund is established. All money collected under section 2
 2 of this chapter and any money accruing to the fund are continuously
 3 appropriated to the fund to carry out the purposes of section 2 of this
 4 chapter. Money in the fund at the end of a state fiscal year does not
 5 revert to the state general fund, unless the outstanding state resource
 6 water improvement fund is abolished.

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

9 (1) The fund may be used by the department of environmental
 10 management to fund projects that will lead to overall
 11 improvement to the water quality of the affected outstanding
 12 state resource water.

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

16 (3) Any interest received accrues to the fund.

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

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

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

30 (2) The balance in the fund.

31 SECTION 158. IC 13-18-3-15, AS ADDED BY P.L.81-2011,
 32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2026]: Sec. 15. (a) Subject to subsection (c), the board shall
 34 ~~amend 327 IAC 5 and 327 IAC 15 to eliminate:~~

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

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

39 (A) contained in that article; and

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

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

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

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

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

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

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

17 SECTION 159. IC 13-18-4-2 IS REPEALED [EFFECTIVE JULY
 18 1, 2026]. ~~Sec. 2: A rule or determination made by the board or the~~
 19 ~~commissioner under sections † through 4 of this chapter shall be filed~~
 20 ~~of record in the office of the department.~~

21 SECTION 160. IC 13-18-4-4 IS REPEALED [EFFECTIVE JULY
 22 1, 2026]. ~~Sec. 4: The commissioner may take appropriate steps to~~
 23 ~~prevent any pollution that is determined to be unreasonable and against~~
 24 ~~public interests in view of the condition in any stream or other waters~~
 25 ~~of Indiana.~~

26 SECTION 161. IC 13-18-4-6, AS AMENDED BY P.L.263-2013,
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2026]: Sec. 6. (a) Whenever the commissioner determines that
 29 a person:

30 (1) is violating; or

31 (2) is about to violate;

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

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

37 (1) cease the violation; and

38 (2) abate the condition of pollution;

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

41 (c) Proceedings concerning an order issued under this section are
 42 governed by IC 4-21.5.

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1 SECTION 162. IC 13-18-4-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Notwithstanding
 3 any rules of the board, the commissioner shall allow for a mixing zone
 4 in permits that involve a discharge into Lake Michigan if the applicant
 5 can demonstrate to the commissioner that the mixing zone will not
 6 cause harm to human health or aquatic life.

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

11 SECTION 163. IC 13-18-5-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board ~~shall~~ **may**
 13 adopt rules under IC 4-22-2 to require the following:

14 (1) The construction or installation of secondary containment
 15 structures at facilities in which hazardous materials are stored or
 16 transferred for the purpose of preventing released hazardous
 17 materials from entering surface water or groundwater.

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

21 (3) The rules must be consistent with applicable safety and fire
 22 code laws.

23 SECTION 164. IC 13-18-9-4 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department
 25 shall enforce this chapter under IC 13-30-3 or IC 13-14-2-6.

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

33 SECTION 165. IC 13-18-10-2.1, AS AMENDED BY
 34 P.L.199-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2026]: Sec. 2.1. (a) The department:

36 (1) shall make a determination on an application submitted
 37 under section 2 of this chapter not later than ninety (90) days
 38 after the date the department receives the completed application,
 39 including all required supplemental information, unless the
 40 department and the applicant agree to a longer time; and

41 (2) may conduct any inquiry or investigation, consistent with the
 42 department's duties under this chapter, the department considers

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- 1 necessary before making a determination.
- 2 (b) If the department fails to make a determination on an
- 3 application not later than ninety (90) days after the date the department
- 4 receives the completed application, the applicant may request and
- 5 receive a refund of an approval application fee paid by the applicant,
- 6 and the commissioner shall:
- 7 (1) continue to review the application;
- 8 (2) approve or deny the application as soon as practicable; and
- 9 (3) refund the applicant's application fee not later than
- 10 twenty-five (25) **working business** days after the receipt of the
- 11 applicant's request.
- 12 (c) The commissioner may suspend the processing of an
- 13 application and the ninety (90) day period described under this section
- 14 if the department determines within thirty (30) days after the
- 15 department receives the application that the application is incomplete
- 16 and has mailed a notice of deficiency to the applicant that specifies the
- 17 parts of the application that:
- 18 (1) do not contain adequate information for the department to
- 19 process the application; or
- 20 (2) are not consistent with applicable law.
- 21 (d) The department may establish requirements in an approval
- 22 regarding that part of the confined feeding operation that concerns
- 23 manure handling and application to assure compliance with:
- 24 (1) this chapter;
- 25 (2) rules adopted under this chapter;
- 26 (3) the water pollution control laws;
- 27 (4) rules adopted under the water pollution control laws; and
- 28 (5) policies and statements adopted under IC 13-14-1-11.5
- 29 relative to confined feeding operations.
- 30 (e) Subject to subsection (f), the commissioner may deny an
- 31 application upon making either or both of the following findings:
- 32 (1) A responsible party intentionally misrepresented or
- 33 concealed any material fact in either or both of the following:
- 34 (A) An application for approval under section 1 of this
- 35 chapter.
- 36 (B) A disclosure statement required by section 1.4 of this
- 37 chapter.
- 38 (2) An enforcement action was resolved against a responsible
- 39 party as described in either or both of the following:
- 40 (A) Section 1.4(c)(5) of this chapter.
- 41 (B) Section 1.4(c)(6) of this chapter.
- 42 (f) Before making a determination to approve or deny an

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1 application, the commissioner must consider the following factors:

2 (1) The nature and details of the acts attributed to the responsible
3 party.

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

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

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

12 (5) Prior or subsequent self-policing or internal education
13 programs established by the responsible party to prevent acts,
14 omissions, or violations referred to in section 1.4(c)(5) and
15 1.4(c)(6) of this chapter.

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

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

20 (2) be accompanied by a concise statement of the underlying
21 basic facts of record to support the findings.

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

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

27 (1) for failure to comply with:

28 (A) this chapter;

29 (B) rules adopted under this chapter;

30 (C) the water pollution control laws; or

31 (D) rules adopted under the water pollution control laws;
32 and

33 (2) as needed to prevent discharges of manure into the
34 environment that pollute or threaten to pollute the waters of the
35 state.

36 SECTION 166. IC 13-18-10-4, AS AMENDED BY P.L. 127-2009,
37 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2026]: Sec. 4. (a) The board may adopt rules under IC 4-22-2
39 and IC 13-14-9 and the department may adopt policies or statements
40 under IC 13-14-1-11.5 that are necessary for the proper administration
41 of this chapter. The rules, policies, or statements may concern
42 construction, expansion, and operation of confined feeding operations

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- 1 and may include uniform standards for:
- 2 (1) construction, expansion, and manure containment that are
- 3 appropriate for a specific site; and
- 4 (2) manure application and handling that are consistent with best
- 5 management practices:
- 6 (A) designed to reduce the potential for manure to be
- 7 conveyed off a site by runoff or soil erosion; ~~and~~
- 8 (B) that are appropriate for a specific site; **and**
- 9 **(C) accurately reflect differences between dry and liquid**
- 10 **manure.**
- 11 (b) Standards adopted in a rule, policy, or statement under
- 12 subsection (a) must:
- 13 (1) consider confined feeding standards that are consistent with
- 14 standards found in publications from:
- 15 (A) the United States Department of Agriculture;
- 16 (B) the Natural Resources Conservation Service of the
- 17 United States Department of Agriculture;
- 18 (C) the Midwest Plan Service; and
- 19 (D) postsecondary educational institution extension
- 20 bulletins; and
- 21 (2) be developed through technical review by the department,
- 22 postsecondary educational institution specialists, and other
- 23 animal industry specialists.
- 24 SECTION 167. IC 13-18-11-1.5, AS AMENDED BY
- 25 P.L.133-2012, SECTION 128, IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. The board ~~shall~~
- 27 **may** adopt regulations to implement certification programs for
- 28 operators of water treatment plants or water distribution systems. The
- 29 certification program for the operators shall be classified in accordance
- 30 with the complexity, size, and source of the water for the treatment
- 31 system and the complexity and size for the distribution system.
- 32 SECTION 168. IC 13-18-11-8, AS AMENDED BY P.L.128-2024,
- 33 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2026]: Sec. 8. (a) The commissioner may suspend or revoke
- 35 the certificate of an operator issued under this chapter ~~following a~~
- 36 ~~hearing under IC 13-15-7-3 and IC 4-21.5;~~ if any of the following
- 37 conditions are found:
- 38 (1) The operator has practiced fraud or deception in any state or
- 39 other jurisdiction.
- 40 (2) Reasonable care, judgment, or the application of the
- 41 operator's knowledge or ability was not used in the performance
- 42 of the operator's duties.

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- 1 (3) The operator is incompetent or unable to properly perform
- 2 the operator's duties.
- 3 (4) A certificate of the operator issued:
- 4 (A) under this chapter; or
- 5 (B) by any other state or jurisdiction for a purpose
- 6 comparable to the purpose for which a certificate is issued
- 7 under this chapter;
- 8 has been revoked.
- 9 (5) The operator has been convicted of a crime related to a
- 10 certificate of the operator issued:
- 11 (A) under this chapter; or
- 12 (B) by any other state or jurisdiction for a purpose
- 13 comparable to the purpose for which a certificate is issued
- 14 under this chapter.

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

20 SECTION 169. IC 13-18-12-2.2, AS AMENDED BY
 21 P.L.250-2019, SECTION 23, IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. ~~(a) As used in this~~
 23 ~~section:~~

- 24 (1) "chemical toilet" has the meaning set forth in 327
- 25 IAC 7.1-2-6; and
- 26 (2) "sewage disposal system" has the meaning set forth in 327
- 27 IAC 7.1-2-36;
- 28 on February 1, 2016.

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

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

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

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

42 SECTION 170. IC 13-18-12-2.5, AS AMENDED BY

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

- 6 (1) the industrial waste products are not hazardous wastes;
 7 (2) the industrial waste products:
 8 (A) have a beneficial use (as defined in 327 IAC 6.1-2-6);
 9 or
 10 (B) otherwise provide a benefit to the process of creating
 11 the soil amendments or soil substitute or to the final soil
 12 amendment, soil substitute, or material to be land applied,
 13 such as bulking;
 14 (3) the finished soil amendment, soil substitute, or material to be
 15 land applied satisfies the applicable criteria in ~~327 IAC 6.1;~~
 16 **rules established by the board;**
 17 (4) the finished soil amendment, soil substitute, or material to be
 18 land applied has a beneficial use;
 19 (5) the requirements of subsection (b) are satisfied; and
 20 (6) the person pays a permit fee in an amount determined under
 21 rules adopted by the board that does not exceed the costs
 22 incurred by the department to issue the permit.

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

30 (b) The department:

- 31 (1) may allow the use of industrial waste products:
 32 (A) in a land application operation; or
 33 (B) as ingredients in a soil amendment or soil substitute to
 34 be land applied;
 35 on the same basis as other materials under the rules concerning
 36 land application and marketing and distribution permits;
 37 (2) may not:
 38 (A) discriminate against the use of industrial waste products
 39 on the basis that the industrial waste products lack
 40 biological carbon;
 41 (B) impose requirements beyond applicable criteria in ~~327~~
 42 ~~IAC 6.1;~~ **rules established by the board**, unless additional

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- 1 requirements are necessary for the protection of human
 2 health and the environment;
- 3 (C) require that the finished soil amendment, soil substitute,
 4 or material to be land applied must be of a particular
 5 economic value; or
- 6 (D) for any pollutant that has a pollutant limit or
 7 concentration in 327 IAC 6.1, require that an industrial
 8 waste product or the finished soil amendment, soil
 9 substitute, or material to be land applied satisfies:
- 10 (i) the department's remediation closure guidance; or
 11 (ii) any other standards other than criteria in 327
 12 IAC 6.1;
- 13 (3) for any pollutant present in the industrial waste products that
 14 does not have a pollutant limit or concentration in 327 IAC 6.1,
 15 shall consider the benefits of the finished soil amendment, soil
 16 substitute, or material to be land applied as compared to the
 17 measurable risks to human health and the environment based on
 18 the anticipated use of the finished soil amendment, soil
 19 substitute, or material to be land applied; and
- 20 (4) shall require an application for a permit for the land
 21 application of industrial waste products to include
 22 characterization of individual industrial waste products at the
 23 point of waste generation before mixing the waste streams.
- 24 ~~(e) The board may adopt rules for pollutant limits or~~
 25 ~~concentrations for pollutants for which limits or concentrations do not~~
 26 ~~exist in 327 IAC 6.1 as of July 1, 2011.~~
- 27 SECTION 171. IC 13-18-12-3, AS AMENDED BY P.L.192-2023,
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2026]: Sec. 3. (a) ~~The board shall initiate;~~ **department shall**
 30 **administer**, in accordance with IC 13-15, a septage management
 31 permit program for all persons who offer to perform or are performing
 32 septage management services.
- 33 (b) A permit from the department may not be required for the
 34 ownership or operation of one (1) or more holding tanks described in
 35 IC 16-41-25-9 in which septage originating from a residential or
 36 commercial source is held until it is removed and transported from the
 37 site of the holding tanks by septage management vehicles. However:
- 38 (1) the board may adopt rules under IC 4-22-2 and IC 13-14-9;
 39 or
 40 (2) the department may adopt guidelines;
 41 concerning the reports to be provided to the department by local health
 42 departments under IC 16-41-25-9(h). The rules or guidelines may

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1 specify the content to be included in the reports and the frequency at
2 which the reports must be provided.

3 SECTION 172. IC 13-18-12-4, AS AMENDED BY P.L.112-2016,
4 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 4. (a) The board ~~shall~~, **may**, in accordance with
6 IC 13-14-9, adopt rules to establish the following:

- 7 (1) Standards for the following:
 - 8 (A) The issuance of permits for:
 - 9 (i) septage management under section 3 of this chapter;
 - 10 and
 - 11 (ii) land application of authorized septage, solid waste,
 - 12 and industrial waste products.
 - 13 (B) Transportation, storage, treatment, and disposal of
14 septage.

15 (2) Procedures and standards for approval of sites for land
16 application.

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

20 SECTION 173. IC 13-18-16-3 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner
22 may ~~initiate action under IC 4-21.5-3~~ to assess a civil penalty against
23 a permit holder who fails to take action to correct or prevent
24 contamination of the sanitary or chemical quality of the water supply
25 after the permit holder knew or should have known that the action
26 should be taken. The civil penalty assessed under this section may not
27 exceed one thousand dollars (\$1,000) for each day of violation.

28 SECTION 174. IC 13-18-16-8, AS AMENDED BY P.L.233-2017,
29 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2026]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2
31 and IC 13-14-9 establishing requirements for public water systems,
32 including the following:

- 33 (1) The requirement to obtain a permit for the construction,
34 installation, or modification of facilities, equipment, or devices
35 for any public water system.
- 36 (2) The requirement to obtain a permit for the operation of
37 sources, facilities, equipment, or devices for any public water
38 system.

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

42 (c) The board may adopt rules to carry out the intent of this

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1 chapter related to requirements necessary to protect the safety of the
2 public water supply.

3 SECTION 175. IC 13-18-17-3 IS REPEALED [EFFECTIVE
4 JULY 1, 2026]. Sec. 3: (a) The department, with the assistance of other
5 state agencies as requested, shall establish and operate a groundwater
6 quality clearinghouse within the department.

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

- 9 (1) Receive complaints about groundwater contamination.
- 10 (2) Screen reports of groundwater pollution.
- 11 (3) Ensure that complaints and reports are adequately
12 investigated.
- 13 (4) Provide information to the public about groundwater and
14 groundwater pollution.
- 15 (5) Coordinate the management of groundwater quality data in
16 Indiana.

17 SECTION 176. IC 13-18-17-4 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department
19 under IC 13-14-2-2:

- 20 (1) may investigate allegations of; and
- 21 (2) shall investigate confirmed incidents of;
22 contamination of groundwater that affect private water supply wells.

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

- 24 (1) issue an advisory to the users and owners of a water well
25 found to be contaminated concerning the hazards to health posed
26 by the contamination;
- 27 (2) take emergency action, including emergency action under
28 IC 13-14-10, to reduce exposure to well water contaminants that
29 pose a threat to human health; and
- 30 (3) as appropriate to safeguard human health, order
31 abandonment of contaminated water wells.

32 SECTION 177. IC 13-18-17-5, AS AMENDED BY P.L.56-2023,
33 SECTION 129, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The board shall adopt rules
35 under IC 4-22-2 **and IC 13-14-9** establishing groundwater quality
36 standards that include numeric and narrative criteria, a groundwater
37 classification plan, and a method of determining where the
38 groundwater quality standards must apply. The standards established
39 under this subsection shall be used for the following purposes:

- 40 (1) To establish minimum compliance levels for groundwater
41 quality monitoring at regulated facilities.
- 42 (2) To ban the discharge of effluents into potable groundwater.

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1 (3) To establish health protection goals for untreated water in
 2 water supply wells.
 3 (4) To establish concentration limits for contaminants in ambient
 4 groundwater.
 5 (b) Except as provided in subsection (c) and subject to subsection
 6 (d), the following agencies shall adopt rules under IC 4-22-2 to apply
 7 the groundwater quality standards established under this section to
 8 activities regulated by the agencies:
 9 (1) The department.
 10 (2) The department of natural resources.
 11 (3) The Indiana department of health.
 12 (4) The office of the state chemist.
 13 (5) The department of homeland security.
 14 (c) The executive board of the Indiana department of health may
 15 not adopt rules to apply the nitrate and nitrite numeric criteria included
 16 in groundwater quality standards established in rules adopted by the
 17 board under subsection (a) to onsite sewage systems.
 18 (d) Any rule adopted by the executive board of the Indiana
 19 department of health is void to the extent that the rule applies the
 20 nitrate and nitrite numeric criteria included in groundwater quality
 21 standards established in rules adopted by the board under subsection
 22 (a) to onsite sewage systems.
 23 SECTION 178. IC 13-18-17-6 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board shall
 25 adopt rules under IC 4-22-2 **and IC 13-14-9** to establish protection
 26 zones around community water system wells.
 27 (b) The state agencies referred to in section 5(b) of this chapter
 28 may not permit activities within the zones established under subsection
 29 (a) that would violate the rules or interfere with the purposes of the
 30 rules.
 31 (c) The department shall establish and operate a program of
 32 education and assistance to local officials in developing and managing
 33 well field protection zones.
 34 (d) The rules adopted under subsection (a) or any zoning under
 35 IC 36-7 to establish protection zones around community water system
 36 wells may not restrict any activity by:
 37 (1) an owner of land;
 38 (2) a mineral owner; or
 39 (3) a mineral leaseholder of record;
 40 unless the owner or leaseholder is sent written notice of, and has an
 41 opportunity to be heard on, the establishment of the zone and the
 42 construction of the community public water system that caused the

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1 establishment of the zone.

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

5 SECTION 179. IC 13-18-17-7 IS REPEALED [EFFECTIVE
6 JULY 1, 2026]. ~~Sec. 7. (a) The board shall adopt rules under IC 4-22-2
7 for the construction and monitoring of surface impoundments,
8 including pits, ponds, and lagoons, used for the storage or treatment of
9 nonhazardous waste and wastewater.~~

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

12 SECTION 180. IC 13-18-27-1 IS REPEALED [EFFECTIVE
13 JULY 1, 2026]. ~~Sec. 1. As used in this chapter, "327 IAC 15-5" refers
14 to the administrative rule of the environmental rules board in effect on
15 March 25, 2019, concerning storm water runoff associated with
16 construction activity.~~

17 SECTION 181. IC 13-18-27-3, AS ADDED BY P.L.248-2019,
18 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2026]: Sec. 3. As used in this chapter, "construction plan"
20 means a written plan that:

- 21 (1) presents information about a construction project and
- 22 activities associated with the construction project;
- 23 (2) includes a storm water pollution prevention plan that outlines
- 24 how erosion and sedimentation will be controlled on the site of
- 25 the construction project; and
- 26 (3) must be submitted to a review authority as a condition of
- 27 proceeding with the construction project under the general
- 28 permit rule program established ~~under 327 IAC 15-5~~ **by the**
- 29 **department** or the general permit.

30 SECTION 182. IC 13-18-27-9, AS ADDED BY P.L.248-2019,
31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2026]: Sec. 9. As used in this chapter, "project site owner"
33 means the person required to comply with ~~327 IAC 15-5~~, the general
34 permit, or the applicable ordinance of an MS4 community with respect
35 to a construction project. The term includes the following:

- 36 (1) A developer.
- 37 (2) A person who has financial and operational control of
- 38 construction activities and construction project plans and
- 39 specifications, including the ability to make modifications to
- 40 those plans and specifications.

41 SECTION 183. IC 13-18-27-15, AS ADDED BY P.L.248-2019,
42 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 15. (a) Except as provided in subsection (b), an
 2 MS4 community may not require erosion and sediment control
 3 measures that are more stringent than the erosion and sediment control
 4 measures required by ~~327 IAC 15-5~~ or the general permit.

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

10 (1) the erosion and sediment control measures required by an
 11 MS4 community at a very small construction activity site may
 12 not be more stringent than the erosion and sediment control
 13 measures required by ~~327 IAC 15-5~~ or by the general permit at
 14 a small construction activity site; and

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

20 SECTION 184. IC 13-18-27-16, AS ADDED BY P.L.248-2019,
 21 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2026]: Sec. 16. (a) A review authority to which a construction
 23 plan is submitted must make a preliminary determination whether the
 24 construction plan is substantially complete before the end of:

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

28 (2) the fourteenth ~~working business~~ day after the day on which
 29 the construction plan is submitted to the review authority, in the
 30 case of a large construction activity site.

31 (b) If a review authority to which a construction plan is submitted
 32 under subsection (a):

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

35 (2) notifies the project site owner of its favorable preliminary
 36 determination;

37 before the end of the tenth ~~working business~~ day after the day on which
 38 the construction plan is submitted to the review authority, in the case
 39 of a small or very small construction activity site, or the fourteenth
 40 ~~working business~~ day after the day on which the construction plan is
 41 submitted to the review authority, in the case of a large construction
 42 activity site, the project site owner may submit a notice of intent letter

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1 including the information required by ~~327 IAC 15-5-5~~ or the general
 2 permit and, forty-eight (48) hours after submission of the notice of
 3 intent letter, may begin the construction project, including the land
 4 disturbing activities of the construction project.

5 (c) If a review authority to which a construction plan for a small
 6 or very small construction activity site or a large construction activity
 7 site is submitted under subsection (a) does not notify the project site
 8 owner before the end of the tenth ~~working business~~ day after the day
 9 on which the construction plan is submitted to the review authority, in
 10 the case of a small or very small construction activity site, or the
 11 fourteenth ~~working business~~ day after the day on which the
 12 construction plan is submitted to the review authority, in the case of a
 13 large construction activity site, of its preliminary determination as to
 14 whether the construction plan is substantially complete, the project site
 15 owner may submit a notice of intent letter including the information
 16 required by ~~327 IAC 15-5-5~~ or the general permit and, forty-eight (48)
 17 hours after submission of the notice of intent letter, may begin the
 18 construction project, including the land disturbing activities of the
 19 construction project.

20 (d) If a review authority to which a construction plan is submitted
 21 under subsection (a) notifies the project site owner before the end of
 22 the tenth ~~working business~~ day after the day on which the construction
 23 plan is submitted to the review authority, in the case of a small or very
 24 small construction activity site, or the fourteenth ~~working business~~ day
 25 after the day on which the construction plan is submitted to the review
 26 authority, in the case of a large construction activity site, of its
 27 preliminary determination that the construction plan is not substantially
 28 complete, the project site owner may not submit a notice of intent letter
 29 until the review authority makes a conclusive favorable determination
 30 concerning the construction plan under ~~327 IAC 15-5~~, the general
 31 permit or the applicable ordinance of the MS4 community.

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

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

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

39 the land disturbing activities of the construction project must stop when
 40 the review authority notifies the project site owner of the review
 41 authority's conclusive unfavorable determination concerning the
 42 construction plan.

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1 SECTION 185. IC 13-19-1-2, AS AMENDED BY P.L.97-2016,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 2. (a) The goal of the state is to encourage solid
 4 waste source reduction, recycling, and other alternatives to conserve
 5 environmental resources.

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

- 7 ~~(1) produce an annual report on the state of the environment; and~~
- 8 ~~(2) develop proposed rules that:~~

- 9 ~~(A) (1) provide for the legitimate use of solid and hazardous~~
 10 ~~waste instead of its disposal; and~~

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

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

15 SECTION 186. IC 13-19-3-1, AS AMENDED BY P.L.120-2022,
 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2026]: Sec. 1. ~~(a)~~ The board shall do the following:

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

- 21 (A) rules necessary to implement the federal Resource
 22 Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as
 23 amended; and

- 24 (B) rules necessary for the establishment of a state permit
 25 program under Section 2301 of the federal Water
 26 Infrastructure Improvements for the Nation Act (42 U.S.C.
 27 6945(d)) for the implementation in Indiana of the federal
 28 CCR rule.

29 ~~(2) Consult with the department concerning the regulation of~~
 30 ~~solid waste and hazardous waste.~~

31 ~~(3) Carry out other duties imposed by law.~~

32 ~~(4) (2) Expeditionously Adopt by rule all exemptions or exclusions~~
 33 ~~from regulation as waste that are adopted by the United States~~
 34 ~~Environmental Protection Agency. and set forth in 40 CFR 261~~
 35 ~~on or after January 1, 2022.~~

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

42 SECTION 187. IC 13-19-3-3, AS AMENDED BY P.L.249-2023,

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1 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2026]: Sec. 3. (a) As used in this section and section 3.1 of
3 this chapter, "coal combustion residuals" means fly ash, bottom ash,
4 boiler slag, and flue gas desulfurization materials generated from
5 burning coal for the purpose of generating electricity by electric
6 utilities and independent power producers.

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

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

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

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

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

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

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

29 (d) The department shall do the following:

30 (1) Establish a state permit program under Section 2301 of the
31 federal Water Infrastructure Improvements for the Nation Act
32 (42 U.S.C. 6945(d)) for the implementation in Indiana of the
33 federal CCR rule.

34 (2) Submit to the administrator of the United States
35 Environmental Protection Agency under 42 U.S.C.
36 6945(d)(1)(A) evidence of the state permit program.

37 (3) Take other necessary or appropriate actions to obtain
38 approval of the state permit program.

39 (e) Not later than May 15, 2021, the department shall notify the
40 United States Environmental Protection Agency of its intention to
41 establish a state permit program described in subsection (d)(1) and to
42 seek approval of the state permit program under 42 U.S.C. 6945(d)(1).

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1 (f) Under IC 4-22-2 and IC 13-14-9:

2 (1) the department shall initiate rulemaking for the establishment
3 of the state permit program not more than sixty (60) days after
4 the effective date of the SECTION of Senate Enrolled Act
5 271-2021 amending this section; and

6 (2) the board shall adopt a final rule for the establishment of the
7 state permit program not more than sixteen (16) months after
8 initiation of the rulemaking under subdivision (1).

9 (g) The state permit program established under this section must
10 not establish requirements for any surface impoundment of coal
11 combustion residuals unless and until the state permit program is
12 approved by the administrator of the United States Environmental
13 Protection Agency under 42 U.S.C. 6945(d)(1). The authority of the
14 department to establish requirements under the state permit program
15 established under this section is the only authority the department has
16 to establish requirements for a surface impoundment of coal
17 combustion residuals located on the grounds of a legacy generation
18 resource.

19 (h) The definitions set forth in Section 257.53 of the federal CCR
20 rule, as in effect January 1, 2021, apply throughout subsection (i).

21 (i) The department shall charge the following fees under the state
22 permit program established under this section:

23 (1) An initial one (1) time permit fee of twenty thousand five
24 hundred dollars (\$20,500) for each surface impoundment of coal
25 combustion residuals regulated under the state permit program.

26 (2) An annual fee of twenty thousand five hundred dollars
27 (\$20,500) for each surface impoundment of coal combustion
28 residuals regulated under the state permit program that has not
29 completed closure in accordance with Section 257.102 of the
30 federal CCR rule. The duty to pay the fee established by this
31 subdivision does not apply on an annual basis until three
32 hundred sixty-five (365) days after the initial one (1) time permit
33 fee established by subdivision (1) has been assessed.

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

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

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

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

7 (2) revenue from the fees charged under subsection (i);
 8 as provided in IC 13-16-1-4. If the board determines that the revenue
 9 described in subdivision (2) is inadequate or excessive in relation to the
 10 costs described in subdivision (1), the board shall, under IC 13-16-1-2,
 11 change the amount of one (1) or more of the fees established under
 12 subsection (i).

13 (k) Upon the effective date that the board adopts rules to
 14 implement the federal CCR rule and subject to subsection (i), annual
 15 fees for CCR landfills that were previously regulated as restricted waste
 16 sites shall be deposited in the CCR program fund established by section
 17 3.2 of this chapter.

18 SECTION 188. IC 13-19-3-3.1, AS ADDED BY P.L.120-2022,
 19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2026]: Sec. 3.1. Except as provided in section 3(c) of this
 21 chapter, the rules adopted under ~~section 1(a)(1)~~ **section 1(1)** of this
 22 chapter may not regulate the following:

23 (1) The disposal of waste indigenous to the coal mining process
 24 and coal combustion residuals if the material:

25 (A) is not included in the definition of hazardous waste or
 26 is exempt from regulation as a hazardous waste under 42
 27 U.S.C. 6921; and

28 (B) is disposed of at a facility regulated under IC 14-34.

29 (2) The use of coal combustion residuals for the following:

30 (A) The extraction or recovery of materials and compounds
 31 contained within the coal combustion residuals.

32 (B) Bottom ash as an antiskid material.

33 (C) Raw material for manufacturing another product.

34 (D) Mine subsidence, mine fire control, and mine sealing.

35 (E) Structural fill when combined with cement, sand, or
 36 water to produce a controlled strength fill material.

37 (F) A base in road construction.

38 (G) Cover for coal processing waste disposal locations to
 39 inhibit infiltration at surface and underground mines subject
 40 to IC 14-34, so long as a demonstration is made in
 41 concurrence with the department of natural resources that
 42 the materials and methods to be employed are appropriate

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- 1 for the intended use.
- 2 (H) Providing buffering or enhancing structural integrity for
- 3 refuse piles at surface and underground mines subject to
- 4 IC 14-34, so long as a demonstration is made in
- 5 concurrence with the department of natural resources that
- 6 the materials and methods to be employed are appropriate
- 7 for the intended use.
- 8 (I) Agricultural applications, when applied using
- 9 appropriate agronomic amounts to improve crop or
- 10 vegetative production.
- 11 SECTION 189. IC 13-19-3-7, AS AMENDED BY P.L.133-2012,
- 12 SECTION 133, IS AMENDED TO READ AS FOLLOWS
- 13 [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~The department and the board~~
- 14 ~~shall allow a person~~ **A permit is not required** to use foundry sand that
- 15 meets Type III criteria under 329 IAC 10-9 for the following activities:
- 16 ~~in accordance with guidance without requiring the person to obtain any~~
- 17 ~~permits from the department:~~
- 18 (1) As a daily cover for litter and vermin control at a landfill in
- 19 accordance with any applicable permits issued for the landfill.
- 20 (2) As a protective cover for a landfill leachate system in
- 21 accordance with any applicable permits issued for the landfill.
- 22 (3) For use as capped embankments for ground and sight barriers
- 23 under ten thousand (10,000) cubic yards or embankments for
- 24 airports, bridges, or overpasses.
- 25 (4) For use:
- 26 (A) in a land application operation; or
- 27 (B) as a soil amendment;
- 28 if the application or amendment does not include the operation
- 29 of a landfill.
- 30 (5) As a structural fill base capped by clay, asphalt, or concrete
- 31 for the following:
- 32 (A) Roads.
- 33 (B) Road shoulders.
- 34 (C) Parking lots.
- 35 (D) Floor slabs.
- 36 (E) Utility trenches.
- 37 (F) Bridge abutments.
- 38 (G) Tanks and vaults.
- 39 (H) Construction or architectural fill.
- 40 (I) Other similar uses.
- 41 (6) As a raw material constituent incorporated into another
- 42 product, including the following:

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- 1 (A) Flowable fill.
- 2 (B) Concrete.
- 3 (C) Asphalt.
- 4 (D) Brick.
- 5 (E) Block.
- 6 (F) Portland cement.
- 7 (G) Glass.
- 8 (H) Roofing materials.
- 9 (I) Rock wool.
- 10 (J) Plastics.
- 11 (K) Fiberglass.
- 12 (L) Mineral wool.
- 13 (M) Lightweight aggregate.
- 14 (N) Paint.
- 15 (O) Plaster.
- 16 (P) Other similar products.

17 SECTION 190. IC 13-19-3-9, AS ADDED BY P.L.189-2005,
 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2026]: Sec. 9. (a) This section does not apply to an expansion
 20 of a solid waste landfill:

- 21 (1) that accepts only construction\demolition waste; and
- 22 (2) for which a construction\demolition waste permit was issued
 23 before January 1, 2005.

24 (b) A solid waste landfill that accepts only construction\demolition
 25 waste shall comply with setback requirements concerning public
 26 schools established by the board ~~under 329 IAC 10-16-11~~ for
 27 municipal solid waste landfills.

28 SECTION 191. IC 13-19-4-6, AS AMENDED BY P.L.154-2005,
 29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2026]: Sec. 6. Before making a determination to deny a
 31 application for the issuance, transfer, or major modification of a permit
 32 under section 5 of this chapter, the commissioner ~~shall~~ **may** consider
 33 the following mitigating factors:

- 34 (1) The nature and details of the acts attributed to the applicant
 35 or responsible party.
- 36 (2) With respect to:
 - 37 (A) a civil or an administrative complaint referred to in
 38 section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2)
 39 (before its repeal); or
 - 40 (B) a criminal complaint referred to in section 5(a)(3) of
 41 this chapter or IC 13-7-10.2-4(a)(3) (before its repeal);
- 42 whether the matter has been resolved.

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- 1 (3) With respect to:
- 2 (A) a civil or an administrative complaint referred to in
- 3 section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2)
- 4 (before its repeal);
- 5 (B) a criminal complaint referred to in section 5(a)(3) of
- 6 this chapter or IC 13-7-10.2-4(a)(3) (before its repeal); or
- 7 (C) a judgment of conviction referred to in section 5(a)(4)
- 8 of this chapter or IC 13-7-10.2-4(a)(4);
- 9 whether any appeal is pending.
- 10 (4) The degree of culpability of the applicant or responsible
- 11 party.
- 12 (5) The applicant's or responsible party's cooperation with the
- 13 state or federal agencies involved in the investigation of the
- 14 activities involved in complaints and convictions referred to in
- 15 section 5(a)(2) through 5(a)(5) of this chapter or
- 16 IC 13-7-10.2-4(a)(2) through IC 13-7-10.2-4(a)(5) (before their
- 17 repeal).
- 18 (6) The applicant's or responsible party's dissociation from any
- 19 other persons or entities convicted of acts referred to in section
- 20 5(a)(2) through 5(a)(5) of this chapter or IC 13-7-10.2-4(a)(2)
- 21 through IC 13-7-10.2-4(a)(5) (before their repeal).
- 22 (7) Prior or subsequent self-policing or internal education
- 23 programs established by the applicant to prevent activities
- 24 referred to in section 5(a) of this chapter or IC 13-7-10.2-4(a)
- 25 (before its repeal).
- 26 (8) Whether the best interests of the public will be served by
- 27 denial of the permit.
- 28 (9) Any demonstration of good citizenship by the applicant or
- 29 responsible party.
- 30 SECTION 192. IC 13-19-4-9 IS REPEALED [EFFECTIVE JULY
- 31 1, 2026]. ~~Sec. 9: IC 4-21-5 governs determinations, notice, hearings,~~
- 32 ~~and appeal of determinations under this chapter.~~
- 33 SECTION 193. IC 13-20-1-5 IS REPEALED [EFFECTIVE JULY
- 34 1, 2026]. ~~Sec. 5: The board shall adopt rules under IC 4-22-2 and~~
- 35 ~~IC 13-14-9 to implement this chapter.~~
- 36 SECTION 194. IC 13-20-3-5 IS REPEALED [EFFECTIVE JULY
- 37 1, 2026]. ~~Sec. 5: The board shall adopt rules under IC 4-22-2 and~~
- 38 ~~IC 13-14-9 to implement this chapter.~~
- 39 SECTION 195. IC 13-20-6-9 IS REPEALED [EFFECTIVE JULY
- 40 1, 2026]. ~~Sec. 9: The board shall adopt rules under IC 4-22-2 to~~
- 41 ~~implement this chapter.~~
- 42 SECTION 196. IC 13-20-8-1, AS AMENDED BY P.L.133-2012,

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1 SECTION 139, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2026]: Sec. 1. ~~The board shall adopt rules under~~
 3 ~~IC 4-22-2 and IC 13-14-9 to regulate the construction and operation of~~
 4 ~~incinerators under IC 13-14-8. The~~ **Any rules adopted by the board**
 5 **for the construction and operation of incinerators under**
 6 **IC 13-14-8** must incorporate by reference pertinent rules adopted by
 7 the board concerning air pollution control.

8 SECTION 197. IC 13-20-10.5-1, AS ADDED BY P.L.189-2011,
 9 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2026]: Sec. 1. (a) A person may not after June 30, 2011, start:

11 (1) construction of:

12 (A) ~~a biomass an~~ anaerobic digestion facility; or

13 (B) a ~~biomass~~ gasification facility; or

14 (2) expansion of:

15 (A) ~~a biomass an~~ anaerobic digestion facility; or

16 (B) a ~~biomass~~ gasification facility;

17 without obtaining prior approval of the department.

18 (b) A person who proposes to construct or expand ~~a biomass an~~
 19 anaerobic digestion facility or a ~~biomass~~ gasification facility on the
 20 premises of a confined feeding operation must obtain the prior approval
 21 required under subsection (a) through the approval process for confined
 22 feeding operations under IC 13-18-10 and rules implementing that
 23 chapter.

24 SECTION 198. IC 13-20-10.5-2, AS ADDED BY P.L.189-2011,
 25 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2026]: Sec. 2. ~~Except as provided in section 3 of this chapter,~~
 27 ~~a biomass~~ **An** anaerobic digestion facility or a ~~biomass~~ gasification
 28 facility for which the only input is biomass is not subject to regulation
 29 as a solid waste processing facility.

30 SECTION 199. IC 13-20-10.5-3 IS REPEALED [EFFECTIVE
 31 JULY 1, 2026]. ~~Sec. 3. The department may determine that a biomass~~
 32 ~~anaerobic digestion facility or a biomass gasification facility for which~~
 33 ~~the input is a combination of biomass and solid waste is subject to~~
 34 ~~regulation as a solid waste processing facility.~~

35 SECTION 200. IC 13-20-10.5-3.5, AS ADDED BY P.L.27-2024,
 36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2026]: Sec. 3.5. (a) The department shall make a
 38 determination under section 1 of this chapter concerning prior approval
 39 for the construction or expansion of ~~a biomass an~~ anaerobic digestion
 40 facility or ~~biomass~~ gasification facility for which the only ~~input is~~
 41 **biomass inputs are biomass or appropriate feedstock** not later than
 42 ninety (90) days after the date on which the department receives the

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1 completed application for prior approval, including all required
 2 supplemental information, unless the department and the applicant
 3 agree to a longer time.

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

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

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

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

15 SECTION 201. IC 13-20-13-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The
 17 commissioner shall issue a waste tire storage site or waste tire
 18 processing operation certificate of registration to a person that owns or
 19 operates a waste tire storage site or waste tire processing operation if
 20 the person complies with the requirements of this chapter and rules
 21 adopted by the board under section 11 of this chapter.

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

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

26 (1) this chapter; and
 27 (2) rules adopted by the board under this chapter;

28 including a compliance schedule.

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

31 (1) the application is incomplete;
 32 (2) the applicant has failed to comply with the requirements of:
 33 (A) this chapter;
 34 (B) IC 13-20-14; or
 35 (C) a rule adopted by the board under section 11 of this
 36 chapter; or ~~under IC 13-20-14-6; or~~
 37 (3) an enforcement action is pending against the applicant.

38 SECTION 202. IC 13-20-13-5, AS AMENDED BY P.L.37-2012,
 39 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2026]: Sec. 5. A person that obtains a certificate of
 41 registration under section 3 of this chapter must do the following:

42 (1) Report annually to the department on the following:

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- 1 (A) The number of passenger tire equivalents received at
- 2 the waste tire storage site or by the waste tire processing
- 3 operation.
- 4 (B) The number and manner of disposal of the passenger
- 5 tire equivalents.
- 6 (2) Maintain contingency plans to protect public health and the
- 7 environment.
- 8 (3) If the person operates a waste tire storage site, maintain
- 9 financial assurance acceptable to the department necessary for
- 10 waste tire removal, in an amount specified in rules adopted by
- 11 the board under ~~section 11(b)(3)~~ **section 11** of this chapter.
- 12 (4) Maintain a copy of the certificate of registration at the site.
- 13 (5) Comply with applicable rules and requirements established
- 14 by the fire prevention and building safety commission for indoor
- 15 waste tire storage sites.
- 16 (6) Retain a copy of manifests received from a waste tire
- 17 transporter under IC 13-20-14 for at least one (1) year and make
- 18 a copy of the manifests available to the department upon request.
- 19 **SECTION 203. IC 13-20-13-8, AS AMENDED BY P.L.37-2012,**
- 20 **SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
- 21 **JULY 1, 2026]:** Sec. 8. (a) Except as provided in subsection (d)(2),
- 22 (d)(3), (d)(6), and (d)(7), the waste tire management fund is established
- 23 for the following purposes:
- 24 (1) The department may use not more than thirty-five percent
- 25 (35%) of the money deposited in the fund each year for:
- 26 (A) the removal and disposal of waste tires from sites where
- 27 the waste tires have been disposed of improperly; and
- 28 (B) operating the waste tire education program under
- 29 section 15 of this chapter.
- 30 (2) The department may use the remaining money deposited in
- 31 the fund each year to:
- 32 (A) provide grants and loans under section 9(b) of this
- 33 chapter to entities involved in waste tire management
- 34 activities; and
- 35 (B) pay the expenses of administering the programs
- 36 described in:
- 37 (i) subdivision (1)(B); and
- 38 (ii) clause (A).
- 39 (b) The expenses of administering the fund shall be paid from
- 40 money in the fund.
- 41 (c) Money in the fund at the end of a state fiscal year does not
- 42 revert to the state general fund.

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- 1 (d) Sources of money for the fund are the following:
- 2 (1) Fees paid under section 4(a)(6) of this chapter and
- 3 IC 13-20-14-5(c).
- 4 (2) Fees collected under section 7 of this chapter. All money
- 5 deposited in the fund under this subdivision may be used by the
- 6 department for waste reduction, recycling, removal, or
- 7 remediation projects.
- 8 (3) Costs and damages recovered from a person or other entity
- 9 under section 14 of this chapter or IC 13-20-14-8. All money
- 10 deposited in the fund under this subdivision may be used by the
- 11 department for removal and remediation projects.
- 12 (4) Fees established by the general assembly for the purposes of
- 13 this chapter.
- 14 (5) Appropriations made by the general assembly.
- 15 (6) Gifts and donations intended for deposit in the fund. A gift
- 16 or donation deposited in the fund under this subdivision may be
- 17 specified to be entirely for the use of the department.
- 18 (7) Civil penalties collected under IC 13-30-4 for violations of:
- 19 (A) this chapter;
- 20 (B) IC 13-20-14; and
- 21 (C) rules adopted under section 11 of this chapter. ~~and~~
- 22 ~~IC 13-20-14-6.~~

23 All money deposited in the fund under this subdivision may be
 24 used by the department for eligible projects.

25 SECTION 204. IC 13-20-13-11, AS AMENDED BY P.L.27-2020,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2026]: Sec. 11. ~~(a) The board shall adopt rules under~~
 28 ~~IC 4-22-2 and IC 13-14-8 necessary to implement this chapter.~~

29 ~~(b) (a) The Any~~ rules adopted under this section by the board for
 30 **waste tires and used tires** must include the following:

- 31 (1) Requirements for the registration of waste tire storage sites
- 32 and waste tire processing operations.
- 33 (2) Requirements concerning the following:
- 34 (A) The operation of waste tire storage sites and waste tire
- 35 processing operations.
- 36 (B) Proper storage and processing of waste tires.
- 37 (C) Contingency plans concerning the minimization of
- 38 hazards to human health and the environment at waste tire
- 39 storage sites and waste tire processing operations.
- 40 (D) Record keeping guidelines concerning the quantity of
- 41 waste tires stored and processed at waste tire storage sites
- 42 and waste tire processing operations.

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- 1 (E) The transportation of waste tires and loads containing
- 2 any combination of both waste tires and used tires.
- 3 (F) Reporting requirements concerning the transportation
- 4 of:
- 5 (i) waste tires; and
- 6 (ii) loads containing any combination of both waste
- 7 tires and used tires;
- 8 that include evidence of proper end point disposal or
- 9 processing of tires described in this clause.
- 10 (3) Financial assurance acceptable to the department necessary
- 11 for waste tire removal that a person that operates a waste tire
- 12 storage site must maintain. The rules shall provide for the use of
- 13 a corporate financial test that is substantially similar to the
- 14 corporate financial test set forth in 40 CFR 258.74(e) as an
- 15 optional financial assurance mechanism.
- 16 (4) The establishment of the fee required by section 4(a)(6) of
- 17 this chapter in an amount necessary to cover the costs incurred
- 18 in the following:
- 19 (A) Registering waste tire storage sites and waste tire
- 20 processing operations under this chapter.
- 21 (B) Administering this chapter.
- 22 (c) (b) The rules adopted under this section may establish
- 23 standards and procedures for the legitimate use, instead of disposal, of
- 24 waste tires, including standards and procedures concerning the
- 25 following:
- 26 (1) Proper storage and handling.
- 27 (2) Record keeping.
- 28 (3) Circumstances under which the use of a waste tire is not
- 29 considered a legitimate use.
- 30 SECTION 205. IC 13-20-14-1, AS AMENDED BY P.L.133-2012,
- 31 SECTION 145, IS AMENDED TO READ AS FOLLOWS
- 32 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as provided in:
- 33 (1) rules adopted under subsection (d); and
- 34 (2) section 10 of this chapter;
- 35 a whole waste tire may not be disposed of at a solid waste landfill.
- 36 (b) The department may approve shredded or ground up tires for
- 37 use as daily cover for a solid waste landfill.
- 38 (c) Material approved under subsection (b) is exempt from
- 39 IC 13-20-22 and IC 13-21-13.
- 40 (d) The board ~~shall~~ **may** adopt rules that allow for the incidental
- 41 disposal of small amounts of whole waste tires at solid waste landfills.
- 42 (e) The rules adopted under subsection (d) may allow a landfill

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1 operator to meet the requirements of the rule by employing procedures
 2 designed to achieve the objectives of subsection (d) in lieu of a numeric
 3 standard.

4 SECTION 206. IC 13-20-14-5, AS AMENDED BY P.L.37-2012,
 5 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2026]: Sec. 5. (a) A person may not act as a waste tire
 7 transporter, as defined in IC 13-11-2-252, unless the person is
 8 registered with the department as a waste tire transporter. To apply for
 9 a certificate of registration as a waste tire transporter, a person must
 10 submit the following to the department:

11 (1) The person's name.

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

13 (3) The addresses of any offices maintained by the person in
 14 Indiana.

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

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

21 (B) a negotiable certificate of deposit; or

22 (C) a negotiable letter of credit;

23 payable to the department and conditional upon faithful
 24 performance of the requirements of this chapter and the
 25 registration.

26 (b) ~~The rules adopted under section 6 of this chapter~~ **department**
 27 must adopt a manifest form and require a waste tire transporter to
 28 prepare and carry a manifest based upon that form each time a waste
 29 tire transporter transports waste tires. The format and wording of the
 30 form must require a waste tire transporter to enter information in each
 31 manifest indicating the source and number of waste tires to be
 32 transported and the destination to which the waste tires are transported.

33 (c) A person who acts as a waste tire transporter in Indiana shall
 34 pay an annual registration fee of twenty-five dollars (\$25) that shall be
 35 deposited in the waste tire management fund and appropriated to the
 36 department for the department's use in providing for the removal and
 37 disposal of waste tires from sites where the waste tires have been
 38 disposed of improperly.

39 (d) A waste tire transporter shall do the following:

40 (1) Retain a copy of a manifest described under this section for
 41 at least one (1) year.

42 (2) Make a copy of a manifest described under this section

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- 1 available to the department upon request.
- 2 (3) ~~Report annually to the department~~ **Record** the number of
- 3 passenger tire equivalents transported by the waste tire
- 4 transporter **and provide the records to the department upon**
- 5 **request.**
- 6 (4) Maintain financial assurance acceptable to the department in
- 7 accordance with subsection (a)(4).
- 8 (e) The commissioner may include in a certificate of registration
- 9 issued under this chapter conditions that ensure compliance with:
- 10 (1) this chapter; and
- 11 (2) rules adopted by the board under this chapter;
- 12 including a compliance schedule.
- 13 (f) The department may deny an application to register under this
- 14 chapter if:
- 15 (1) the application is incomplete;
- 16 (2) the applicant has failed to comply with the requirements of:
- 17 (A) this chapter;
- 18 (B) IC 13-20-13; or
- 19 (C) a rule adopted by the board under ~~section 6 of this~~
- 20 ~~chapter or under~~ IC 13-20-13-11; or
- 21 (3) an enforcement action is pending against the applicant.
- 22 SECTION 207. IC 13-20-14-5.6, AS AMENDED BY
- 23 P.L.128-2024, SECTION 27, IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.6. (a) A certificate of
- 25 registration issued by the department under this chapter may be
- 26 revoked or modified by the commissioner, or by a designated staff
- 27 member of the department, after notification in writing is sent in
- 28 accordance with IC 13-14-2-1 to the holder of the certificate, for:
- 29 (1) failure to disclose all relevant facts;
- 30 (2) making a misrepresentation in obtaining the registration; or
- 31 (3) failure to correct, within the time established by the
- 32 department, a violation of:
- 33 (A) a condition of the registration;
- 34 (B) this chapter; or
- 35 (C) a rule adopted by the board. ~~under section 6 of this~~
- 36 ~~chapter.~~
- 37 (b) A person aggrieved by the revocation or modification of a
- 38 certificate of registration may appeal the revocation or modification to
- 39 the office of administrative law proceedings under IC 4-15-10.5.
- 40 Pending the decision resulting from a hearing under IC 4-21.5-3
- 41 concerning the revocation or modification, the registration remains in
- 42 force. However, subsequent to revocation or modification, the

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1 commissioner may seek injunctive relief concerning the activity
2 described in the registration.

3 SECTION 208. IC 13-20-14-6 IS REPEALED [EFFECTIVE
4 JULY 1, 2026]. ~~Sec. 6. The board shall adopt rules under IC 4-22-2 and~~
5 ~~IC 13-14-9 to implement this chapter.~~

6 SECTION 209. IC 13-20-14-9.5, AS AMENDED BY
7 P.L.133-2012, SECTION 147, IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9.5. (a) Except as
9 provided in rules adopted under subsection (c), an operator of a transfer
10 station shall remove whole waste tires present in solid waste that is
11 being transferred from a vehicle or container to another vehicle or
12 container at the transfer station.

13 (b) Whole waste tires removed by an operator of a transfer station
14 under subsection (a) shall be disposed of as provided in this chapter.

15 (c) The board ~~shall~~ **may** adopt rules that allow for the incidental
16 transfer of small amounts of whole waste tires under subsection (a).

17 (d) The rules adopted under subsection (c) may allow a transfer
18 station operator to meet the requirements of the rule by employing
19 procedures designed to achieve the objectives of subsection (c) in lieu
20 of a numeric standard.

21 SECTION 210. IC 13-20-15-1, AS AMENDED BY P.L.133-2012,
22 SECTION 148, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall administer
24 and implement this chapter to protect the public health, safety, and
25 welfare from the toxic effects and environmental dangers of PCB. The
26 board ~~shall~~ **may** adopt the rules ~~required by~~ **under** this chapter under
27 IC 4-22-2 and IC 13-14-9.

28 SECTION 211. IC 13-20-15-3 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A person may
30 apply to the commissioner for an exemption certificate on forms
31 provided by the department. The department may require additional
32 information or materials to accompany the application as considered
33 necessary for an accurate evaluation of the application.

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

- 36 (1) manufactured for sale;
- 37 (2) sold for use; or
- 38 (3) used by the person;

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

41 (c) In granting a certificate of exemption, the commissioner ~~shall~~
42 **may** impose conditions on the exemption so that the exemption covers

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1 only incidental concentrations of PCB.

2 SECTION 212. IC 13-20-17.7-4, AS ADDED BY P.L.170-2006,

3 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

4 JULY 1, 2026]: Sec. 4. (a) The commissioner shall do the following:

5 (1) Not more than thirty (30) days after receiving a plan

6 developed by a motor vehicle manufacturer or a group of motor

7 vehicle manufacturers under section 1 of this chapter, issue a

8 public notice of a period of at least thirty (30) days during which

9 the public may submit written comments on the plan to the

10 commissioner.

11 (2) Not more than one hundred twenty (120) days after receiving

12 a plan, determine whether the entire plan complies with this

13 chapter and:

14 (A) if the entire plan complies with this chapter, approve

15 the plan in its entirety;

16 (B) if no part of the plan complies with this chapter, reject

17 the plan in its entirety; or

18 (C) if only part of the plan complies with this chapter,

19 approve that part and reject the rest of the plan.

20 (b) If a plan is approved in its entirety under subsection (a)(2)(A),

21 the motor vehicle manufacturers shall begin implementing the plan not

22 more than thirty (30) days after the date the plan is approved. If an

23 entire plan is rejected under subsection (a)(2)(B), the commissioner

24 shall inform the motor vehicle manufacturers why the plan was

25 rejected, and the manufacturers shall submit a new plan not more than

26 thirty (30) days after the commissioner informs the manufacturers that

27 the entire plan was rejected. If a plan is approved in part and rejected

28 in part under subsection (a)(2)(C), the manufacturers shall immediately

29 implement the approved part of the plan and submit a revision of the

30 rejected part of the plan not more than thirty (30) days after the

31 commissioner informs the manufacturers of the commissioner's partial

32 approval. The commissioner shall make a determination on a revised

33 plan not more than thirty (30) days after receiving the revised plan.

34 (c) Not more than two hundred forty (240) days after receiving a

35 plan developed by motor vehicle manufacturers under section 1 of this

36 chapter, the commissioner shall complete, on behalf of the

37 manufacturer, any part of the plan that has not yet been approved.

38 (d) After a plan has been approved under this section, the

39 commissioner shall:

40 (1) review the plan three (3) years after the original date of

41 approval of the plan and every three (3) years thereafter; and

42 (2) work with the motor vehicle manufacturers to agree with the

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1 manufacturers on appropriate modifications to the plan:

2 (e) Motor vehicle manufacturers are not required to resubmit a
3 plan modified under subsection (d) to the commissioner for approval:

4 SECTION 213. IC 13-20-22-1, AS AMENDED BY P.L.250-2019,
5 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2026]: Sec. 1. (a) A fee is imposed on the disposal or
7 incineration of solid waste in a final disposal facility in Indiana. Except
8 as provided in section 14 of this chapter, the amount of the fee is as
9 follows:

10 (1) For solid waste generated in Indiana, fifty cents (\$0.50) a ton.

11 (2) For solid waste generated outside Indiana:

12 (A) fifty cents (\$0.50) a ton; and

13 (B) if the board has adopted rules under subsection (b), an
14 additional amount imposed under the rules.

15 (b) The board may adopt rules to establish and impose a fee on the
16 disposal or incineration of solid waste that is:

17 (1) generated outside Indiana; and

18 (2) disposed of or incinerated in a final disposal facility in
19 Indiana.

20 If rules are adopted under this subsection, the fee shall be set at an
21 amount necessary to offset the costs incurred by the state or a county,
22 municipality, or township that can be attributed to the importation of
23 the solid waste into Indiana and the presence of the solid waste in
24 Indiana.

25 (c) If solid waste has been subject to a fee under this section, the
26 total amount of the fee paid shall be credited against any other fee to
27 which the solid waste may later be subject under this section.

28 (d) A fee may not be imposed upon material used as alternate daily
29 cover pursuant to ~~under~~ a permit issued by the department ~~under 329~~
30 ~~IC 10-20-13~~ or a rule adopted by the board.

31 SECTION 214. IC 13-20-25-1, AS ADDED BY P.L.126-2014,
32 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2026]: Sec. 1. The goal of the state is to recycle or divert at
34 least fifty percent (50%) of its municipal waste.

35 SECTION 215. IC 13-20-25-9, AS AMENDED BY P.L.147-2015,
36 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2026]: Sec. 9. (a) A recycler shall report the recycler's
38 recycling activities under this section. A recycler may elect to report
39 the recycler's recycling activities on an annual basis under subsection
40 (b). or on a quarterly basis under subsection (c):

41 (b) A recycler that elects to report on an annual basis shall, in
42 2016 and each succeeding calendar year, before March 1, shall submit

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1 to the commissioner a completed recycling activity report concerning
2 the recycling activities conducted by the recycler during the calendar
3 year that ended on the most recent December 31.

4 (c) A recycler **may elect to report more frequently than is**
5 **required under subsection (a).** that elects to report on a quarterly
6 basis shall, for the July through September quarter of 2014 and each
7 succeeding quarter, not more than thirty (30) days after the end of the
8 quarter, submit to the commissioner a completed recycling activity
9 report concerning the recycling activities conducted by the recycler
10 during the quarter. A quarterly report submitted under this subsection
11 must concern the recycling activities conducted by the recycler during
12 the period of:

- 13 (1) July through September;
- 14 (2) October through December;
- 15 (3) January through March; or
- 16 (4) April through June.

17 (d) A recycler shall submit a separate recycling activity report
18 under this section for each reporting period, ~~whether annual or~~
19 ~~quarterly,~~ **period** for each facility:

- 20 (1) that was owned or operated by the recycler; and
 - 21 (2) at which the recycler conducted recycling activities;
- 22 during the reporting period.

23 (e) **A person who operates a composting facility that must be**
24 **registered under this chapter shall submit an annual report to the**
25 **commissioner that indicates the volume of material processed by**
26 **the composting facility during the preceding year.**

27 SECTION 216. IC 13-20-25-10, AS AMENDED BY
28 P.L.104-2024, SECTION 34, IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) A person:

- 30 (1) who:
 - 31 (A) is not required to submit a recycling activity report
 - 32 under section 9 of this chapter; but
 - 33 (B) recycled recyclable materials during a calendar year;
- 34 (2) who:
 - 35 (A) meets the definition of "scrap metal processing facility"
 - 36 set forth in IC 8-23-1-36;
 - 37 (B) meets the definition of "automotive salvage recycler" set
 - 38 forth in IC 9-13-2-10;
 - 39 (C) meets the definition of "recycling facility" set forth in
 - 40 IC 9-13-2-150.3;
 - 41 (D) is engaged in business subject to IC 9-22-3;
 - 42 (E) meets the definition of "automotive salvage rebuilder"

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- 1 set forth in IC 9-32-2.1-5;
- 2 (F) meets the definition of "scrap metal processor" set forth
- 3 in IC 13-11-2-196.5;
- 4 (G) meets the definition of "core buyer" set forth in
- 5 IC 25-37.5-1-0.2; or
- 6 (H) meets the definition of "valuable metal dealer" set forth
- 7 in IC 25-37.5-1-1(b); or
- 8 (3) who:
- 9 (A) is not required to submit a recycling activity report
- 10 under section 9 of this chapter; but
- 11 (B) took action during a calendar year to recover, from the
- 12 solid waste stream, for purposes of:
- 13 (i) use or reuse;
- 14 (ii) conversion into raw materials; or
- 15 (iii) use in the production of new products;
- 16 materials that were not municipal waste;
- 17 may voluntarily submit a recycling activity report to the commissioner
- 18 concerning the person's recycling activity during the calendar year.
- 19 (b) The commissioner ~~shall~~ **may** include information reported to
- 20 the commissioner under this section in the annual reports that the
- 21 commissioner is required to submit under IC 4-23-5.5-6.
- 22 SECTION 217. IC 13-20-25-11, AS AMENDED BY THE
- 23 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
- 24 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2026]: Sec. 11. (a) ~~Except as provided in subsection (b);~~ A
- 26 recycling activity report submitted to the commissioner under this
- 27 chapter must be submitted ~~on the uniform recycling activity report form~~
- 28 **posted in a format required** by the commissioner ~~on through~~ the
- 29 department's ~~Internet web site website.~~ **under section 12 of this**
- 30 **chapter.**
- 31 (b) ~~If a uniform recycling activity report form is not posted on the~~
- 32 ~~department's Internet web site by July 1 in a calendar year in which a~~
- 33 ~~recycler is required to submit a completed recycling activity report~~
- 34 ~~under section 9(a) of this chapter; the recycler may satisfy the recycler's~~
- 35 ~~duties under this chapter by submitting to the commissioner; by a letter~~
- 36 ~~postmarked before August 1 of the calendar year; the types of~~
- 37 ~~information about the recycler's recycling activities during the calendar~~
- 38 ~~year that are set forth in section 12 of this chapter.~~
- 39 **(b) The recycling activity report form must be posted on the**
- 40 **department's website and must do the following:**
- 41 **(1) Provide for reporting of the:**
- 42 **(A) name and location of; and**

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- 1 **(B) principal business activities conducted at;**
- 2 **the recycler's establishment.**
- 3 **(2) Include:**
- 4 **(A) an appropriate space for; and**
- 5 **(B) instructions requiring the completion of;**
- 6 **an appropriate certification, by signature of the recycler (if**
- 7 **the recycler is an individual) or a senior official with**
- 8 **management responsibility for the recycler (if the recycler is**
- 9 **not an individual), of the accuracy and completeness of the**
- 10 **recycling activity report.**
- 11 **(3) Provide for reporting of the quantity, in tons, of each type**
- 12 **of recyclable material listed in subsection (c) that was in**
- 13 **storage at the reporting recycler's establishment:**
- 14 **(A) at the start of the calendar year; and**
- 15 **(B) at the close of the calendar year.**
- 16 **(4) Provide for reporting of the quantity, in tons, of each type**
- 17 **of recyclable material listed in subsection (c) that was**
- 18 **transported from the reporting recycler's establishment, or**
- 19 **(in the case of a recycler that is a recyclable materials**
- 20 **broker) that was transported or delivered by arrangement of**
- 21 **the recycler, to any of the following:**
- 22 **(A) Other recyclers located in Indiana.**
- 23 **(B) Persons that are located in Indiana but are not**
- 24 **recyclers, including persons that may employ the**
- 25 **recyclable material as a raw material or a new product**
- 26 **without further recycling.**
- 27 **(C) Persons located outside Indiana.**
- 28 **(c) A uniform recycling activity report form posted on the**
- 29 **department's website under subsection (a) must specify that the**
- 30 **information to be reported by a recycler under subsection (b)(3)**
- 31 **and (b)(4) must be reported separately for each of the following**
- 32 **types of recyclable materials:**
- 33 **(1) Glass.**
- 34 **(2) Metal, including white goods (ferrous).**
- 35 **(3) Metal (nonferrous).**
- 36 **(4) Paper and paper products (all grades).**
- 37 **(5) Plastic and plastic products.**
- 38 **(6) Single stream recyclable materials.**
- 39 **(7) Any other distinct type of recyclable material not**
- 40 **specified in subdivisions (1) through (6).**

41 SECTION 218. IC 13-20-25-12 IS REPEALED [EFFECTIVE
 42 JULY 1, 2026]. Sec. 12: (a) Not later than July 1, 2015, the

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1 commissioner shall post on the department's Internet web site a
2 uniform recycling activity report form. The form must do the following:

3 (1) Provide for reporting of the:

4 (A) name and location of; and

5 (B) principal business activities conducted at;

6 the recycler's establishment.

7 (2) Include:

8 (A) an appropriate space for; and

9 (B) instructions requiring the completion of;

10 an appropriate certification, by signature of the recycler (if the
11 recycler is an individual) or a senior official with management
12 responsibility for the recycler (if the recycler is not an
13 individual), of the accuracy and completeness of the recycling
14 activity report.

15 (3) Provide for reporting of the quantity, in tons, of each type of
16 recyclable material listed in subsection (b) that was in storage at
17 the reporting recycler's establishment:

18 (A) at the start of the calendar year; and

19 (B) at the close of the calendar year.

20 (4) Provide for reporting of the quantity, in tons, of each type of
21 recyclable material listed in subsection (b) that was transported
22 from the reporting recycler's establishment, or (in the case of a
23 recycler that is a recyclable materials broker) that was
24 transported or delivered by arrangement of the recycler; to any
25 of the following:

26 (A) Other recyclers located in Indiana:

27 (B) Persons that are located in Indiana but are not recyclers,
28 including persons who may employ the recyclable material
29 as a raw material or a new product without further
30 recycling;

31 (C) Persons located outside Indiana.

32 (b) The uniform recycling activity report form posted on the
33 department's Internet web site under subsection (a) must specify that
34 the information to be reported by a recycler under subsection (a)(3) and
35 (a)(4) must be reported separately for each of the following types of
36 recyclable materials:

37 (1) Glass:

38 (2) Metal, including white goods (ferrous):

39 (3) Metal (nonferrous):

40 (4) Paper and paper products (all grades):

41 (5) Plastic and plastic products:

42 (6) Single stream recyclable materials:



1 (7) Any other distinct type of recyclable material not specified
2 in subdivisions (1) through (6).

3 SECTION 219. IC 13-20-26-3, AS ADDED BY P.L.153-2023,
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 3. To implement the second round of grants
6 described in this chapter, the Indiana recycling market development
7 board ~~shall~~ **may not** award ~~not~~ more than a total of two million dollars
8 (\$2,000,000) to applicants.

9 SECTION 220. IC 13-20.5-1-4, AS AMENDED BY
10 P.L.200-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person may not operate as
12 a collector of covered electronic devices from covered entities unless
13 the person:

- 14 (1) has submitted to the department a completed registration
15 form; ~~as required by 329 IAC 16-5-1~~; and
- 16 (2) otherwise complies with ~~329 IAC 16-~~ **rules established by**
17 **the board.**

- 18 (b) A registration submitted under this section:
 - 19 (1) is effective upon receipt by the department; and
 - 20 (2) must be submitted for a program year not later than March 1
21 of the program year.

22 SECTION 221. IC 13-20.5-1-5, AS AMENDED BY
23 P.L.200-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person may not recycle
25 covered electronic devices generated by covered entities unless the
26 person:

- 27 (1) has submitted to the department a completed registration
28 form; ~~as required by 329 IAC 16-5-1~~; and
- 29 (2) otherwise complies with ~~329 IAC 16-~~ **rules established by**
30 **the board.**

31 (b) A registered recycler may conduct recycling activities that are
32 consistent with this article.

- 33 (c) A registration submitted under this section:
 - 34 (1) is effective upon receipt by the department; and
 - 35 (2) must be submitted for a program year not later than March 1
36 of the program year.

37 SECTION 222. IC 13-20.5-1-6, AS ADDED BY P.L.178-2009,
38 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2026]: Sec. 6. The department may revoke the registration of
40 a collector or recycler that violates either or both of the following:

- 41 (1) This article.
- 42 (2) ~~329 IAC 16-~~ **Rules established by the board.**

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1 SECTION 223. IC 13-20.5-3-1, AS AMENDED BY
2 P.L.200-2017, SECTION 10, IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than
4 March 1 of each year, a manufacturer shall report to the department the
5 total weight in pounds of covered electronic devices that the
6 manufacturer:

- 7 (1) collected from eligible entities and recycled; or
- 8 (2) arranged to have collected from eligible entities and
9 recycled;

10 during the program year that ended on the immediately preceding
11 December 31.

12 (b) Not later than March 1 of each year, a manufacturer shall
13 report the following to the department:

14 (1) The number of recycling credits the manufacturer purchased
15 and sold during the program year that ended on the immediately
16 preceding December 31.

17 (2) The number of recycling credits possessed by the
18 manufacturer that the manufacturer intends to use in the
19 calculation of its variable recycling fee under IC 13-20.5-2-1.

20 (3) The number of recycling credits the manufacturer retained at
21 the beginning of the program year that began on the immediately
22 preceding January 1.

23 (4) The ~~amount~~ **weight** in pounds of covered electronic devices
24 that the manufacturer arranged for a recycler to collect and
25 recycle during the program year that ended on the immediately
26 preceding December 31 and that were not converted to recycling
27 credits.

28 SECTION 224. IC 13-20.5-3-2, AS AMENDED BY
29 P.L.200-2017, SECTION 11, IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. Not later than each
31 March 1, a recycler of covered electronic devices shall do the
32 following:

33 (1) Report to the department separately the total weight in
34 pounds of covered electronic devices that were:

- 35 (A) recycled by the recycler; and
- 36 (B) taken by the recycler for final disposal;

37 during the program year that ended on the immediately
38 preceding December 31.

39 (2) Submit to the department a list of all collectors from whom
40 the recycler received covered electronic devices during the
41 program year that ended on the immediately preceding
42 December 31.

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1 (3) Certify that the recycler has complied with IC 13-20.5-5 and
2 ~~329 IAC 16~~ **any applicable regulations** during the program year
3 that ended on the immediately preceding December 31.

4 SECTION 225. IC 13-20.5-4-1, AS AMENDED BY
5 P.L.200-2017, SECTION 13, IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A manufacturer shall
7 **do the following:**

8 (1) In each of the manufacturer's program years recycle or
9 arrange for the collection and recycling from covered entities of
10 an amount of covered electronic devices equal to at least sixty
11 percent (60%) of the total weight of the manufacturer's video
12 display devices sold to households as reported in the
13 manufacturer's registration for the program year under
14 IC 13-20.5-1-1(c)(4).

15 (2) **Conduct and document due diligence assessments of**
16 **collectors and recyclers with which the manufacturer**
17 **contracts to allow the manufacturer to comply with this**
18 **chapter.**

19 (3) **Maintain for three (3) years documentation showing that**
20 **all covered electronic devices:**

- 21 (A) recycled;
 - 22 (B) partially recycled; or
 - 23 (C) sent to downstream recycling operations by the
 - 24 manufacturer;
- 25 **are recycled in compliance with this article.**

26 (4) **Provide the department with contact information for an**
27 **individual who can be contacted regarding the**
28 **manufacturer's activities under this article.**

29 SECTION 226. IC 13-20.5-4-2 IS REPEALED [EFFECTIVE
30 JULY 1, 2026]. Sec. 2: (a) A manufacturer shall conduct and document
31 due diligence assessments of collectors and recyclers with which the
32 manufacturer contracts to allow the manufacturer to comply with this
33 chapter.

34 (b) A manufacturer shall maintain for three (3) years
35 documentation showing that all covered electronic devices recycled;
36 partially recycled; or sent to downstream recycling operations by the
37 manufacturer are recycled in compliance with this article.

38 SECTION 227. IC 13-20.5-4-3 IS REPEALED [EFFECTIVE
39 JULY 1, 2026]. Sec. 3: A manufacturer shall provide the department
40 with contact information for an individual who can be contacted
41 regarding the manufacturer's activities under this article.

42 SECTION 228. IC 13-20.5-7-3, AS ADDED BY P.L.178-2009,

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1 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2026]: Sec. 3. If the revenues in the electronic waste fund
3 established by IC 13-20.5-2-3 exceed the amount that the department
4 determines is necessary for efficient and effective administration of this
5 article, the department shall ~~recommend to the general assembly in a~~
6 ~~report submitted in an electronic format under IC 5-14-6 that:~~

7 ~~(1) the registration fee under IC 13-20.5-2-1(a); or~~

8 ~~(2) the proportion of sales of video display devices required to be~~
9 ~~recycled under IC 13-20.5-4-1;~~

10 ~~be lowered to reduce revenues collected in the subsequent state fiscal~~
11 ~~year by the estimated amount of the excess. **report to the standing**~~
12 ~~**committees with subject matter jurisdiction over environmental**~~
13 ~~**affairs for both the house of representatives and the senate.**~~

14 SECTION 229. IC 13-20.5-7-10 IS REPEALED [EFFECTIVE
15 JULY 1, 2026]. Sec. ~~10~~: (a) Solid waste management districts shall
16 conduct educational programs to provide information to the public
17 concerning:

18 ~~(1) reuse and recycling of electronic waste;~~

19 ~~(2) collection programs available to the public for the disposal~~
20 ~~of electronic waste; and~~

21 ~~(3) proper disposal of electronic waste.~~

22 ~~(b) The department, with assistance from solid waste management~~
23 ~~districts and other appropriate persons, shall provide solid waste~~
24 ~~management districts with a curriculum model that includes~~
25 ~~educational core principles concerning the reuse, recycling, collection,~~
26 ~~and proper disposal of solid waste. Solid waste management districts~~
27 ~~shall implement educational programs that meet the minimum~~
28 ~~standards established by the department in the curriculum model.~~

29 SECTION 230. IC 13-21-1-1 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The commissioner:
31 ~~shall do the following:~~

32 ~~(1) **shall** adopt the state plan in final form; and~~

33 ~~(2) **may** adopt rules under IC 4-22-2 to provide for the plan's~~
34 ~~implementation.~~

35 SECTION 231. IC 13-21-1-2 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The state plan must
37 provide for solid waste management in Indiana for the twenty (20)
38 years following the adoption of the state plan. The state plan ~~must~~ **may**
39 include the following, in order of priority:

40 (1) The establishment of voluntary statewide goals for source
41 reduction.

42 (2) The establishment of criteria for alternatives to final disposal,

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1 including the following:
 2 (A) Recycling.
 3 (B) Composting.
 4 (C) The availability of markets.
 5 (3) The establishment of general criteria for the siting,
 6 construction, operation, closing, and monitoring of final disposal
 7 facilities.
 8 (4) Criteria and other elements to be considered in the adoption
 9 of district solid waste management plans.
 10 SECTION 232. IC 13-21-1-3 IS REPEALED [EFFECTIVE JULY
 11 1, 2026]. ~~Sec. 3: Revisions of the state plan must be implemented using~~
 12 ~~the procedures set forth in section 4 of this chapter.~~
 13 SECTION 233. IC 13-21-1-4, AS ADDED BY P.L.37-2012,
 14 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2026]: Sec. 4. (a) ~~In 2015 and every fifth year thereafter,~~ The
 16 legislative council ~~shall~~ **may** require an interim study committee or a
 17 statutory study committee to:
 18 (1) assess solid waste management districts; and
 19 (2) determine whether any changes should be made to the
 20 statutes governing solid waste management districts.
 21 (b) An interim study committee or a statutory study committee that
 22 assesses solid waste management districts under subsection (a) shall
 23 issue a final report, in an electronic format under IC 5-14-6, to the
 24 legislative council containing the committee's findings and
 25 recommendations, including any recommended legislation, not later
 26 than November 1 of the year in which an assessment is conducted.
 27 SECTION 234. IC 13-21-13-1, AS AMENDED BY P.L.104-2022,
 28 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2026]: Sec. 1. (a) A board may impose fees on the disposal of
 30 solid waste in a final disposal facility located within the district. A fee
 31 imposed by a board in a county with a population of more than one
 32 hundred twelve thousand (112,000) and less than one hundred twenty
 33 thousand (120,000) under this section may not exceed two dollars and
 34 fifty cents (\$2.50) a ton. A fee imposed by a board in other counties
 35 under this section may not exceed:
 36 (1) two dollars and fifty cents (\$2.50) a ton; or
 37 (2) the amount of a fee imposed by the board;
 38 (A) under this section; and
 39 (B) in effect on January 1, 1993;
 40 whichever is greater.
 41 (b) The board shall do the following:
 42 (1) Set the amount of fees imposed under this section after a

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- 1 public hearing.
- 2 (2) Give public notice of the hearing.
- 3 (c) If solid waste has been subject to a district fee under this
- 4 section, the total amount of the fee that was paid shall be credited
- 5 against a district fee to which the solid waste may later be subject
- 6 under this section.
- 7 (d) Except as provided in section 4 of this chapter, fees imposed
- 8 under this chapter shall be imposed uniformly on public facilities and
- 9 on privately owned or operated facilities throughout the district.
- 10 (e) A resolution adopted by a board that establishes fees under this
- 11 chapter may contain a provision that authorizes the board to impose a
- 12 penalty of not more than five hundred dollars (\$500) per day because
- 13 of:
 - 14 (1) nonpayment of fees; or
 - 15 (2) noncompliance with a condition in the resolution.
- 16 (f) A board may not impose fees for material used as alternate
- 17 daily cover pursuant to a permit issued by the department under ~~329~~
- 18 ~~IC 10-20-13. the rules adopted by the board.~~
- 19 SECTION 235. IC 13-22-2-2 IS REPEALED [EFFECTIVE JULY
- 20 1, 2026]. ~~Sec. 2: The board shall adopt rules under IC 4-22-2 and~~
- 21 ~~IC 13-14-9 to implement this chapter through IC 13-22-8;~~
- 22 ~~IC 13-22-11.5, and IC 13-22-13 through IC 13-22-14.~~
- 23 SECTION 236. IC 13-22-2-3, AS AMENDED BY P.L.93-2024,
- 24 SECTION 118, IS AMENDED TO READ AS FOLLOWS
- 25 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The board ~~shall adopt rules~~
- 26 ~~under IC 4-22-2 and IC 13-14-8 to~~ **may** develop criteria for
- 27 determining hazardous waste. In developing ~~those~~ **criteria for**
- 28 **determining hazardous waste**, the board shall determine whether any
- 29 waste to be or being disposed of meets any of the following conditions:
 - 30 (1) Presents immediate or persistent hazards to humans or
 - 31 wildlife.
 - 32 (2) Is resistant to natural degradation or detoxification.
 - 33 (3) Is bioconcentrative, flammable, reactive, toxic, corrosive, or
 - 34 infectious in addition to any other harmful characteristics.
- 35 (b) The board shall do the following:
 - 36 (1) Compile and maintain a listing of wastes that have been
 - 37 determined to be hazardous:
 - 38 (A) under the criteria described in subsection (a); or
 - 39 (B) by regulation of the United States Environmental
 - 40 Protection Agency.
 - 41 (2) Issue the listing by adopting rules under IC 4-22-2.
 - 42 ~~(c) (3) The board shall~~ Consider actions taken by adjoining states

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1 and the federal government for purposes of uniform criteria
2 relating to the listing and delisting of waste under this section.

3 ~~(d)~~ (c) The commissioner may exclude a waste produced at a
4 particular generating facility from the listing under subsection (b) if the
5 person seeking exclusion of the waste demonstrates to the satisfaction
6 of the commissioner that the waste does not meet any of the criteria
7 under which the waste was listed as a hazardous waste and:

8 (1) the person seeking exclusion has already obtained exclusion
9 of the waste from the listing maintained under 40 CFR 261 by
10 the United States Environmental Protection Agency; or

11 (2) if the department has received authority from the United
12 States Environmental Protection Agency to delist waste under 40
13 CFR 260.20 and 260.22, the person petitions the commissioner
14 to consider the removal of a waste from the listing, and the
15 commissioner follows the authorized procedure for delisting.

16 ~~(e)~~ (d) The department shall establish a procedure by which a
17 person may petition the commissioner to consider the removal of a
18 specific waste from the lists maintained under subsection (b).

19 SECTION 237. IC 13-22-2-4 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall
21 adopt rules under IC 4-22-2 and IC 13-14-8 on the proper and safe
22 transportation, treatment, storage, and disposal of hazardous wastes.
23 Whenever possible, the rules adopted under this section must allow for
24 variation in Indiana with regard to population density, climate, and
25 geology.

26 (b) Rules adopted under this section concerning incinerators used
27 as hazardous waste facilities may establish requirements more stringent
28 than the requirements for hazardous waste incinerators established by
29 regulations adopted by the Administrator of the United States
30 Environmental Protection Agency under the following statutes:

31 (1) The federal Resource Conservation and Recovery Act (42
32 U.S.C. 6901 et seq.).

33 (2) The federal Clean Air Act (42 U.S.C. 7401 et seq.), as
34 amended by the federal Clean Air Act Amendments of 1990
35 (P.L.101-549). **amended.**

36 SECTION 238. IC 13-22-2-6 IS REPEALED [EFFECTIVE JULY
37 1, 2026]. ~~Sec. 6: The board shall do the following:~~

38 ~~(1) Adopt rules under IC 4-22-2 and IC 13-14-9 setting standards
39 for closure and postclosure monitoring and maintenance plans.~~

40 ~~(2) Include in the rules a requirement for prior notice of closure
41 and a time limit for completion of closure.~~

42 SECTION 239. IC 13-22-2-7, AS AMENDED BY P.L.133-2012,

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

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

19 SECTION 240. IC 13-22-3-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Before allowing
 21 the operation of a landfill for the disposal of hazardous waste, the
 22 commissioner and all the owners of the land upon which the landfill is
 23 located must execute and record a restrictive covenant upon the land
 24 involved. The department shall file the instrument imposing the
 25 restrictive covenant for record in the recorder's office in the county in
 26 which the landfill is located.

- 27 (b) The covenant must state that:
 - 28 (1) the land has been or may be used as a landfill for disposal of
 29 hazardous waste; and
 - 30 (2) neither the property owners, agents, or employees, nor any of
 31 their heirs, successors, lessees, or assignees, may engage in
 32 filling, grading, excavating, building, drilling, or mining on the
 33 property following the completion and closure of the landfill
 34 without authorization of the commissioner.

35 (c) Before the commissioner grants an authorization for the
 36 activities prohibited in the covenant, the commissioner shall ~~review~~
 37 **consider** the following:

- 38 (1) The original design of the landfill.
- 39 (2) The type of operation.
- 40 (3) The hazardous waste deposited there.
- 41 (4) The state of decomposition of the hazardous wastes.

42 SECTION 241. IC 13-22-7.5-1, AS ADDED BY P.L.172-2005,

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1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2026]: Sec. 1. This chapter applies to a person that transports:
 3 (1) a chemical munition ~~referred to in 329 IAC 3-1-6-3, as in~~
 4 ~~effect on January 1, 2005; as defined in IC 13-11-2-25;~~ or
 5 (2) hazardous waste derived from the bulk neutralization and
 6 destruction of the agent VX referred to in IC 13-11-2-25(6).

7 SECTION 242. IC 13-22-8-1, AS AMENDED BY P.L.133-2012,
 8 SECTION 152, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board ~~shall~~ **may** adopt
 10 rules under IC 4-22-2 and IC 13-14-9 on standards of financial
 11 responsibility for the following:

- 12 (1) Closure.
- 13 (2) Postclosure monitoring at hazardous waste facilities.
- 14 (3) Any required corrective action at those facilities.

15 (b) ~~The~~ **Any** rules adopted under this section must reflect the
 16 provisions for financial responsibility prescribed by section 2 of this
 17 chapter.

18 SECTION 243. IC 13-22-11-1 IS REPEALED [EFFECTIVE
 19 JULY 1, 2026]. Sec. 1: (a) ~~The office shall do the following:~~

- 20 ~~(1) Continuously gather information on secondary material~~
 21 ~~utilization or waste reduction practices and technology from~~
 22 ~~sources within and outside Indiana.~~
- 23 ~~(2) Provide information and advice on secondary material~~
 24 ~~utilization or waste reduction in response to a request from a~~
 25 ~~business or business organization that is active in Indiana.~~

26 (b) ~~In the absence of a request, the office may, at the direction of~~
 27 ~~the commissioner, present advice on secondary material utilization or~~
 28 ~~waste reduction to a business that:~~

- 29 ~~(1) is active in Indiana; and~~
- 30 ~~(2) in the judgment of the commissioner, could:~~
 - 31 ~~(A) significantly reduce;~~
 - 32 ~~(B) eliminate; or~~
 - 33 ~~(C) avoid;~~

34 ~~the generation and disposal of hazardous waste through waste~~
 35 ~~reduction or secondary material utilization under IC 13-22-11.5.~~
 36 ~~The office shall study the information to be presented with advice~~
 37 ~~under this subsection.~~

38 SECTION 244. IC 13-22-11-2 IS REPEALED [EFFECTIVE
 39 JULY 1, 2026]. Sec. 2: ~~In directing the office to present advice to~~
 40 ~~businesses under section 1(b) of this chapter, the commissioner shall~~
 41 ~~establish a priority among types of businesses according to the~~
 42 ~~following:~~

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- 1 (1) The degree or magnitude of waste reduction that could be
- 2 achieved by a type of business; in comparison to the waste
- 3 reduction that could be achieved by other businesses.
- 4 (2) The financial and technical feasibility of the waste reduction
- 5 practices and technologies available to various types of
- 6 businesses.
- 7 (3) The statewide waste reduction impact likely to be achieved
- 8 through presenting advice to a type of business due to the
- 9 prevalence of that type of business in Indiana.
- 10 (4) Any other factors that, in the judgment of the commissioner;
- 11 may affect the overall effectiveness of the office in promoting
- 12 waste reduction in Indiana.

13 SECTION 245. IC 13-23-1-2, AS AMENDED BY P.L.38-2012,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2026]: Sec. 2. (a) ~~The board shall adopt rules under IC 4-22-2;~~
 16 ~~IC 13-14-8; and IC 13-14-9 for the establishment and operation of the~~
 17 ~~program established under section 1 of this chapter.~~

18 ~~(b) (a) The Any rules adopted by the board establishing and~~
 19 ~~operating the program established under section 1 of this chapter~~
 20 must not be less stringent than the regulations adopted by the
 21 Administrator of the United States Environmental Protection Agency
 22 under Section 9003 of the federal Solid Waste Disposal Act, as
 23 amended (42 U.S.C. 6991b, as amended).

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

- 26 (1) Requirements for maintaining:
 - 27 (A) a leak detection system;
 - 28 (B) an inventory control system coupled with tank testing;
 - 29 or
 - 30 (C) a comparable system or method;
 designed to identify releases in a manner consistent with the
 31 protection of human health and the environment.
- 32 (2) Requirements for maintaining records of any:
 - 33 (A) monitoring;
 - 34 (B) leak detection system;
 - 35 (C) inventory control system or tank testing; or
 - 36 (D) comparable system.
- 37 (3) Requirements for reporting of:
 - 38 (A) any releases; and
 - 39 (B) corrective action taken in response to a release.
- 40 (4) Requirements for ordering or taking corrective action in
 41 response to a release.
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- 1 (5) Requirements for closure of underground storage tanks to
- 2 prevent future releases of regulated substances into the
- 3 environment.
- 4 (6) Requirements for maintaining evidence of financial
- 5 responsibility for:
- 6 (A) taking corrective action; and
- 7 (B) compensating third parties for bodily injury and
- 8 property damage caused by sudden and nonsudden
- 9 accidental releases arising from the operation of an
- 10 underground storage tank.
- 11 (7) Standards of performance for new underground storage
- 12 tanks.
- 13 (8) Requirements for the following:
- 14 (A) Providing notice to the department of the existence of
- 15 operational and nonoperational underground storage tanks,
- 16 as required under 42 U.S.C. 6991a(a).
- 17 (B) Providing the information required on the form
- 18 prescribed under 42 U.S.C. 6991a(b)(2).
- 19 (C) Providing notice, by any person who sells a tank
- 20 intended to be used as an underground storage tank, to the
- 21 purchaser of that tank of the owner's notification
- 22 requirements established by this article and 42 U.S.C.
- 23 6991a(a).
- 24 (9) Requirements for the delivery prohibition program
- 25 prescribed under 42 U.S.C. 6991k, including:
- 26 (A) notice to owners or operators when an underground
- 27 storage tank is declared ineligible for delivery, deposit, or
- 28 acceptance of a regulated substance; and
- 29 (B) procedures to enforce the delivery prohibition that
- 30 include the use of a temporary emergency order under
- 31 IC 4-21.5-4 for violations of section 4(a) of this chapter.
- 32 SECTION 246. IC 13-23-3-1, AS AMENDED BY P.L.176-2023,
- 33 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2026]: Sec. 1. (a) The department shall, under rules adopted
- 35 by the board under IC 4-22-2 and IC 13-14-9, establish a certification
- 36 program for persons who supervise, manage, or direct underground
- 37 storage tank or aboveground storage tank:
- 38 (1) installation or retrofitting;
- 39 (2) testing;
- 40 (3) cathodic protection procedures; or
- 41 (4) decommissioning.
- 42 (b) A person may be certified by the department if the person

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1 submits evidence to the department that the person has successfully
 2 completed:
 3 (1) the International Fire Code ~~Institute~~ **Council** examination; or
 4 (2) another appropriate examination approved by the department.
 5 (c) The department may create a supplemental educational library
 6 concerning proper installation and closure of underground storage
 7 tanks or aboveground storage tanks, which includes the American
 8 Petroleum Institute's series, "An Education and Certification Program
 9 for Underground Storage Tank Professionals" and "API 653
 10 Aboveground Storage Tank Inspector Certification Program".
 11 SECTION 247. IC 13-23-3-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) To obtain a
 13 certificate under section 1 of this chapter, a person must:
 14 (1) take an examination that is approved;
 15 (2) achieve a passing score on the examination that is
 16 established; and
 17 (3) pay any reasonable fees necessary to offset the costs incurred
 18 by the ~~state fire marshal department~~ in administering the
 19 examination and certification procedures that are established;
 20 under rules adopted by the ~~fire prevention and building safety~~
 21 ~~commission; board~~.
 22 (b) An examination described under subsection (a) must cover the
 23 following subjects:
 24 (1) Relevant rules adopted by the
 25 (A) ~~board and~~
 26 (B) ~~fire prevention and building safety commission;~~
 27 concerning underground storage tanks.
 28 (2) Any other subjects approved under rules adopted by the fire
 29 prevention and building safety commission.
 30 (c) The ~~fire prevention and building safety commission board~~
 31 shall adopt rules establishing the following:
 32 (1) The number of times a person who fails an examination
 33 described under this section may take the examination again.
 34 (2) The period of time a person who fails an examination
 35 described under this section must wait before taking the
 36 examination again.
 37 (d) The ~~state fire marshal department~~ may, under rules adopted
 38 by the ~~fire prevention and building safety commission; board~~, certify
 39 a person:
 40 (1) under section 1 of this chapter; and
 41 (2) by ~~reciprocity; equivalency;~~
 42 if the person is licensed or certified by another state that has

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1 certification requirements that are substantially similar to the
2 requirements established under this section.

3 SECTION 248. IC 13-23-4-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The rules adopted
5 under ~~IC 13-23-1-2(e)(6)~~ **IC 13-23-1-2(b)(6)** may allow evidence of
6 financial responsibility in one (1) or a combination of the following
7 forms:

- 8 (1) Insurance.
- 9 (2) Guarantee.
- 10 (3) Surety bond.
- 11 (4) Letter of credit.
- 12 (5) Qualification as a self-insurer.
- 13 (6) Any other method satisfactory to the commissioner and the
14 Administrator of the United States Environmental Protection
15 Agency.

16 SECTION 249. IC 13-23-4-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The rules adopted
18 under ~~IC 13-23-1-2(e)(6)~~ **IC 13-23-1-2(b)(6)** may require the use of
19 certain policy provisions or contract terms, including provisions or
20 terms concerning the following:

- 21 (1) The minimum amount of coverage required for various
22 classes and categories of underground storage tanks established
23 under section 4 of this chapter.
- 24 (2) Conditions or defenses that are necessary or unacceptable in
25 establishing evidence of financial responsibility.

26 SECTION 250. IC 13-23-4-4 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The rules adopted
28 under ~~IC 13-23-1-2(e)(6)~~ **IC 13-23-1-2(b)(6)** may require a minimum
29 amount of coverage for particular classes or categories of underground
30 storage tanks containing petroleum. Minimum coverage amounts
31 established under this subsection must be at least one million dollars
32 (\$1,000,000) for each occurrence, with an appropriate aggregate
33 amount.

34 (b) The board may by rule set minimum coverage amounts lower
35 than the amount set forth in subsection (a) for underground storage
36 tanks containing petroleum that are:

- 37 (1) not located at facilities engaged in the production, refining,
38 or marketing of petroleum; and
- 39 (2) not used to handle substantial quantities of petroleum.

40 (c) In adopting rules establishing classes and categories of
41 underground storage tanks containing petroleum for purposes of this
42 section, the board may consider the following factors:

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- 1 (1) The:
- 2 (A) size, type, location, storage, and handling capacity of
- 3 underground storage tanks in the class or category; and
- 4 (B) volume of petroleum handled by those tanks.
- 5 (2) The:
- 6 (A) likelihood of release; and
- 7 (B) potential extent of damage from any release;
- 8 from underground storage tanks in the class or category.
- 9 (3) The economic impact of the limits on the owners and
- 10 operators of each class or category, particularly relating to the
- 11 small business segment of the petroleum marketing industry.
- 12 (4) The availability of methods of financial responsibility in
- 13 amounts greater than the amount established by this section.
- 14 (5) Any other factors that the board considers pertinent.
- 15 SECTION 251. IC 13-23-7-5, AS AMENDED BY P.L.96-2016,
- 16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2026]: Sec. 5. The treasurer of state shall invest the money in
- 18 the ELTF not currently needed to meet the obligations of the ELTF in
- 19 the same manner as other public money may be invested. Interest that
- 20 accrues from these investments shall be deposited in the ELTF. ~~At least~~
- 21 ~~one (1) time each year, the treasurer of state shall provide the financial~~
- 22 ~~assurance board a report detailing the investments made under this~~
- 23 ~~section.~~
- 24 SECTION 252. IC 13-23-8-4, AS AMENDED BY P.L.9-2024,
- 25 SECTION 344, IS AMENDED TO READ AS FOLLOWS
- 26 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The administrator shall pay
- 27 ELTF claims that are:
- 28 (1) for costs related to eligible releases;
- 29 (2) submitted by eligible parties; and
- 30 (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.
- 31 (b) **The administrator, if appropriate, may allow** an eligible
- 32 ~~party may to~~ assign the **eligible party's** right to receive payment of an
- 33 ELTF claim to another person.
- 34 (c) Not more than forty-five (45) business days after an ELTF
- 35 claim is submitted, the administrator shall do one (1) of the following:
- 36 (1) Approve the ELTF claim and, under IC 13-23-9-2(c),
- 37 forward the ELTF claim to the state comptroller for payment.
- 38 (2) Send to the claimant a written notice that:
- 39 (A) states that a correction, a clarification, or additional
- 40 information is needed before the ELTF claim can be
- 41 approved; and
- 42 (B) provides a clear explanation:

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1 (i) of the correction, clarification, or additional
 2 information that is needed; and
 3 (ii) of why it is needed.
 4 (3) Deny the claim and provide the claimant with a statement of
 5 the reasons for the denial under IC 13-23-9-2(b).
 6 SECTION 253. IC 13-23-9-1.7, AS AMENDED BY
 7 P.L.149-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2026]: Sec. 1.7. (a) The administrator may pay
 9 an ELTF claim for fifty percent (50%) of the costs of decommissioning
 10 or replacing an underground petroleum storage tank, provided that:
 11 (1) the applicant is the owner of the tank;
 12 (2) such decommissioning or replacement is necessary, in the
 13 judgment of the administrator, to protect human health and the
 14 environment considering the age, obsolescence, and level of
 15 deterioration of the tank; and
 16 (3) the costs:
 17 (A) are reasonable and cost effective; and
 18 (B) result from or reimburse the claimant for work
 19 performed decommissioning the tank or replacing the tank
 20 with a new aboveground storage tank as defined in
 21 IC 13-11-2-0.4 or underground storage tank as defined in
 22 IC 13-11-2-241.
 23 (b) **Subject to subsection (c)**, the expenses described in
 24 subsection (a) that are paid from the ELTF in a state fiscal year may not
 25 exceed:
 26 (1) ten million dollars (\$10,000,000) each year for claims
 27 submitted by applicants owning not more than twelve (12)
 28 underground petroleum storage tanks;
 29 (2) seven million five hundred thousand dollars (\$7,500,000)
 30 each year for claims submitted by applicants owning more than
 31 twelve (12) but not more than one hundred (100) underground
 32 petroleum storage tanks; and
 33 (3) two million five hundred thousand dollars (\$2,500,000) each
 34 year for claims submitted by applicants owning more than one
 35 hundred (100) underground petroleum storage tanks.
 36 (c) At the end of each state fiscal year, any funds that were
 37 allocated for the decommissioning or replacement of underground
 38 petroleum storage tanks, as described in subsection (b), but that were
 39 not spent shall roll over to the next state fiscal year and be used to
 40 decommission or replace underground petroleum storage tanks within
 41 the same category as allocated in the prior state fiscal year pursuant to
 42 subsection (b)(1), (b)(2), and (b)(3).

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1 SECTION 254. IC 13-23-9-4 IS REPEALED [EFFECTIVE JULY
2 1, 2026]. ~~Sec. 4. If the administrator denies an ELTF claim under this~~
3 ~~chapter, the claimant may appeal the denial under IC 4-21.5 to the~~
4 ~~office of administrative law proceedings under IC 4-15-10.5.~~

5 SECTION 255. IC 13-23-11-2, AS AMENDED BY P.L.176-2023,
6 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2026]: Sec. 2. (a) The board consists of the following ~~nine (9)~~
8 **ten (10)** members:

- 9 (1) The administrator or the administrator's designee.
- 10 (2) One (1) member nominated by the treasurer of state in
11 consultation with the commissioner of the department of state
12 revenue.
- 13 (3) One (1) member representing the independent petroleum
14 wholesale distributor-marketer industry. ~~In making this~~
15 ~~appointment, the governor may consider the recommendation of~~
16 ~~the Indiana petroleum marketers and convenience store~~
17 ~~association.~~
- 18 (4) One (1) member representing the petroleum refiner-supplier
19 industry. ~~In making this appointment, the governor may consider~~
20 ~~the recommendation of the Indiana petroleum council.~~
- 21 (5) One (1) member of the financial lending community who has
22 experience with loan guaranty programs.
- 23 (6) One (1) member representing the convenience store operator
24 industry or independent petroleum retail distributor-marketer
25 industry. ~~In making this appointment, the governor may consider~~
26 ~~the recommendation of the Indiana petroleum marketers and~~
27 ~~convenience store association.~~
- 28 (7) One (1) member representing environmental interests.
- 29 (8) One (1) member representing an environmental consulting
30 firm that performs work involving underground storage tank or
31 aboveground storage tank corrective actions.
- 32 (9) One (1) member representing the property and casualty
33 insurance industry.
- 34 **(10) One (1) member representing airports.**

35 (b) The governor shall appoint the members specified in
36 subsection (a)(2) through ~~(a)(9)~~ **(a)(10)** for terms of ~~two (2)~~ **four (4)**
37 years.

38 **(c) The governor may consider nomination and**
39 **recommendations for members appointed under subsection (a)(2)**
40 **through (a)(10) from representative constituencies.**

41 SECTION 256. IC 13-23-11-4 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) If an appointed

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1 member of the board is not able to serve the member's full term, the
2 governor shall appoint an individual to serve for the remainder of the
3 unexpired term.

4 (b) The term of an appointed member of the board continues until
5 the member's successor has been appointed. ~~and qualified.~~

6 (c) **No member may serve more than two (2) consecutive**
7 **terms.**

8 SECTION 257. IC 13-23-11-5 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. ~~The board, at the~~
10 ~~board's first meeting of each year, shall elect~~ **The governor may**
11 **designate** from among the board's members a chairperson and other
12 officers necessary to transact business.

13 SECTION 258. IC 13-23-11-6, AS AMENDED BY P.L.113-2014,
14 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2026]: Sec. 6. (a) The board must have a quorum to transact
16 business. Five (5) members constitute a quorum.

17 (b) An affirmative vote of the majority of members present is
18 required for the board to take action.

19 (c) ~~The board shall meet upon:~~

20 (1) ~~the request of the chairperson; or~~

21 (2) ~~the written request of three (3) of the board's members.~~

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

24 SECTION 259. IC 13-23-11-7, AS AMENDED BY P.L.176-2023,
25 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2026]: Sec. 7. (a) The board shall do the following:

27 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to do
28 the following:

29 (A) Carry out the duties of the board under this article.

30 (B) Establish standards and procedures under which:

31 (i) eligible parties may submit ELTF claims; and

32 (ii) the administrator of the ELTF may pay ELTF
33 claims.

34 (C) Establish standards for determining the reasonableness
35 and cost effectiveness of corrective action for purposes of
36 reimbursement from the ELTF under IC 13-23-9-1.5(a)(1).

37 (D) Establish standards for priorities in the payment of
38 ELTF claims, including a priority for claims associated with
39 releases from USTs and ASTs that pose an immediate and
40 significant threat to the environment.

41 (E) Provide reimbursement from the petroleum storage tank
42 excess liability trust fund for fifty percent (50%) of costs of

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1 decommissioning or replacing underground petroleum
 2 storage tanks that meet the criteria under IC 13-23-9-1.7.
 3 (F) Establish procedures to reopen ELTF eligibility and
 4 funding for a release previously granted "no further action"
 5 (NFA) status by the department should either the
 6 department or the owner of the underground petroleum
 7 storage tank or aboveground petroleum storage tank
 8 subsequently decide to permanently decommission the use
 9 of the site as a ~~petroleum facility~~ **UST facility or AST**
 10 **facility** and undertake the investigation and remediation of
 11 any residual contamination arising from the site's former
 12 use as a ~~petroleum facility~~. **UST facility or AST facility.**
 13 Before reopening ELTF eligibility and funding, the
 14 administrator may require that the applicant provide
 15 information regarding the planned future use of the site.
 16 (2) ~~Take testimony and~~ Receive a ~~written~~ report at every meeting
 17 of the board from the administrator or the administrator's
 18 designee regarding the financial condition and operation of the
 19 ELTF, including:
 20 (A) a ~~detailed~~ breakdown of contractual and administrative
 21 expenses the department is claiming from the ELTF under
 22 IC 13-23-7-1(a)(4); and
 23 (B) a claims statistics report consisting of:
 24 (i) the status and amounts of claims submitted to the
 25 ELTF; and
 26 (ii) ELTF claims payments made.
 27 ~~Testimony shall be taken and a written report shall be received~~
 28 ~~under this subdivision at every meeting of the board. However,~~
 29 ~~the testimony and written report are not required more than one~~
 30 ~~(1) time during any thirty (30) day period.~~
 31 (3) Consult with the department on administration of the ELTF
 32 in developing uniform policies and procedures for revenue
 33 collection and claims administration of the ELTF.
 34 (b) The department shall consult with the board on administration
 35 of the ELTF. The consultation must include evaluation of alternative
 36 means of administering the ELTF in a cost effective and efficient
 37 manner.
 38 (c) ~~At each meeting of the board, the department shall provide the~~
 39 ~~board with a written report on the financial condition and operation of~~
 40 ~~the ELTF.~~
 41 SECTION 260. IC 13-23-11-9 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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SB 277—LS 6849/DI 150



1 [EFFECTIVE JULY 1, 2026]: **Sec. 9. This chapter expires July 1,**
2 **2031.**

3 SECTION 261. IC 13-23-13-1, AS AMENDED BY P.L.176-2023,
4 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 1. (a) Subject to subsections (b)(1) and (d), the
6 commissioner may, under rules adopted under IC 13-23-1-2:

- 7 (1) issue an order under IC 13-14-2-7 or IC 4-21.5-4; or
 - 8 (2) proceed under IC 13-14-2-6;
- 9 to require the owner or operator of an underground storage tank or
10 aboveground storage tank to undertake corrective action with respect
11 to any release of a regulated substance.

12 (b) Except as provided in subsection (d), the commissioner may
13 not, with respect to a release of petroleum from an underground storage
14 tank or aboveground storage tank:

- 15 (1) take action under subsection (a); or
- 16 (2) if a reportable quantity of the released petroleum remains or
17 may remain underground at the site of the underground storage
18 tank or aboveground storage tank:

19 (A) request that the owner or operator of the underground
20 storage tank or aboveground storage tank execute a
21 restrictive covenant (as defined in IC 13-11-2-193.5)
22 applying to the site of the underground storage tank or
23 aboveground storage tank;

24 (B) make a determination of no further action being
25 required at the site of the underground storage tank or
26 aboveground storage tank; or

27 (C) approve closure, or its equivalent, of the site of the
28 underground storage tank or aboveground storage tank;

29 unless the commissioner has received and reviewed the initial site
30 characterization of the site of the release or an alternative evaluation is
31 prepared for submittal to the commissioner in accordance with
32 subsection (c) **and an evaluation of potential remedial activities to**
33 **achieve remedial objectives including closure options,**
34 **environmental deed restrictions, and remediation methods to**
35 **achieve a no further action determination, including estimated**
36 **costs and time frames sufficient for the commissioner to evaluate**
37 **the adequacy of the proposed response.**

38 (c) When necessary and feasible as determined by a qualified
39 environmental professional, an initial site characterization shall
40 include:

- 41 (1) site-specific geologic information obtained from a minimum
42 of three (3) continuously sampled soil borings; and

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1 (2) hydrogeologic information, including depth to ground water
2 and ground water flow directions and gradients, obtained from
3 a minimum of three (3) monitoring wells screened across the
4 water table.

5 A qualified environmental professional, on behalf of the owner or
6 operator of an underground storage tank or an aboveground storage
7 tank from which there has been a release of petroleum, may submit for
8 approval by the commissioner an alternative procedure for initial site
9 characterization and request a waiver of the requirements in this
10 subsection. The commissioner may approve the request for a waiver
11 and alternative procedure only if the alternative procedure provides
12 substantially equal protection for human health and the environment.
13 If an initial site characterization does not define the nature and extent
14 of the contaminant plume, additional investigation shall be performed
15 when necessary and feasible as determined by a qualified
16 environmental professional.

17 (d) The commissioner may take action under subsection (a)
18 without having received and reviewed the initial site characterization
19 if the commissioner reasonably believes that the release from the
20 underground storage tank or aboveground storage tank creates a threat
21 to human health or the environment sufficient to necessitate action
22 under subsection (a) before the initial site characterization is submitted
23 to the department.

24 (e) If the commissioner:
25 (1) requires corrective action under subsection (a); and
26 (2) determines that the corrective action will be done properly
27 and promptly by the owner or operator of the underground
28 storage tank or aboveground storage tank from which the release
29 occurs;

30 the commissioner may enter into an agreed order with the owner or
31 operator to implement necessary corrective action.

32 SECTION 262. IC 13-23-13-2, AS AMENDED BY P.L. 176-2023,
33 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2026]: Sec. 2. The commissioner, under rules adopted under
35 IC 13-23-1-2, may undertake corrective action with respect to any
36 release of a regulated substance into the environment from an
37 underground storage tank or aboveground storage tank if:

- 38 (1) that action is necessary, in the judgment of the commissioner,
39 to protect human health and the environment; and
40 (2) at least one (1) of the following conditions exists:
41 (A) A person cannot be found not later than ninety (90)
42 days after a suspected or confirmed release is identified (or

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- 1 a shorter time necessary to protect human health and the
- 2 environment) who is:
- 3 (i) an owner or operator of the underground storage
- 4 tank or aboveground storage tank;
- 5 (ii) subject to the rules concerning corrective action;
- 6 and
- 7 (iii) capable of properly carrying out corrective action
- 8 with respect to the release.
- 9 (B) An existing situation requires prompt action by the
- 10 commissioner under this section to protect human health
- 11 and the environment.
- 12 (C) The cost of corrective action at the site of an
- 13 underground storage tank exceeds the amount of financial
- 14 responsibility required under ~~IC 13-23-1-2(c)(6)~~;
- 15 **IC 13-23-1-2(b)(6)**, IC 13-23-4-4, and IC 13-23-4-5 and,
- 16 considering the class or category of underground storage
- 17 tank from which the release occurred, expenditures by the
- 18 state are necessary to ensure an effective corrective action.
- 19 (D) The owner or operator of the underground storage tank
- 20 or aboveground storage tank has failed or refused to comply
- 21 with an order of the commissioner or a judgment of a court
- 22 of competent jurisdiction under section 1 of this chapter to
- 23 take corrective action with respect to the release.

24 SECTION 263. IC 13-23-13-9 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. In determining the
 26 equities for seeking the recovery of costs under section 8 of this
 27 chapter, the commissioner may consider the following:

- 28 (1) The amount of financial responsibility required to be
- 29 maintained under ~~IC 13-23-1-2(e)(6)~~; **IC 13-23-1-2(b)(6)**.
- 30 (2) The factors considered in establishing that amount for
- 31 underground storage tanks containing petroleum under
- 32 IC 13-23-4-4.

33 SECTION 264. IC 13-23-16-2, AS AMENDED BY P.L.176-2023,
 34 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2026]: Sec. 2. If the department receives a report concerning:

- 36 (1) the discovery of released regulated substances at an
- 37 underground storage tank or aboveground storage tank site or in
- 38 the surrounding area under ~~329 IAC 9-4-1(1)~~; **40 CFR 280.50**;
- 39 or
- 40 (2) a spill or overfill under ~~329 IAC 9-4-4(a)~~; **40 CFR 280.53**;
- 41 the department shall, not more than seven (7) days after receiving the
- 42 report, provide notice of the release, spill, or overfill to the county

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1 health officer of each county in which the release, spill, or overfill
 2 occurred.

3 SECTION 265. IC 13-23-16-3, AS ADDED BY P.L.221-2007,
 4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2026]: Sec. 3. Not more than seven (7) days after receiving a
 6 notice from the department under section 2 of this chapter, a county
 7 health officer shall **make a reasonable effort to** do the following:

8 (1) Publish notice of the release, spill, or overfill in a newspaper
 9 **or other media** of general circulation in the county health
 10 officer's county.

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

13 SECTION 266. IC 13-23-16-4, AS ADDED BY P.L.221-2007,
 14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2026]: Sec. 4. Notice provided by a county health officer
 16 under section 3 of this chapter must include:

17 (1) the same information reported to the department under ~~329~~
 18 ~~IAC 9-4-1(1) or 329 IAC 9-4-4(a);~~ **40 CFR 280.50 or 40 CFR**
 19 **280.53;** and

20 (2) any other information the county health officer considers
 21 necessary or appropriate.

22 SECTION 267. IC 13-24-1-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The
 24 commissioner may issue an order under:

25 (1) IC 13-14-2-7;

26 (2) IC 4-21.5-4; or

27 (3) IC 4-21.5-3-6;

28 to require an owner or operator or a responsible person to undertake
 29 removal or remedial action with respect to a release of petroleum at a
 30 petroleum facility.

31 (b) If the commissioner determines that the removal or remedial
 32 action will be done properly and promptly by the owner, operator, or
 33 responsible person, the commissioner may enter into an agreed order
 34 with the owner, operator, or responsible person to implement necessary
 35 removal or remedial action.

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

40 SECTION 268. IC 13-24-1-8 IS REPEALED [EFFECTIVE JULY
 41 1, 2026]. Sec. 8: ~~IC 4-21.5~~ applies to:

42 (1) ~~determinations;~~

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1 (2) notices;
2 (3) hearings; and
3 (4) appeal determinations;
4 under this chapter.

5 SECTION 269. IC 13-25-2-6.5 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) The department
7 shall work with interested stakeholders, including the federal
8 government, the general public, members of the general assembly, and
9 businesses, to evaluate the feasibility of simplifying and expediting
10 notification under IC 13-25-2-6. Options to be evaluated include:

- 11 (1) connecting persons required to provide notice under
- 12 IC 13-25-2-6 with the National Response Center; and
- 13 (2) recommending any appropriate changes in federal law.

14 (b) The department shall implement an option evaluated under
15 subsection (a) if the option:

- 16 (1) is practical to implement;
- 17 (2) is technically feasible;
- 18 (3) is economically feasible;
- 19 (4) is protective of human health and the environment; and
- 20 (5) would adequately serve persons required to provide notice
- 21 under IC 13-25-2-6.

22 (c) The department shall provide a toll free long distance
23 telephone line through which a person required to provide notice under
24 IC 13-25-2-6 may contact ~~the office described in IC 13-13-3-1 of this~~
25 ~~chapter.~~ **the department.**

26 SECTION 270. IC 13-25-4-7, AS AMENDED BY P.L.133-2012,
27 SECTION 154, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2026]: Sec. 7. The board ~~shall~~ **may** adopt rules
29 establishing criteria for determining the commissioner's priorities in
30 selecting hazardous substance response sites. ~~Until these rules have~~
31 ~~been adopted, the commissioner shall give priority to those sites~~
32 ~~presenting a significant threat to public health and environment.~~

33 SECTION 271. IC 13-25-4-11 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) After a response
35 is initiated under:

- 36 (1) section 9 of this chapter; or
- 37 (2) IC 13-24-1;

38 the ~~state~~ **department** may impose a lien on the property on which the
39 response is undertaken ~~or impose a restrictive covenant on a facility~~
40 ~~or site where remediation objectives set forth in IC 13-25-5-8.5~~
41 ~~have not been met.~~ The lien may secure the payment to the state of an
42 amount of money equal to the amount expended from the fund under

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1 section 1(a)(3) of this chapter to finance the response.

2 (b) The board may adopt rules under IC 4-22-2 and IC 13-14-9
3 to set forth procedures to allow the department to impose:

- 4 (1) a lien; or
- 5 (2) a restrictive covenant;

6 as described in this section.

7 SECTION 272. IC 13-25-4-12 IS REPEALED [EFFECTIVE
8 JULY 1, 2026]. Sec. 12: For a lien arising under section 11 of this
9 chapter to be perfected, notice of the lien must be filed in the office of
10 the county recorder of the county in which the real property subject to
11 the lien is located. Before notice of a lien may be filed in the office of
12 the county recorder, the department shall provide notice of the
13 intention to file the lien as provided by section 19 of this chapter.

14 SECTION 273. IC 13-25-4-13 IS REPEALED [EFFECTIVE
15 JULY 1, 2026]. Sec. 13: The department shall provide notice of the
16 filing of a lien to the owner of the property if the owner can be
17 identified. If the owner of record cannot be identified, the department
18 shall notify the tenant or other person having control of the property.

19 SECTION 274. IC 13-25-4-14 IS REPEALED [EFFECTIVE
20 JULY 1, 2026]. Sec. 14: When a notice of a lien arising under section
21 11 of this chapter is presented to the county recorder for filing, the
22 county recorder shall enter the lien appropriately in the entry book and
23 in the miscellaneous record. The entries made under this section must
24 show the following:

- 25 (1) The date of filing;
- 26 (2) The book and page number or instrument number;
- 27 (3) The name of the person named in the notice;
- 28 (4) A legal description of the property if appropriate;
- 29 (5) A serial number or other identifying number given in the
30 notice.

31 SECTION 275. IC 13-25-4-15 IS REPEALED [EFFECTIVE
32 JULY 1, 2026]. Sec. 15: (a) Subject to subsection (b), when a
33 certificate of discharge of a lien arising under section 11 of this chapter
34 or IC 13-7-8.7-10.7 (before its repeal) is:

- 35 (1) issued by an employee or a designated agent of the
36 department; and
- 37 (2) presented for filing in the office of the county recorder of the
38 county where the notice of lien was filed;

39 the county recorder shall record the certificate of discharge as a release
40 of the lien.

41 (b) To be recorded under this section, the certificate must refer to
42 the county recorder's book and page number or instrument number

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1 under which the lien was recorded:
2 SECTION 276. IC 13-25-4-16 IS REPEALED [EFFECTIVE
3 JULY 1, 2026]. Sec. 16: When recording a release of a lien under
4 section 15 of this chapter, the county recorder shall inscribe, in the
5 margin of each entry made to record the lien under section 14 of this
6 chapter, a reference to the place where the release is recorded:

7 SECTION 277. IC 13-25-4-17 IS REPEALED [EFFECTIVE
8 JULY 1, 2026]. Sec. 17: Upon:

9 (1) the recording of the certificate of discharge as a release under
10 section 15 of this chapter; and

11 (2) the inscribing of the references to the release under section
12 16 of this chapter;

13 a certificate of discharge of a lien arising under section 11 of this
14 chapter operates as a full discharge and satisfaction of the lien unless
15 the references to the release inscribed under section 15 of this chapter
16 specifically note the release as a partial lien release:

17 SECTION 278. IC 13-25-4-18 IS REPEALED [EFFECTIVE
18 JULY 1, 2026]. Sec. 18: A lien created under section 11 of this chapter
19 or IC 13-7-8.7-10.7 (before its repeal) continues until the earlier of the
20 following:

21 (1) The full discharge and satisfaction of the lien.

22 (2) The expiration of a ten (10) year period from the date of the
23 creation of the lien unless an action to foreclose the lien is
24 pending:

25 SECTION 279. IC 13-25-4-19 IS REPEALED [EFFECTIVE
26 JULY 1, 2026]. Sec. 19: (a) At least thirty (30) days before notice of a
27 lien arising under this chapter may be filed under section 12 of this
28 chapter, the department must send a written notice:

29 (1) to the owner of the real property that would be subject to the
30 lien; or

31 (2) if the owner of record cannot be identified, to the tenant or
32 other person having control of the real property;

33 of the date on which the state intends to impose a lien under section 11
34 of this chapter.

35 (b) The department shall provide the county recorder of the county
36 in which the real property that would be subject to the lien is located
37 with a copy of the written notice described in subsection (a):

38 SECTION 280. IC 13-25-4-20 IS REPEALED [EFFECTIVE
39 JULY 1, 2026]. Sec. 20: (a) Before the date on which the state intends
40 to impose a lien on real property under section 11 of this chapter, the
41 owner of the real property may request that a hearing be conducted
42 under IC 4-21.5: A hearing conducted under this section and IC 4-21.5

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1 shall be limited to determining if there is probable cause to believe
2 that:

3 (1) a removal or a remedial action was conducted on the real
4 property under:

- 5 (A) this chapter; or
- 6 (B) IC 13-24-1; and

7 (2) if the removal or the remedial action was conducted under
8 this chapter, the owner of the real property would be subject to
9 liability under 42 U.S.C. 9607 (Section 107 of the federal
10 Comprehensive Environmental Response, Compensation, and
11 Liability Act):

12 (b) For the purposes of a hearing conducted under this section and
13 IC 4-21.5, an administrative law judge is the ultimate authority.

14 SECTION 281. IC 13-25-4-21 IS REPEALED [EFFECTIVE
15 JULY 1, 2026]. Sec. 21. If an owner requests a hearing under section
16 20 of this chapter, the state may not impose a lien on the owner's real
17 property under section 11 of this chapter until the commissioner
18 determines after the hearing that there is probable cause to believe that:

19 (1) a removal or a remedial action was conducted on the real
20 property under this chapter or IC 13-24-1; and

21 (2) if the removal or the remedial action was conducted under
22 this chapter, the owner of the real property would be subject to
23 liability under 42 U.S.C. 9607 (Section 107 of the federal
24 Comprehensive Environmental Response, Compensation, and
25 Liability Act):

26 SECTION 282. IC 13-25-4-22 IS REPEALED [EFFECTIVE
27 JULY 1, 2026]. Sec. 22. If the department provides a county recorder
28 with a copy of a written notice under section 19(b) of this chapter, the
29 department shall retrieve the copy of the written notice from the county
30 recorder on the date a lien is imposed on the real property described in
31 the written notice. However:

- 32 (1) if:
 - 33 (A) a hearing is not held under section 20 of this chapter
 - 34 and IC 4-21.5; and
 - 35 (B) a lien is not imposed:
 - 36 (i) on the real property described in the notice; and
 - 37 (ii) by the date indicated in the notice;

38 the department shall retrieve the copy of the notice on the day
39 after the date the lien was to be imposed on the real property; or

- 40 (2) if:
 - 41 (A) a hearing is held under section 20 of this chapter and
 - 42 IC 4-21.5; and

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1 (B) a lien is not imposed on the real property described in
 2 the notice;
 3 the department shall retrieve the copy of the notice on the day
 4 after the date the commissioner determines that a lien may not be
 5 imposed on the real property.

6 SECTION 283. IC 13-25-5-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If an applicant's
 8 application is rejected under section 5 of this chapter **because the**
 9 **application is incomplete**, the applicant may ~~do the following~~:

- 10 (1) ~~Appeal the department's decision under IC 4-21.5.~~
 11 (2) ~~If the application is rejected because the application is not~~
 12 ~~complete~~, submit a completed application without submitting an
 13 additional application fee.

14 (b) If an applicant's application is rejected and the applicant:
 15 (1) does not appeal the rejection; or
 16 (2) loses an appeal concerning the rejection;
 17 the department shall refund the unexpended part of the applicant's
 18 application fee.

19 SECTION 284. IC 13-25-5-8 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Before the
 21 department evaluates a proposed voluntary remediation work plan, the
 22 applicant who submitted the work plan and the commissioner must
 23 enter into a voluntary remediation agreement that sets forth the terms
 24 and conditions of the evaluation and the implementation of the work
 25 plan. A voluntary remediation agreement must include the following:

- 26 (1) Provisions for the following:
 27 (A) A requirement that the department provide the applicant
 28 with an itemized list of estimated costs the department may
 29 incur under this chapter.
 30 (B) The recovery of all reasonable costs that:
 31 (i) are incurred by the department in the review and
 32 oversight of the work plan;
 33 (ii) are attributable to the voluntary remediation
 34 agreement; and
 35 (iii) exceed the fee submitted by the applicant under
 36 section 2 of this chapter.
 37 (C) A schedule of payments to be made by the applicant to
 38 the department to recover the costs to the department.
 39 (2) A mechanism to resolve disputes arising from the evaluation,
 40 analysis, and oversight of the implementation of the work plan,
 41 including any of the following:
 42 (A) Arbitration.

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- 1 (B) Adjudication under IC 4-21.5.
- 2 (C) A dispute resolution procedure provided under the
- 3 Indiana Rules of Court.
- 4 (3) A provision concerning the indemnification of the parties.
- 5 (4) A provision concerning retention of records.
- 6 (5) A timetable for the department to do the following:
- 7 (A) Reasonably review and evaluate the adequacy of the
- 8 work plan.
- 9 (B) Make a determination concerning the approval or
- 10 rejection of the work plan.
- 11 (6) A provision concerning applicable interagency coordination.
- 12 (7) A provision specifying the proposed remediation objectives
- 13 to be achieved on the site, as described in section 8.5 of this
- 14 chapter.
- 15 (8) ~~The A~~ requirement that the applicant submit to the
- 16 department a proposed voluntary remediation work plan
- 17 (A) not later than ~~one hundred eighty (180) days~~ **one (1)**
- 18 **year** after the date the voluntary remediation agreement is
- 19 signed. ~~or~~
- 20 (B) ~~after a longer period if the extension is agreed to by the~~
- 21 ~~department and the applicant.~~
- 22 (9) Any other conditions considered necessary by the
- 23 commissioner or the applicant concerning the effective and
- 24 efficient implementation of this chapter.
- 25 (b) If an agreement is not reached between an applicant and the
- 26 commissioner within a reasonable time after good faith negotiations
- 27 have begun between the applicant and the commissioner:
- 28 (1) the applicant or the commissioner may withdraw from the
- 29 negotiations; and
- 30 (2) the department shall refund the unexpended part of the
- 31 applicant's application fee.
- 32 SECTION 285. IC 13-25-5-11 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Before the
- 34 commissioner approves or rejects a proposed voluntary remediation
- 35 work plan under section 10 of this chapter, the commissioner must:
- 36 (1) notify local government units located in a county affected by
- 37 the proposed voluntary remediation work plan of the work plan;
- 38 (2) provide that a copy of the proposed voluntary remediation
- 39 work plan be ~~placed in at least one (1) public library in a county~~
- 40 ~~affected by the work plan;~~ **published electronically on the**
- 41 **department's website;** and
- 42 (3) publish a notice requesting comments concerning the

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1 proposed voluntary remediation work plan.
 2 (b) A comment period of at least thirty (30) days must follow
 3 publication of a notice under this section. During a comment period,
 4 interested persons may do the following:
 5 (1) Submit written comments to the commissioner concerning
 6 the proposed voluntary remediation work plan.
 7 (2) Request a public hearing concerning the proposed voluntary
 8 remediation work plan.
 9 (c) If the commissioner receives at least one (1) written request,
 10 the commissioner may hold a public hearing in the geographical area
 11 affected by the proposed voluntary remediation work plan on the
 12 question of whether to approve or reject the work plan. The
 13 commissioner shall consider all written comments and public
 14 testimony.

15 SECTION 286. IC 13-25-5-15 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant
 17 who submitted an approved voluntary remediation work plan proceeds
 18 with the work plan, the department or a person under contract with the
 19 department shall do the following:

- 20 (1) Oversee and review the implementation of the voluntary
 21 remediation work plan.
- 22 (2) Make regular reports to the commissioner concerning the
 23 remediation.

24 (b) **Upon submission of a report to the commissioner, the**
 25 **commissioner may evaluate the remedial action to verify the action**
 26 **is achieving project goals. If project goals are not met, the**
 27 **commissioner may require modification of the voluntary**
 28 **remediation work plan.**

29 (c) **If the parties are unable to agree to a modification as**
 30 **provided for in subsection (b) within one hundred eighty (180)**
 31 **days, the commissioner or applicant may withdraw the project**
 32 **from the voluntary remediation work program. Projects**
 33 **withdrawn from the voluntary remediation work program may be**
 34 **referred to the state clean-up program.**

35 SECTION 287. IC 13-25-5-16 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If the
 37 commissioner determines that an applicant has successfully completed
 38 a voluntary remediation work plan approved under this chapter, the
 39 commissioner shall certify that the work plan has been completed by
 40 issuing the applicant a certificate of completion.

41 (b) The issuance of a certificate of completion under this section
 42 is a final agency action for purposes of IC 4-21.5.

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1 (c) A person who receives a certificate under this section shall
2 attach a copy of the certificate to the recorded deed that concerns the
3 property on which the remediation took place.

4 **(d) If the commissioner determines that an applicant has not**
5 **successfully completed a voluntary remediation work plan**
6 **approved under this chapter, the commissioner shall notify the**
7 **applicant of this determination under IC 4-21.5.**

8 SECTION 288. IC 13-25-5-17 IS REPEALED [EFFECTIVE
9 JULY 1, 2026]. ~~Sec. 17. If the commissioner determines that an~~
10 ~~applicant has not successfully completed a voluntary remediation work~~
11 ~~plan approved under this chapter, the commissioner shall notify the~~
12 ~~applicant of this determination under IC 4-21.5.~~

13 SECTION 289. IC 13-26-2-5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Upon the
15 determination of the department that a sufficient petition has been filed
16 in accordance with this chapter, the commissioner shall appoint a
17 hearing officer. ~~who does not have to be a state employee. If the~~
18 ~~hearing officer is not a full-time state employee, the hearing officer is~~
19 ~~entitled to be paid reasonable:~~

20 (1) expenses; and

21 (2) per diem;

22 for each day or part of a day in actual attendance at a meeting or
23 hearing or in performance of duties. ~~The reasonable per diem and~~
24 ~~expenses are valid claims against the department.~~

25 SECTION 290. IC 13-26-8-4, AS AMENDED BY P.L.165-2018,
26 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2026]: Sec. 4. (a) This section applies to the addition of
28 territory to a regional sewage or solid waste district other than at the
29 request of an eligible entity described in section 1 of this chapter. This
30 section does not apply to a regional water district.

31 (b) To add territory to a district already established, the board of
32 the district must file with the department a motion adopted by the board
33 requesting the addition of territory to the district. If the motion is for
34 the addition of territory to a regional sewage district, the board, not
35 later than ten (10) days after filing the motion with the department,
36 must also file a copy of the motion in the office of:

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

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

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

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

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1 if the territory proposed to be added to the regional sewage
2 district includes territory within the extraterritorial jurisdiction
3 of the municipal sewage works or public sanitation department.
4 (c) Except as provided under subsections (d) and (e), if a motion
5 is filed with the department under subsection (b):
6 (1) the same procedure must be used to add territory to the
7 district as is provided for the establishment of a district under
8 IC 13-26-2; and
9 (2) the department shall proceed in the same manner that is set
10 forth in IC 13-26-2, IC 13-26-4, IC 13-26-6, and IC 13-26-7.
11 (d) Not more than one hundred eighty (180) days after the date a
12 motion is filed with the department under subsection (b) to add
13 territory to a district already established, if a petition is filed with the
14 department that is signed by a majority of the freeholders within the
15 area proposed to be added and indicating that the freeholders are
16 opposed to the addition of the area by the district:
17 (1) the department may not proceed under subsection (c); and
18 (2) the territory may not be added to the district.
19 (e) For purposes of subsection (c):
20 (1) the commissioner is not required to appoint a hearing officer
21 under IC 13-26-2-5;
22 (2) the board shall:
23 (A) provide the notice of; and
24 (B) conduct;
25 the hearing required under IC 13-26-2-6; and
26 (3) instead of making findings and recommendations under
27 IC 13-26-2-8, the board shall submit documentary evidence to
28 the commissioner to prove the:
29 (A) notice was provided; and
30 (B) hearing was conducted;
31 by the board as required under subdivision (2).
32 SECTION 291. IC 13-27-2-2 IS REPEALED [EFFECTIVE JULY
33 1, 2026]. ~~Sec. 2: The commissioner shall appoint an assistant~~
34 ~~commissioner to head the division.~~
35 SECTION 292. IC 13-27-2-3 IS REPEALED [EFFECTIVE JULY
36 1, 2026]. ~~Sec. 3: The commissioner shall hire employees of the~~
37 ~~division.~~
38 SECTION 293. IC 13-27-2-4 IS REPEALED [EFFECTIVE JULY
39 1, 2026]. ~~Sec. 4: (a) The commissioner may appoint liaison advisory~~
40 ~~panels to assist the division in the functions of the division. Individual~~
41 ~~panels must include members representing different areas of interest in~~
42 ~~and potential support of pollution prevention and environmentally~~

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1 related technical assistance, including the following:

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

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

16 SECTION 294. IC 13-27-2-5 IS REPEALED [EFFECTIVE JULY
17 1, 2026]. Sec. 5: The commissioner and the assistant commissioner,
18 through coordinated effort, shall do the following:

- 19 (1) Periodically review state environmental programs and
- 20 projects for their ability and progress in promoting multimedia
- 21 industrial pollution prevention.
- 22 (2) Assist the division of air, the division of water, and the
- 23 division of solid and hazardous waste management in
- 24 identifying, within planned and existing regulatory programs of
- 25 the department, obstacles to pollution prevention and
- 26 opportunities to promote and assist in pollution prevention,
- 27 including the following:
 - 28 (A) Encouraging regulatory flexibility to afford businesses
 - 29 the opportunity to develop or implement pollution
 - 30 prevention technologies and practices.
 - 31 (B) Performing pollution prevention impact analyses of
 - 32 administrative rules before proposed rules are published
 - 33 and before final adoption.
 - 34 (C) Exploring permanent funding for the program.
- 35 (3) Promote increased coordination between the divisions of the
- 36 department and between the department and other governmental
- 37 regulatory programs with responsibilities and duties relating to
- 38 toxic materials and environmental wastes, including, to the
- 39 fullest extent possible, the following:
 - 40 (A) Joint planning processes.
 - 41 (B) Joint research and studies.
 - 42 (C) Joint public hearings.

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- 1 (D) Joint hazard assessments:
- 2 (E) Joint environmental and workplace impact statements:
- 3 (F) Joint pollution prevention impact analyses for existing
- 4 and proposed administrative rules:
- 5 (4) Develop policies and programs to reduce the following by
- 6 means of industrial pollution prevention:
- 7 (A) Generation of municipal wastes:
- 8 (B) Generation of household hazardous wastes and
- 9 pollutants:
- 10 (C) Use of toxic materials in consumer products:
- 11 (5) Provide general information about, and actively publicize the
- 12 advantages of and developments in, pollution prevention and the
- 13 requirements of this article:
- 14 (6) Assist businesses that seek information, guidance, planning
- 15 assistance, or recommendations for pollution prevention by
- 16 providing technical information to those businesses at
- 17 production or commercial locations:
- 18 (7) Work with existing environmental regulatory programs to
- 19 make use of existing information gathering systems that may
- 20 assist the division in assessing the progress of pollution
- 21 prevention statewide:
- 22 (8) Grant or deny applications for pollution prevention grants
- 23 under section 10 of this chapter:
- 24 (9) Provide source reduction and recycling technical assistance
- 25 and administer the Indiana recycling grants program established
- 26 under IC 13-20-22-2.
- 27 SECTION 295. IC 13-27-2-5.1 IS ADDED TO THE INDIANA
- 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 29 [EFFECTIVE JULY 1, 2026]: **Sec. 5.1. The department may do the**
- 30 **following:**
- 31 **(1) Periodically review state environmental programs and**
- 32 **projects for their ability and progress in promoting**
- 33 **multimedia industrial pollution prevention.**
- 34 **(2) Remove obstacles to pollution prevention.**
- 35 **(3) Develop and implement pollution prevention and**
- 36 **environmental recognition programs to incentivize:**
- 37 **(A) communities;**
- 38 **(B) salvage facilities;**
- 39 **(C) marinas;**
- 40 **(D) companies; and**
- 41 **(E) other entities;**
- 42 **that exceed environmental regulatory requirements.**

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- 1 **(4) Assist businesses that seek:**
- 2 **(A) information;**
- 3 **(B) guidance;**
- 4 **(C) planning assistance; or**
- 5 **(D) recommendations;**
- 6 **for pollution prevention by providing technical information**
- 7 **to those businesses.**
- 8 **(5) Work with existing environmental regulatory programs**
- 9 **to make use of existing information gathering systems that**
- 10 **may assist the department in assessing the progress of**
- 11 **pollution prevention.**
- 12 **(6) Provide source reduction and recycling technical**
- 13 **assistance and administer the Indiana recycling grants**
- 14 **program established under IC 13-20-22-2.**
- 15 SECTION 296. IC 13-27-2-6 IS REPEALED [EFFECTIVE JULY
- 16 1, 2026]. ~~Sec. 6: The division shall assist other governmental regulatory~~
- 17 ~~programs in devising:~~
- 18 ~~(1) standards;~~
- 19 ~~(2) administrative rules; and~~
- 20 ~~(3) permits;~~
- 21 ~~based on goals and principles of pollution prevention:~~
- 22 SECTION 297. IC 13-27-2-7 IS REPEALED [EFFECTIVE JULY
- 23 1, 2026]. ~~Sec. 7: To facilitate the use and coordination of reporting~~
- 24 ~~requirements, the commissioner may seek unified reporting and~~
- 25 ~~permitting authority from the United States Environmental Protection~~
- 26 ~~Agency with respect to federal toxic material, waste management, and~~
- 27 ~~pollution control laws and regulations in effect on January 1, 1990;~~
- 28 ~~including the following:~~
- 29 ~~(1) The federal Clean Air Act (42 U.S.C. 7401 et seq.);~~
- 30 ~~(2) The Federal Water Pollution Control Act (33 U.S.C. 1251 et~~
- 31 ~~seq.);~~
- 32 ~~(3) The federal Toxic or Hazardous Substance Control Act (15~~
- 33 ~~U.S.C. 2601 et seq.);~~
- 34 ~~(4) The federal Solid Waste Disposal Act (42 U.S.C. 6901 et~~
- 35 ~~seq.);~~
- 36 ~~(5) The federal Comprehensive Environmental Response,~~
- 37 ~~Compensation, and Liability Act (42 U.S.C. 9601 et seq.);~~
- 38 SECTION 298. IC 13-27-2-9 IS AMENDED TO READ AS
- 39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) To:
- 40 (1) promote pollution prevention statewide by all industries and
- 41 companies; and
- 42 (2) assist in obtaining information on the progress of multimedia

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1 reduction of environmental wastes and related environmental
2 policies and programs;
3 the commissioner ~~shall~~ **may** establish and operate a state information
4 clearinghouse for pollution prevention.

5 (b) The commissioner ~~shall~~ **may** use the clearinghouse established
6 under this section to do the following:

- 7 (1) Collect and compile the following:
 - 8 (A) Information from organizations receiving grants under
 - 9 this article.
 - 10 (B) Information from the published technical literature.
- 11 (2) Mount active outreach and educational programs to further
12 the development and adoption of principles and techniques of
13 pollution prevention.

14 (c) The clearinghouse established under this section must include
15 data on the operation and effectiveness of industry pollution prevention
16 programs. The ~~division~~ **department** shall permit and facilitate free use
17 of this data by businesses, governmental agencies, and the general
18 public. A business may not be required to submit information of a
19 proprietary nature to the clearinghouse or to a governmental program
20 funded under this article.

21 (d) The division shall provide information for the clearinghouse
22 established under this section.

23 SECTION 299. IC 13-27-2-11 IS REPEALED [EFFECTIVE
24 JULY 1, 2026]. ~~Sec. 11. The division shall sponsor pilot projects to~~
25 ~~develop and demonstrate innovative techniques for clean~~
26 ~~manufacturing. The results of pilot projects sponsored under this~~
27 ~~section shall be made available for use by the public. However,~~
28 ~~information about a pilot project that is considered proprietary by a~~
29 ~~manufacturer involved in the pilot project may not be disclosed to the~~
30 ~~public.~~

31 SECTION 300. IC 13-27-2-13 IS REPEALED [EFFECTIVE
32 JULY 1, 2026]. ~~Sec. 13. The commissioner may:~~

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

38 SECTION 301. IC 13-27-7-3 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Programs
40 implemented by the ~~division~~ **department**:

- 41 (1) must encourage pollution prevention; and
- 42 (2) may not discourage the use of recycling or treatment

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1 techniques determined to be acceptable for pollution that has not
 2 been prevented.
 3 SECTION 302. IC 13-28-3-2, AS AMENDED BY P.L.53-2014,
 4 SECTION 128, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The assistance program
 6 established under this chapter shall do the following:
 7 (1) ~~Designate an individual to serve as a liaison and ombudsman~~
 8 ~~to the regulated community to~~ Assist the regulated community
 9 with specific regulatory or permit matters pending with the
 10 department.
 11 (2) Provide assistance to new and existing businesses and small
 12 municipalities in identifying:
 13 (A) applicable environmental rules and regulations; and
 14 (B) permit requirements;
 15 that apply to new and existing businesses and small
 16 municipalities.
 17 (3) Develop and distribute educational materials regarding:
 18 (A) environmental requirements;
 19 (B) compliance methods;
 20 (C) voluntary environmental audits;
 21 (D) pollution control technologies; and
 22 (E) other compliance issues;
 23 including standardized forms and procedures for completing
 24 permit applications.
 25 (4) Provide public outreach and training sessions in cooperation
 26 with representatives of the business and municipal communities
 27 regarding existing and future state and federal environmental
 28 requirements.
 29 (5) Develop and operate a clearinghouse to respond to inquiries
 30 from businesses and municipalities concerning applicable
 31 environmental rules, regulations, and requirements.
 32 (6) Provide technical assistance concerning pollution control
 33 techniques to local and state governmental entities and
 34 businesses and distribute educational materials regarding
 35 pollution prevention developed by the ~~pollution prevention~~
 36 ~~division established by IC 13-27-2-1.~~ **department.**
 37 (7) Provide administrative and technical support for the
 38 compliance advisory panel established by IC 13-13-7.1-1.
 39 (8) Conduct other activities as required to:
 40 (A) improve regulatory compliance; and
 41 (B) promote cooperation and assistance in meeting
 42 environmental requirements.

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1 (b) The assistance program may ~~establish~~ **provide** limited onsite
 2 assistance to provide compliance information **and technical assistance**
 3 to a small business or small municipality, subject to the confidentiality
 4 provisions of section 4 of this chapter. The assistance program may use
 5 money from the environmental management special fund to implement
 6 this subsection. The assistance program may limit the number of
 7 inspections per year and restrict onsite assistance to specific programs.

8 SECTION 303. IC 13-28-3-7 IS ADDED TO THE INDIANA
 9 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 10 [EFFECTIVE JULY 1, 2026]: **Sec. 7. As part of the technical and**
 11 **compliance assistance program, the department shall establish a**
 12 **small business stationary source technical assistance program as**
 13 **required under Section 507 of the federal Clean Air Act (42 U.S.C.**
 14 **7661f).**

15 SECTION 304. IC 13-28-4-11, AS AMENDED BY P.L.130-2018,
 16 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2026]: Sec. 11. (a) The department shall maintain statistics on
 18 the use of environmental audit reports in department compliance and
 19 enforcement activities, including statistics on:

- 20 (1) ~~the number of times the reports are~~ disclosed to the
 21 department;
 22 (2) ~~the number and types of~~ violations disclosed to the
 23 department through the reports; **and**
 24 (3) the civil penalties collected for the violations. ~~and~~
 25 (4) ~~the time necessary for the violations to be corrected.~~

26 The department shall report annually to the interim study committee on
 27 environmental affairs established by IC ~~2-5-1.3-4~~ in an electronic
 28 format under IC ~~5-14-6~~ on the use of environmental audit reports.

29 (b) The department shall propose an enforcement policy, pursuant
 30 to IC 13-14-1-11.5, that provides relief from civil penalties for a
 31 voluntary disclosure that results from an internal environmental audit.
 32 In developing this enforcement policy, the department shall consider
 33 similar policies implemented by:

- 34 (1) the United States Environmental Protection Agency; and
 35 (2) states contiguous to Indiana.

36 SECTION 305. IC 13-28-5-2 IS REPEALED [EFFECTIVE JULY
 37 1, 2026]. ~~Sec. 2: The program must provide the following:~~

- 38 (1) ~~Education, training, and information on permit and~~
 39 ~~compliance requirements of the federal Clean Air Act (42 U.S.C.~~
 40 ~~7401 et seq.):~~
 41 (2) ~~Standardized forms and procedures for completing permit~~
 42 ~~applications:~~

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1 (3) An ombudsman for small businesses.
2 SECTION 306. IC 13-28-5-3 IS REPEALED [EFFECTIVE JULY
3 1, 2026]. Sec. 3: The ombudsman described in section 2 of this chapter
4 shall assist as necessary each small business that applies for assistance
5 with the following:
6 (1) Specific regulatory matters pending before the department;
7 (2) Permit applications.
8 SECTION 307. IC 13-28-5-4 IS REPEALED [EFFECTIVE JULY
9 1, 2026]. Sec. 4: The department may establish the technical and
10 environmental compliance assistance program required by this chapter
11 as part of the technical and compliance assistance program established
12 under IC 13-28-3.
13 SECTION 308. IC 13-29-1-13 IS REPEALED [EFFECTIVE
14 JULY 1, 2026]. Sec. 13: The board shall adopt under IC 4-22-2 and
15 IC 13-14-9 the rules necessary to implement this chapter.
16 SECTION 309. IC 13-30-1-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A citizen, a
18 partnership, a corporation, a limited liability company, an association,
19 or a public officer or agency, as a condition precedent to maintaining
20 an action, must give notice in writing by registered or certified mail to:
21 (1) the department of natural resources;
22 (2) (1) the department; and
23 (3) (2) the attorney general.
24 (b) The attorney general shall promptly notify all state
25 administrative agencies having jurisdiction over or control of the
26 pollution, impairment, destruction, or protection of the environment for
27 which relief is sought.
28 SECTION 310. IC 13-30-2-1, AS AMENDED BY P.L.133-2012,
29 SECTION 158, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not do any of the
31 following:
32 (1) Discharge, emit, cause, allow, or threaten to discharge, emit,
33 cause, or allow any contaminant or waste, including any noxious
34 odor, either alone or in combination with contaminants from
35 other sources, into:
36 (A) the environment; or
37 (B) any publicly owned treatment works;
38 in any form that causes or would cause pollution that violates or
39 would violate rules, standards, or discharge or emission
40 requirements adopted by the board under the environmental
41 management laws.
42 (2) Increase the quantity or strength of a discharge of

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1 contaminants into the waters or construct or install a sewer or
 2 sewage treatment facility or a new outlet for contaminants into
 3 the waters of Indiana without prior approval of the department.
 4 (3) Deposit any contaminants upon the land in a place and
 5 manner that creates or would create a pollution hazard that
 6 violates or would violate a rule adopted by the board.
 7 (4) Deposit or cause or allow the deposit of any contaminants or
 8 solid waste upon the land, except through the use of sanitary
 9 landfills, incineration, composting, garbage grinding, or another
 10 method acceptable to the board.
 11 (5) Dump or cause or allow the open dumping of garbage or of
 12 any other solid waste in violation of rules adopted by the board.
 13 (6) Dispose of solid waste in, upon, or within the limits of or
 14 adjacent to a public highway, state park, state nature preserve, or
 15 recreation area or in or immediately adjacent to a lake or stream,
 16 except:
 17 (A) in proper containers provided for sanitary storage of the
 18 solid waste; or
 19 (B) as a part of a sanitary landfill operation or other land
 20 disposal method approved by the department.
 21 (7) Construct, install, operate, conduct, or modify, without prior
 22 approval of the department, any equipment or facility of any type
 23 that may:
 24 (A) cause or contribute to pollution; or
 25 (B) be designed to prevent pollution.
 26 However, the commissioner or the board may approve
 27 experimental uses of any equipment, facility, or pollution control
 28 device that is considered necessary for the further development
 29 of the state of the art of pollution control.
 30 (8) Conduct any salvage operation or open dump by open
 31 burning or burn, cause, or allow the burning of any solid waste
 32 in a manner that violates either:
 33 (A) the air pollution control laws; or
 34 (B) the rules adopted by the board.
 35 (9) Commence construction of a proposed hazardous waste
 36 facility without having first:
 37 (A) filed an application for; and
 38 (B) received;
 39 a permit from the department.
 40 (10) Commence or engage in the operation of a hazardous waste
 41 facility without having first obtained a permit from the
 42 department.

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- 1 (11) Deliver any hazardous waste to a hazardous waste facility
- 2 that:
- 3 (A) is not approved; or
- 4 (B) does not hold a permit from the department.
- 5 (12) Cause or allow the transportation of a hazardous waste
- 6 without a manifest if a manifest is required by law.
- 7 (13) Violate any:
- 8 (A) condition;
- 9 (B) limitation; or
- 10 (C) stipulation;
- 11 placed upon a certificate of environmental compatibility by the
- 12 hazardous waste facility site approval authority or any other
- 13 provision of IC 13-22-10.
- 14 (14) Apply or allow the application of used oil to any ground
- 15 surface, except for purposes of treatment in accordance with a
- 16 permit issued by the department under any of the following:
- 17 (A) IC 13-15. ~~except IC 13-15-9.~~
- 18 (B) IC 13-17-11.
- 19 (C) IC 13-18-18.
- 20 (D) IC 13-20-1.
- 21 (15) Commence construction of a solid waste incinerator without
- 22 first obtaining a permit from the department under IC 13-20-8.
- 23 (16) Commence operation of a solid waste incinerator without
- 24 first obtaining the approval of the department under IC 13-20-8.
- 25 SECTION 311. IC 13-30-10-1.5, AS AMENDED BY
- 26 P.L.181-2018, SECTION 14, IS AMENDED TO READ AS
- 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as
- 28 provided in subsection (b), a person regulated under IC 13-22 who
- 29 knowingly:
- 30 (1) transports hazardous waste to an unpermitted facility;
- 31 (2) treats, stores, or disposes of hazardous waste without a
- 32 permit issued by the department under IC 13-22; or
- 33 (3) transports, treats, stores, disposes, recycles, or causes to be
- 34 transported used oil regulated under rules adopted by the board
- 35 without a manifest or in violation of the standards established by
- 36 the department for the management of used oil;
- 37 commits a Class B misdemeanor.
- 38 (b) Notwithstanding the maximum fine provisions of IC 35-50-3-3,
- 39 criminal fines for a person convicted of an offense described in
- 40 subsection (a) shall be assessable in a maximum amount of not less
- 41 than ten thousand dollars (\$10,000) per day per violation.
- 42 (c) Except as provided in subsection (d), a person regulated under

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- 1 IC 13-17 who knowingly violates:
- 2 (1) any applicable requirements of IC 13-17-4, IC 13-17-5,
- 3 IC 13-17-6, ~~IC 13-17-7~~, IC 13-17-8, IC 13-17-9, IC 13-17-10, or
- 4 IC 13-17-13 or of rules of the board implementing the chapters
- 5 referred to in this subdivision;
- 6 (2) any condition of a permit issued by the department under
- 7 IC 13-17; or
- 8 (3) any fee or filing requirement in IC 13-17, including the
- 9 requirement to file an application for a permit under IC 13-17;
- 10 commits a Class C misdemeanor.
- 11 (d) Notwithstanding the maximum fine provisions of IC 35-50-3-4,
- 12 criminal fines for a person convicted of an offense described in
- 13 subsection (c) shall be assessable in a maximum amount of not less
- 14 than ten thousand dollars (\$10,000) per day per violation.
- 15 (e) Except as provided in subsection (f), a person who willfully or
- 16 negligently violates:
- 17 (1) any applicable standards or limitations of IC 13-18-3-2.4,
- 18 IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or
- 19 IC 13-18-16 or of rules of the board implementing the chapters
- 20 referred to in this subdivision;
- 21 (2) any condition of a National Pollutant Discharge Elimination
- 22 System permit issued by the department under IC 13-18-19 or
- 23 rules adopted by the board under IC 13-18-19;
- 24 (3) any National Pollutant Discharge Elimination System Permit
- 25 filing requirement under IC 13-18-19; or
- 26 (4) any condition of a permit issued by the department in
- 27 accordance with the requirements of 33 U.S.C. 1344;
- 28 commits a Class A misdemeanor.
- 29 (f) Notwithstanding the maximum fine provisions of IC 35-50-3-2,
- 30 criminal fines for a person convicted of an offense described in
- 31 subsection (e) shall be assessable in a maximum amount of not less
- 32 than ten thousand dollars (\$10,000) per day per violation.
- 33 (g) A person who willfully or recklessly violates any applicable
- 34 standards or limitations of IC 13-18-8 commits a Class B misdemeanor.
- 35 (h) A person who willfully or recklessly violates any applicable
- 36 standards or limitations of IC 13-18-9, IC 13-18-10, or IC 13-18-10.5
- 37 commits a Class C misdemeanor.
- 38 (i) A person who:
- 39 (1) knowingly commits any act described in subsection (a), (c),
- 40 or (e); and
- 41 (2) knows that commission of the act places another person in
- 42 imminent danger of death or serious bodily injury;

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1 commits a Level 4 felony. However, the offense is a Level 3 felony if
 2 it results in serious bodily injury to any person, and a Level 2 felony if
 3 it results in the death of any person.

4 (j) It shall be a defense to an offense described in subsection (i)
 5 that the person charged:
 6 (1) did not know; or
 7 (2) could not reasonably have been expected to know;
 8 that the violation would place another person in imminent danger or
 9 threat of serious bodily injury. For the purposes of subsection (i), a
 10 person is responsible only for the person's own actual awareness or
 11 actual belief, and knowledge by another person may not be attributed
 12 to the person.

13 (k) The penalties under this section apply regardless of whether a
 14 person uses electronic submissions or paper documents to accomplish
 15 the actions described in this section.

16 SECTION 312. [EFFECTIVE UPON PASSAGE] (a) **The**
 17 **legislative services agency shall prepare legislation for introduction**
 18 **in the 2027 regular session of the general assembly to make any**
 19 **necessary amendments to the Indiana Code to conform to the**
 20 **amendments made by this act.**

21 (b) **This SECTION expires July 1, 2027.**

22 SECTION 313. **emergency is declared for this act.**

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