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SENATE BILL No. 277

Proposed Changes to January 29, 2026 printing by AM027718

DIGEST OF PROPOSED AMENDMENT

Permitting. Removes a section of the bill concerning permitting of sanitary sewers and public water mains. Removes changes to various definitions.

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
18 knowledge or experience with respect to each rule. The first public
19 comment period notice published under section 23 of this chapter must
20 include the name, address, telephone number, and electronic mail

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

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

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

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

19 ~~(3) (2) if applicable, a statement of~~

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

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

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

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

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

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

42 (3) Any penalties, sanctions, or fines imposed for noncompliance

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

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

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

19 (2) electronically through electronic gateway access.

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

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

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

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

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

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

35 (2) prepare a report that sets forth:

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

40 (B) the number of complaints or questions reported under
 41 clause (A) that were resolved to the satisfaction of the
 42 agency and the small businesses involved;

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

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

- 15 (1) Work with state agencies to permit increased enforcement
- 16 flexibility and the ability to grant common sense exemptions for
- 17 first time offenders of state rules and policies, including,
- 18 notwithstanding any other law, policies for the compromise of
- 19 interest and penalties related to a listed tax (as defined in
- 20 IC 6-8.1-1-1) and other taxes and fees collected or administered
- 21 by a state agency.
- 22 (2) Work with state agencies to seek ways to consolidate forms
- 23 and eliminate the duplication of paperwork, harmonize data, and
- 24 coordinate due dates.
- 25 (3) Coordinate with OMB (as defined in IC 4-3-22-3) to perform
- 26 cost benefit analyses.
- 27 (4) Work with state agencies to monitor any outdated,
- 28 ineffective, or overly burdensome information requests from
- 29 state agencies to small businesses.
- 30 (5) Carry out the duties specified under IC 4-22-2-28 and
- 31 IC 4-22-2.1 to review proposed rules and participate in
- 32 rulemaking actions that affect small businesses.
- 33 (6) Coordinate with the ~~ombudsman designated under~~
- 34 ~~IC 13-28-3-2 and the office of voluntary compliance established~~
- 35 ~~by IC 13-28-1-1 to coordinate~~ **coordinator described in**
- 36 **IC 4-22-2-28.1(b)** for the provision of services required under
- 37 IC 4-22-2-28.1 and IC 13-28-3.
- 38 (7) Prepare written and electronic information for periodic
- 39 distribution to small businesses describing the small business
- 40 services provided by coordinators (as defined in
- 41 IC 4-22-2-28.1(a)) and work with the office of technology
- 42 established by IC 4-13.1-2-1 to place information concerning the

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

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

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

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

26 SECTION 4. IC 13-11-2-7 IS REPEALED [EFFECTIVE JULY 1,
 27 2026]. Sec. 7. "Alternative PCB technology", for purposes of
 28 IC 13-17-10, means a technology for the treatment and disposal of PCB
 29 that presents:

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

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

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

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

9 SECTION 7. IC 13-11-2-15 IS REPEALED [EFFECTIVE JULY
 10 1, 2026]. ~~Sec. 15. "Assistant commissioner"; for purposes of IC 13-27;~~
 11 ~~refers to the individual appointed by the commissioner under~~
 12 ~~IC 13-27-2-2 to the highest position in the division of pollution~~
 13 ~~prevention.~~

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

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

30 SECTION 9. IC 13-11-2-16.7 IS REPEALED [EFFECTIVE JULY
 31 1, 2026]. ~~Sec. 16.7. "Biomass anaerobic digestion facility"; for~~
 32 ~~purposes of IC 13-20-10.5:~~

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

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

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

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

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

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

19 (1) 33 U.S.C. 1251 et seq.; and

20 (2) **as applicable**, regulations adopted under 33 U.S.C. 1251 et
 21 seq.

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

25 (1) any confined feeding of:

26 (A) at least three hundred (300) cattle;

27 (B) at least six hundred (600) swine or sheep;

28 (C) at least thirty thousand (30,000) fowl; or

29 (D) at least five hundred (500) horses.

30 (2) any animal feeding operation electing to be subject to
 31 IC 13-18-10; or

32 (3) any animal feeding operation that is causing a violation of:

33 (A) water pollution control laws;

34 (B) any rules of the board; or

35 (C) IC 13-18-10.

36 ~~A determination by the department under this subdivision is appealable~~
 37 ~~under IC 4-21.5.~~

38 SECTION 16. IC 13-11-2-60 IS REPEALED [EFFECTIVE JULY
 39 1, 2026]. ~~Sec. 60. "Division", for purposes of IC 13-27, refers to the~~
 40 ~~division of pollution prevention.~~

41 SECTION 17. IC 13-11-2-77, AS AMENDED BY P.L.176-2023,
 42 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 77. (a) "Facility", for purposes of IC 13-15-1-3,
 2 means a structure or an area of land used for the disposal, treatment,
 3 storage, recovery, processing, or transferring of solid waste **or**
 4 hazardous waste. ~~or atomic radiation.~~ The term includes the following:

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

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

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

13 ~~a regulated air pollutant.~~

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

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

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

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

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

- 31 (1) located on a single site or on contiguous or adjacent sites;
 32 and
- 33 (2) owned or operated by:

- 34 (A) the same person; or
- 35 (B) any person that controls, is controlled by, or is under
 36 common control with the same person.

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

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

41 ~~(h) (g) "Facility", for purposes of IC 13-29-1, means a parcel of~~
 42 ~~land or site, together with the structures, equipment, and improvements~~

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1 on or appurtenant to the land or site, which is used or is being
2 developed for the treatment, storage, or disposal of low-level
3 radioactive waste.

4 SECTION 18. IC 13-11-2-80 IS REPEALED [EFFECTIVE JULY
5 1, 2026]. ~~Sec. 80. "FESOP", for purposes of IC 13-17-7, means a~~
6 ~~federally enforceable state operating permit issued to a source that~~
7 ~~would require a Title V operating permit but due to a federally~~
8 ~~enforceable operating restriction has potential emissions less than the~~
9 ~~amount that would require a Title V operating permit.~~

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

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

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

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

27 (2) the rules adopted under ~~IC 13-23-1-2(c)(6).~~ ~~←→~~ [
28 **IC 13-23-1-2(b)(6).**

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

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

36 (2) has been approved by the commissioner in accordance with ~~←~~
37 ~~327 IAC 5-13-4;~~ **the applicable rules or regulations.**

38 ~~← SECTION 22. IC 13-11-2-114, AS AMENDED BY P.L. 112-2016;~~
39 ~~SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
40 ~~JULY 1, 2026]: Sec. 114. "Land application", for purposes of **section**~~
41 ~~**205 of this chapter and IC 13-18-12, means the disposal of:**~~

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1 ~~— (2) solid waste, as defined in section 205(a) of this chapter; or~~
 2 ~~— (3) industrial waste products, as allowed under IC 13-18-12-2.5;~~
 3 ~~by burial or injection below the land surface, incorporation into the~~
 4 ~~soil, or spraying or spreading onto the land surface.~~

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

15 SECTION 2~~4~~[3]. IC 13-11-2-138 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 138. "Navigable
 17 waters" ~~for purposes of IC 13-24-2,~~ means waters of the United States
 18 (as defined in the federal Clean Water Act (33 U.S.C. 1362(7))).

19 SECTION 2~~5~~[4]. IC 13-11-2-143 IS REPEALED [EFFECTIVE
 20 JULY 1, 2026]. Sec. ~~143~~: (a) "Office", for purposes of IC 13-22-11,
 21 refers to the division of pollution prevention and technical assistance
 22 established by IC 13-27-2-1.

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

25 SECTION 2~~6~~[5]. IC 13-11-2-156 IS REPEALED [EFFECTIVE
 26 JULY 1, 2026]. Sec. ~~156~~: "Pending", for purposes of IC 13-17-7, means
 27 not completed as of January 1, 1994.

28 SECTION 2~~7~~[6]. IC 13-11-2-165, AS AMENDED BY
 29 P.L.189-2018, SECTION 114, IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 165. "Pollution control
 31 laws" refers to the following:

- 32 (1) IC 13-12-4 and IC 13-12-5.
- 33 (2) IC 13-17, except for the following:
 - 34 (A) IC 13-17-3-15.
 - 35 ~~(B) IC 13-17-7.~~
 - 36 ~~(C) (B) IC 13-17-8-10.~~
 - 37 ~~(D) (C) IC 13-17-10.~~
 - 38 ~~(E) (D) IC 13-17-11.~~
 - 39 ~~(F) (E) IC 13-17-13.~~
- 40 (3) IC 13-18, except for the following:
 - 41 (A) IC 13-18-12 and IC 5-1.2-10.
 - 42 (B) IC 13-18-15 through IC 13-18-20.

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1 (4) IC 13-19-3.
 2 (5) IC 13-20-16 and IC 13-20-17.
 3 SECTION 2 ~~8~~ [7]. IC 13-11-2-168 IS REPEALED [EFFECTIVE
 4 JULY 1, 2026]. Sec. 168. "Potential emissions", for purposes of
 5 IC 13-17-7, means emissions calculated:
 6 (1) before:
 7 (A) the installation of air pollution control equipment; and
 8 (B) the application of any applicable state or federal:
 9 (i) rule;
 10 (ii) regulation; or
 11 (iii) statute;
 12 that establishes emission limitations or standards; and
 13 (2) after consideration of any physical or operational limitation
 14 on the capacity of a facility or source.
 15 SECTION 2 ~~9~~ [8]. IC 13-11-2-177.5 IS AMENDED TO READ
 16 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 177.5. (a) "Publicly
 17 owned treatment works", for purposes of IC 13-18-3, has the meaning
 18 set forth in 327 IAC 5-1.5-48. ~~10~~ means a treatment works (as
 19 defined in Section 212(2) of the Clean Water Act) owned by the
 20 state or a municipality (as defined in Section 502(4) of the Clean
 21 Water Act).
 22 (b) The term includes:
 23 (1) devices and systems used in the storage, treatment,
 24 recycling, and reclamation of municipal sewage or
 25 compatible industrial wastes; and
 26 (2) a municipality (as defined in Section 502(4) of the Clean
 27 Water Act) that has jurisdiction over the indirect discharges
 28 to and the discharges from a treatment works.
 29 (c) The term does not include:
 30 (1) pipes;
 31 (2) sewers; or
 32 (3) other conveyances;
 33 not connected to a facility providing treatment.
 34 SECTION ~~30~~ [29]. IC 13-11-2-199.4 IS REPEALED
 35 [EFFECTIVE JULY 1, 2026]. Sec. 199.4. "Septage management
 36 vehicle", for purposes of IC 13-18-12-2.2, has the meaning set forth in
 37 IC 13-18-12-2.2(b).
 38 SECTION 3 ~~10~~ [0]. IC 13-11-2-201, AS AMENDED BY
 39 P.L.107-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2026]: Sec. 201. (a) "Sewage disposal system",
 41 for purposes of this chapter, IC 13-18-12 (except as provided in
 42 subsection (b)); and IC 13-20-17.5, means septic tanks, septic tank soil

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1 absorption systems, septage holding tanks, seepage pits, cesspools,
2 privies, composting toilets, interceptors or grease traps, portable
3 sanitary units, and other equipment, facilities, or devices used to:

- 4 (1) store;
- 5 (2) treat;
- 6 (3) make inoffensive; or
- 7 (4) dispose of;

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

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

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

- 16 (1) The business is independently owned and operated.
- 17 (2) The principal office of the business is located in Indiana.
- 18 (3) The business satisfies either of the following:
 - 19 (A) The business has not more than:
 - 20 (i) one hundred (100) employees; and
 - 21 (ii) average annual gross receipts of ten million dollars
 - 22 (\$10,000,000).
 - 23 (B) If the business is a manufacturing business, the business
24 does not have more than one hundred (100) employees.

25 (b) "Small business" does not include a business subject to
26 electronic waste regulation under 329 IAC 16. [1] IC 13-20.5.

27 SECTION 33-IC 13-11-2-205, AS AMENDED BY P.L. 54-2023,
 28 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2026]: Sec. 205. (a) "Solid waste", for purposes of
 30 IC 13-18-12, IC 13-19, IC 13-21, IC 13-20-22, and environmental
 31 management laws, except as provided in subsection (b), and subject to
 32 subsection (d), means any garbage, refuse, sludge from a waste
 33 treatment plant, sludge from a water supply treatment plant, sludge
 34 from an air pollution control facility, or other discarded material,
 35 including solid, liquid, semisolid, or contained gaseous material
 36 resulting from industrial, commercial, mining, or agricultural
 37 operations or from community activities. The term does not include:
 38 ~~— (1) solid or dissolved material in:~~
 39 ~~— (A) domestic sewage; or~~
 40 ~~— (B) irrigation return flows or industrial discharges;~~
 41 ~~— that are point sources subject to permits under Section 402 of the~~
 42 ~~Federal Water Pollution Control Act Amendments (33 U.S.C.~~

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- 1 1342);
- 2 ~~(2) source, special nuclear, or byproduct material (as defined by~~
- 3 ~~the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);~~
- 4 ~~(3) manures or crop residues returned to the soil as fertilizers or~~
- 5 ~~soil conditioners as part of a total farm operation;~~
- 6 ~~(4) vegetative matter at composting facilities registered under~~
- 7 ~~IC 13-20-10; or~~
- 8 ~~(5) material that is discarded if:~~
- 9 ~~(A) the material is not:~~
- 10 ~~(i) spent lead acid batteries regulated under~~
- 11 ~~IC 13-20-16; and 329 IAC 3.1-11.1;~~
- 12 ~~(ii) salvaged from mobile homes regulated under 329~~
- 13 ~~IAC 11.6;~~
- 14 ~~(iii) alternative fuels regulated under 329 IAC 11.7;~~
- 15 ~~(iv) used oil regulated under 329 IAC 13;~~
- 16 ~~(v) waste tires regulated under IC 13-20-14; and 329~~
- 17 ~~IAC 15;~~
- 18 ~~(vi) electronic waste regulated under 329 IAC 16;~~
- 19 ~~(vii) legitimate use of iron and steelmaking slags, as~~
- 20 ~~described in 329 IAC 11-3-1(11);~~
- 21 ~~(viii) legitimate use of foundry sand, as described in~~
- 22 ~~329 IAC 11-3-1(12); or~~
- 23 ~~(ix) engineered wood waste burned as a fuel, as~~
- 24 ~~described in 329 IAC 11-3-1(20);~~
- 25 ~~(x) treated in order to be appropriate for land~~
- 26 ~~application; or~~
- 27 ~~(xi) biomass or appropriate feedstock regulated~~
- 28 ~~under IC 13-20-10.5;~~
- 29 ~~(B) the material is otherwise:~~
- 30 ~~(i) determined under 40 CFR 262.11 to be~~
- 31 ~~nonhazardous; or~~
- 32 ~~(ii) exempted or excluded from regulation as a~~
- 33 ~~hazardous waste under 40 CFR 261; and~~
- 34 ~~(C) the material is used:~~
- 35 ~~(i) by a manufacturer as an ingredient in or a~~
- 36 ~~component of a product; or~~
- 37 ~~(ii) as a commodity in a process that results in a~~
- 38 ~~product.~~
- 39 ~~(b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and~~
- 40 ~~IC 13-21, and subject to subsection (d), does not include the following:~~
- 41 ~~(1) A waste that is regulated under the following:~~
- 42 ~~(A) IC 13-22-1 through IC 13-22-8.~~

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

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anaerobic digestion facility or gasification facility.

SECTION 3~~5~~[3]. IC 13-11-2-213 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 213. "Source", for purposes of IC 13-17-3, and ~~IC 13-17-7~~, means an aggregation of one (1) or more facilities that are:

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

SECTION 3~~6~~[4]. IC 13-11-2-214 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 214. "Source reduction", for purposes of ~~IC 13-17-7~~ and IC 13-21, means a reduction in the amount of solid waste generated that is achieved through actions affecting the source of the solid waste.

SECTION 3~~7~~[5]. IC 13-11-2-224 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 224. "Stormwater permit", for purposes of ~~IC 13-18-20~~, refers to a permit issued to a facility regulated under ~~327 IAC 15-5 or 327 IAC 15-6~~.

SECTION 3~~8~~[6]. IC 13-11-2-232 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 232. "Title V operating permit", for purposes of ~~IC 13-17-7~~, means a permit required by 42 U.S.C. 7661a.

SECTION 3~~9~~[7]. IC 13-11-2-245, AS AMENDED BY P.L.198-2016, SECTION 636, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 245. (a) "Vehicle", for purposes of IC 13-17-5, refers to a vehicle required to be registered with the bureau of motor vehicles and required to have brakes. The term does not include the following:

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

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

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

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

3 SECTION ~~<40>~~[38]. IC 13-12-4-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The general
5 assembly recognizes the following:

6 (1) The profound impact of human activity on the interrelations
7 of all components of the natural environment, particularly the
8 profound influences of the following:

- 9 ~~(A)~~ **(A)** Population growth.
- 10 ~~(B)~~ **(A)** High-density urbanization.
- 11 ~~(C)~~ **(B)** Industrial expansion.
- 12 ~~(D)~~ **(C)** Resource exploitation.
- 13 ~~(E)~~ **(D)** New and expanding technological advances.

14 (2) The critical importance of restoring and maintaining
15 environmental quality to the overall welfare and development of
16 humans.

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

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

20 SECTION ~~<41>~~[39]. IC 13-12-4-4 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. To carry out the
22 policy set forth in this chapter, it is the continuing responsibility of the
23 state to use all practicable means, consistent with other essential
24 considerations of state policy, to improve and coordinate state plans,
25 functions, programs, and resources to the end that the state may do the
26 following:

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

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1 SECTION 4 ~~↔~~ [10]. IC 13-12-4-5, AS AMENDED BY
2 P.L.133-2012, SECTION 71, IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. To the fullest extent
4 possible:

5 (1) the policies, rules, and statutes of the state shall be
6 interpreted and administered in accordance with the policies set
7 forth in this chapter; and

8 (2) all state agencies shall do the following:

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

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

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

- 21 (i) The environmental impact of the proposed action.
- 22 (ii) Any adverse environmental effects that cannot be
23 avoided should the proposal be implemented.
- 24 (iii) Alternatives to the proposed action.
- 25 (iv) The relationship between local short term uses of
26 the environment and the maintenance and
27 enhancement of long term productivity.
- 28 (v) Any irreversible and ir retrievable commitments of
29 resources that would be involved if the proposed action
30 should be implemented.

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

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

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

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

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

25 SECTION 4~~4~~². IC 13-12-4-8 IS REPEALED [EFFECTIVE
 26 JULY 1, 2026]. Sec. 8: This chapter may not be construed to require an
 27 environmental impact statement for the issuance of a license or permit
 28 by any state agency.

29 SECTION 4~~5~~³. IC 13-12-4-10 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. Any state agency
 31 that is required by the federal National Environmental Policy Act (P.L.
 32 91-190) (42 U.S.C. 4321 et seq.) to file a federal environmental impact
 33 statement is not required to file a statement with the state government
 34 as provided under sections 5 and 6 of this chapter unless the action
 35 contemplated requires state legislation or state appropriations: **exempt**
 36 **from the requirements of this chapter with respect to the action**
 37 **requiring the statement.**

38 SECTION 4~~6~~⁴. IC 13-12-5-1 IS REPEALED [EFFECTIVE
 39 JULY 1, 2026]. Sec. 1: The general assembly recognizes that there are
 40 two (2) approaches to environmental protection:

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

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1 SECTION 4~~<7>~~[5]. IC 13-12-5-2 IS REPEALED [EFFECTIVE
2 JULY 1, 2026]. Sec. 2: Clean manufacturing consists of economically
3 feasible practices that reduce, avoid, or eliminate the unnecessary use
4 of harmful industrial materials and the generation of industrial wastes,
5 pollutants, emissions, and discharges at the point of production. Clean
6 manufacturing practices are limited to the following:

- 7 (1) Product reformulation.
- 8 (2) Input substitution.
- 9 (3) Equipment redesign.
- 10 (4) Improved operations and procedures.

11 SECTION 4~~<8>~~[6]. IC 13-12-5-3 IS REPEALED [EFFECTIVE
12 JULY 1, 2026]. Sec. 3: Waste management or pollution control consists
13 of environmental protection practices employed after industrial wastes,
14 pollutants, discharges, and emissions have been generated. Waste
15 management or pollution control practices include the following:

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

26 SECTION 4~~<9>~~[7]. IC 13-13-2-2 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner~~<~~
28 ~~>~~[] shall may appoint individuals to the other positions in the
29 department.

30 SECTION ~~<50>~~[48]. IC 13-13-2-3 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner
32 may establish an ad hoc group to study and make recommendations
33 regarding critical environmental issues. The ad hoc group may include
34 the following:

- 35 (1) University representatives.
- 36 (2) Scientific research organizations.
- 37 (3) Public policy and research advisory organizations.
- 38 (4) Individuals from the private sector with experience in related
39 disciplines.
- 40 (5) **Small business and agriculture representatives.**

41 SECTION ~~<51>~~[49]. IC 13-13-3-1 IS REPEALED [EFFECTIVE
42 JULY 1, 2026]. Sec. 1: The department must include the following

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

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

- 11 (1) ~~An air pollution control division.~~ **An office of air quality.**
- 12 (2) ~~A water pollution control division.~~ **An office of water**
- 13 **quality.**
- 14 (3) ~~A solid waste management division.~~ **An office of land**
- 15 **quality.**
- 16 (4) ~~An administrative services division.~~ **An office of legal**
- 17 **counsel.**
- 18 (5) ~~A division of pollution prevention.~~ **An office of program**
- 19 **support.**

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

- 23 (1) The water pollution agency for Indiana for all purposes of the
- 24 Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in
- 25 effect January 1, 1988, and the federal Safe Drinking Water Act
- 26 (42 U.S.C. 300f through 300j) in effect January 1, 1988.
- 27 (2) The solid waste agency for Indiana for all purposes of the
- 28 federal Resource Conservation and Recovery Act (42 U.S.C.
- 29 6901 et seq.) in effect January 1, 1988.
- 30 (3) The air pollution control agency for Indiana for all purposes
- 31 of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as
- 32 amended. ~~⇒~~ [] ~~by the federal Clean Air Act Amendments of~~
- 33 ~~1990 (P.L.101-549).~~
- 34 (4) The state agency with responsibility concerning the Midwest
- 35 Interstate Compact on Low-Level Radioactive Waste under
- 36 IC 13-29-1.
- 37 (5) The state agency with responsibility concerning the federal
- 38 Comprehensive Environmental Response, Compensation, and
- 39 Liability Act of 1980, as amended by the federal Superfund
- 40 Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601
- 41 through 9675) as in effect on January 1, 1993, and concerning 40
- 42 CFR 300.505, Subpart F of the National Oil and Hazardous

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

5 SECTION 54[2]. IC 13-13-5-2 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The department
7 may take any action necessary to secure for Indiana the benefits of the
8 statutes described in section 1 of this chapter.

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

18 SECTION 55[3]. IC 13-13-7.1-1, AS ADDED BY P.L.53-2014,
19 SECTION 119, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2026]: Sec. 1. The compliance advisory panel
21 is established **to carry out the duties required by 42 U.S.C. 7661f.**

22 SECTION 56[4]. IC 13-13-7.1-2, AS AMENDED BY
23 P.L.42-2024, SECTION 97, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2026]: Sec. 2. The panel consists of the
25 following members:

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

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

42 (3) ~~Two (2)~~ members appointed by the governor to represent the

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

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

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

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

20 **(4) (6) The commissioner of the department of environmental
21 management or the commissioner's designee.**

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

25 SECTION 5 ~~5~~ [5]. IC 13-13-7.1-3, AS AMENDED BY
26 P.L.42-2024, SECTION 98, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The term of a member
28 appointed to the panel under section 2(1) or 2(2) of this chapter is two
29 (2) years and expires June 30 of each odd-numbered year.

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

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

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

- 39 (1) **who is a member of the general assembly; and**
- 40 (2) **whose term has not expired on or before July 1, 2026;**
- 41 **may finish the remainder of the term. The person appointed to fill**
- 42 **that position serves for a four (4) year term as described in**



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1 **subsection (a).**

2 SECTION 5~~8~~[6]. IC 13-13-7.1-5, AS ADDED BY P.L.53-2014,
3 SECTION 119, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: Sec. 5. The individual serving on the
5 panel under ~~section 2(4)~~ **section 2(6)** of this chapter is a nonvoting
6 member.

7 SECTION 5~~9~~[7]. IC 13-13-7.1-6, AS AMENDED BY
8 P.L.1-2025, SECTION 177, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2026]: Sec. 6. The ~~chairperson of the legislative~~
10 ~~council~~ **governor** shall appoint the chair of the panel from the
11 members appointed under ~~section 2(1) or 2(2)~~ **section 2** of this chapter.
12 The chair of the panel serves at the pleasure of the ~~chairperson of the~~
13 ~~legislative council.~~ **governor**. The panel shall meet at the call of the
14 chair of the panel.

15 SECTION ~~60~~[58]. IC 13-13-7.1-11 IS REPEALED
16 [EFFECTIVE JULY 1, 2026]. Sec. ~~11~~. ~~The panel shall carry out the~~
17 ~~duties required of a compliance advisory panel under Section 507 of~~
18 ~~the federal Clean Air Act (42 U.S.C. 7661f).~~

19 SECTION ~~61~~[59]. IC 13-13-7.1-12, AS AMENDED BY
20 P.L.42-2024, SECTION 102, IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. The department of
22 ~~environmental management~~ shall **may** provide administrative and
23 technical support to the panel, as ~~provided in IC 13-28-3-2~~, including
24 duties related to the development and dissemination of reports and
25 advisory opinions.

26 SECTION 6~~2~~[0]. IC 13-13-7.1-13, AS AMENDED BY
27 P.L.42-2024, SECTION 103, IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. Except as provided
29 in section 9 of this chapter, the expenses of the panel shall be paid from
30 appropriations to the department. ~~of environmental management.~~

31 SECTION 6~~3~~[1]. IC 13-13-7.1-14 IS REPEALED [EFFECTIVE
32 JULY 1, 2026]. Sec. ~~14~~. ~~The panel shall submit an annual report to the~~
33 ~~legislative council in an electronic format under IC 5-14-6.~~

34 SECTION 6~~4~~[2]. IC 13-13-8-2, AS ADDED BY P.L.133-2012,
35 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2026]: Sec. 2. (a) The following entities are abolished on
37 January 1, 2013:

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

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

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

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1 of the board may be members of the same political party.

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

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

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

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

22 SECTION 6 ~~9~~ [7]. IC 13-13-8-10, AS ADDED BY
23 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. The governor ~~shall~~
25 **annually select: may designate:**

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

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

30 SECTION ~~70~~ [68]. IC 13-13-8-11, AS ADDED BY
31 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. Each member of the
33 board shall fully disclose any potential conflicts of interest ~~relating to~~
34 ~~permits or enforcement orders~~ **and recuse themselves as appropriate**
35 **for particular matters before the board** under the:

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

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

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

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

6 SECTION ~~71~~[69]. IC 13-13-8-13, AS ADDED BY
 7 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) The board may
 9 select, from a list of three (3) qualified individuals recommended by
 10 the governor, an independent third party who is not an employee of the
 11 state to serve as legal counsel.

12 (b) The legal counsel shall do the following:
 13 (1) Advise the board on legal matters or proceedings arising
 14 from the exercise of the board's duties.

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

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

21 SECTION 7~~2~~[0]. IC 13-13-8-14, AS ADDED BY
 22 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. The board may
 24 establish advisory committees for the purpose of giving advice on any
 25 matters pertaining to the business of the board. **Board members may**
 26 **also be members of an advisory committee.** A member appointed to
 27 an advisory committee, **who is not a member of the board**, shall serve
 28 at the pleasure of the board and is not entitled to a salary, per diem, or
 29 reimbursement of expenses.

30 SECTION 7~~2~~[1]. IC 13-14-1-5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The department shall
 32 develop and implement a **program of public awareness and**
 33 **participation to assure maximum programs to maximize public**
 34 **awareness, participation, and** citizen involvement in the evolution
 35 and continuation of the environmental programs of the state.

36 SECTION 7~~2~~[2]. IC 13-14-1-7, AS AMENDED BY
 37 P.L.133-2012, SECTION 75, IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The commissioner
 39 shall prepare the proposed budget of the department and, **if necessary**,
 40 the board.

41 SECTION 7~~2~~[3]. IC 13-14-1-9, AS AMENDED BY
 42 P.L.133-2012, SECTION 77, IS AMENDED TO READ AS

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

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

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

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

15 SECTION 7 ~~<6>~~ **[4]**. IC 13-14-1-10 IS REPEALED [EFFECTIVE
16 JULY 1, 2026]. Sec. ~~10~~. The department shall encourage and assist
17 units of local government in developing programs and facilities for the
18 following:

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

23 SECTION 7 ~~<8>~~ **[5]**. IC 13-14-1-11.5, AS AMENDED BY THE
24 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
25 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2026]: Sec. 11.5. (a) If the department proposes to utilize a
27 policy or statement that:

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

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

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

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

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- 1 (A) health criteria;
- 2 (B) analytical methods;
- 3 (C) treatment technology;
- 4 (D) economic impact data;
- 5 (E) environmental assessment data; and
- 6 (F) other background data;
- 7 (3) the date, time, and location of the presentation under this
- 8 subsection to the appropriate board; and
- 9 (4) information regarding the opportunity for a person to
- 10 comment to the department and the appropriate board on the
- 11 proposed policy or statement before or at the time of the
- 12 presentation under this subsection.

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

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

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

24 (d) The department shall:

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

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

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

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

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

8 SECTION 7~~6~~[6]. IC 13-14-1-11.7, AS ADDED BY
 9 P.L.218-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2026]: Sec. 11.7. (a) ~~Before July 1 of each year,~~
 11 ~~The department shall report:~~ **make available in an electronic format:**

- 12 (1) any administrative rule that has been:
- 13 (A) proposed by the department; or
- 14 (B) adopted by the board; **and**
- 15 ~~(2) any operating policy or procedure that has been instituted or~~
- 16 ~~altered by the department; and~~
- 17 ~~(3) (2) any nonrule policy or statement that has been proposed or~~
- 18 ~~put into effect under section 11.5 of this chapter;~~
- 19 ~~since the preceding July 1 that constitutes a change in the policy~~
- 20 ~~previously followed by the department under this title and the rules~~
- 21 ~~adopted by the board.~~

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

28 SECTION 7~~6~~[7]. IC 13-14-1-13 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) The
 30 commissioner shall establish and administer monitoring and reporting
 31 requirements as necessary to carry out the duties and to exercise the
 32 powers provided in the following:

- 33 (1) Air pollution control laws.
- 34 (2) Water pollution control laws.
- 35 (3) Environmental management laws.
- 36 **(b) The department may require an affidavit of the responsible**
- 37 **officer or person in charge of the operation to accompany any**
- 38 **report required under this section.**

39 SECTION ~~80~~[78]. IC 13-14-1-14 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. The department ~~41 >[shall may do the following:~~

- 42 (1) Develop and maintain an information clearinghouse on the

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- 1 following subjects:
- 2 (A) Source separation.
- 3 (B) Recycling.
- 4 (C) Composting.
- 5 (D) Solid waste minimization.
- 6 (E) Solid waste reduction.
- 7 (F) Hazardous waste minimization.
- 8 (G) Hazardous waste reduction.
- 9 (2) Assist in the development and implementation of public
- 10 education programs on:
- 11 (A) source separation;
- 12 (B) recycling;
- 13 (C) composting;
- 14 (D) solid waste reduction;
- 15 (E) solid waste minimization;
- 16 (F) hazardous waste minimization;
- 17 (G) hazardous waste reduction; and
- 18 (H) other alternatives to final disposal in landfills.
- 19 (3) Take action in any other matter involving:
- 20 (A) solid waste minimization;
- 21 (B) solid waste reduction;
- 22 (C) hazardous waste minimization; or
- 23 (D) hazardous waste reduction;
- 24 as directed by the commissioner.
- 25 SECTION ~~81~~ [79]. IC 13-14-1-17 IS REPEALED [EFFECTIVE
- 26 JULY 1, 2026]. Sec. 17: (a) Before November 1 of each year, the
- 27 department shall submit an annual report to the governor and to the
- 28 legislative council in an electronic format under IC 5-14-6.
- 29 (b) The report under subsection (a) must include the following:
- 30 (1) A summary of the:
- 31 (A) reviews conducted; and
- 32 (B) agreements approved;
- 33 in the preceding state fiscal year under IC 13-17-13.
- 34 (2) Information on the following:
- 35 (A) Waste tire management as required by IC 13-20-13.
- 36 (B) The status of the waste tire management fund and the
- 37 programs funded by the fund.
- 38 (C) Recommendations for revisions to waste tire
- 39 management programs.
- 40 (3) An evaluation of the actions taken by the department to
- 41 improve the department's process of issuing permits that must
- 42 include the following information:

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

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

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1 the reports submitted by manufacturers and recyclers under
2 IC 13-20.5-3:

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

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

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

13 SECTION 8 ~~⇒~~ [0]. IC 13-14-2-1, AS AMENDED BY
14 P.L.263-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) This section applies to any:

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

19 under this title.

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

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

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

28 (e) The department:

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

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

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

- 40 (1) **Determinations made under IC 13-19-4, IC 13-11-2-40,
41 and otherwise specified in this title.**
42 (2) **Orders, including those related to enforcement.**

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- 1 **(3) Notices provided under IC 13-17-6-10 and IC 13-25.**
- 2 **(4) Decisions made under IC 13-14-8-11 and IC 13-25-5-6.**
- 3 **(5) Emergency orders.**
- 4 **(6) Approval, denial, revocations, modification, or renewal**
- 5 **of permits.**
- 6 **(7) Denial of a claim under the petroleum storage tank excess**
- 7 **liability trust fund established by IC 13-23-7-1.**
- 8 **(h) The department shall include in written communications**
- 9 **as appropriate information regarding the process by which an**
- 10 **agency action described in subsection (g) is reviewed.**

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

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

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

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

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

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

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

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1 making of a determination under this subsection.

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

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

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

15 SECTION 8[3] IC 13-14-4 IS REPEALED [EFFECTIVE
16 JULY 1, 2026]. (Notice to Department of Plans and Programs
17 Affecting the Environment).

18 SECTION 8[4] IC 13-14-5-2 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) **Except as**
20 **provided in section 3 of this chapter,** The designated agent of the
21 department conducting the inspection must provide the property owner
22 **or representative of the property owner** with the following:

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

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

37 SECTION 8[5] IC 13-14-5-3 IS REPEALED [EFFECTIVE
38 JULY 1, 2026]. Sec. 3. If the designated agent of the department
39 completes the inspection at a time when the property owner is not
40 available to receive an oral report under section 2 of this chapter,
41 the designated agent shall send a written summary of the inspection in
42 accordance with IC 13-14-2-1 to the property owner not later than

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1 forty-five (45) calendar days following the inspection:

2 SECTION 8~~8~~[6]. IC 13-14-5-5 IS REPEALED [EFFECTIVE
3 JULY 1, 2026]. Sec. 5. The board shall adopt rules under IC 4-22-2 and
4 IC 13-14-9 to administer this chapter and IC 13-30-7.

5 SECTION 8~~9~~[7]. IC 13-14-5-6 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The property
7 owner may provide information in response to any of the following:

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

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

11 (3) Questions raised during the inspection visit.

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

17 SECTION ~~90~~[88]. IC 13-14-8-1, AS AMENDED BY
18 P.L.93-2024, SECTION 115, IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board may:

20 (1) adopt;

21 (2) repeal;

22 (3) rescind; or

23 (4) amend;

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

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

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

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

32 SECTION ~~91~~[89]. IC 13-14-8-3 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A rule or standard
34 adopted by a board may:

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

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

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

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

42 (C) ~~could cause or contribute to;~~ **international sources of;**

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

6 SECTION 9 ~~↔~~ [0]. IC 13-14-8-4 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. In adopting rules and
 8 establishing standards, a the board shall take into account may
 9 consider the following:

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

26 SECTION 9 ~~↔~~ [1]. IC 13-14-8-5, AS AMENDED BY
 27 P.L.133-2012, SECTION 87, IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Any person may
 29 present written proposals for the adoption, amendment, or repeal of a
 30 rule by the board. A proposal presented under this section must be:

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

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1 SECTION 9~~↔~~[2]. IC 13-14-8-6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Each hearing on
 3 a proposed rule must be open to the public, and a reasonable
 4 opportunity to be heard with respect to the subject of a hearing shall be
 5 afforded to any person. **The board may define reasonable**
 6 **procedures to conduct an orderly hearing.**

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

12 (c) A person who:

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

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

17 SECTION 9~~↔~~[3]. IC 13-14-8-7, AS AMENDED BY
 18 P.L.250-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~(a) Without limiting the~~
 20 ~~generality of the regulatory authority of the board under this title;~~ The
 21 board may adopt rules under IC 4-22-2 and IC 13-14-9 prescribing the
 22 following:

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

27 (A) the discharge of any contaminants;

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

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

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

33 (C) the operation of any:

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

37 to control or to prevent pollution.

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

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

- 41 (A) water wells;
 42 (B) water holes; and

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

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1 SECTION 97>[5]. IC 13-14-8-11, AS AMENDED BY
2 P.L.128-2024, SECTION 17, IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) A person
4 affected by a decision of the commissioner under sections 8 and 9 of
5 this chapter may, within fifteen (15) days after receipt of notice of the
6 decision, appeal the decision to the office of administrative law
7 proceedings. ~~All proceedings under this section to appeal the~~
8 ~~commissioner's decision are governed by IC 4-21.5.~~

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

11 SECTION 98>[6]. IC 13-14-8-11.5 IS AMENDED TO READ
12 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.5. (a) The
13 department shall prepare and publish in the Indiana Register guidance
14 on the application process and criteria for obtaining a site-specific
15 limitation for a National Pollutant Discharge Elimination System
16 (NPDES) permit. Criteria to be considered must include wet weather
17 events, water effects ratio, and other site-specific considerations as
18 determined by the department. Water effects ratio shall be the ratio of
19 the aquatic toxicity of a parameter in the water of the receiving stream
20 compared to the aquatic toxicity of the parameter in the laboratory
21 water used to determine the standard.

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

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

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

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

40 SECTION 99>[7]. IC 13-14-8-11.6, AS AMENDED BY
41 P.L.113-2014, SECTION 63, IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.6. (a) A discharger

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1 is not required to obtain a state permit for the modification or
2 construction of a water pollution treatment or control facility if the
3 discharger has an effective:

- 4 (1) National Pollutant Discharge Elimination System (NPDES)
- 5 industrial permit for direct discharges to surface water; or
- 6 (2) industrial waste pretreatment permit not issued by the
- 7 department for discharges to a publicly owned treatment works.

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

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

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

23 SECTION ~~<101>~~[99]. IC 13-14-9-3, AS AMENDED BY
24 P.L.249-2023, SECTION 52, IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Before publication
26 of the notice described in IC 4-22-2-23, the department may provide
27 notice in the Indiana Register of a public comment period regarding
28 potential rulemaking. A notice provided under this section must do the
29 following:

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

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- 1 requirements;
- 2 (C) state the extent to which each alternative listed under
- 3 clause (A) differs from federal law;
- 4 (D) include any information known to the department about
- 5 the potential fiscal impact of each alternative under clause
- 6 (A) that creates:
 - 7 (i) a restriction or requirement more stringent **or**
 - 8 **burdensome** than a restriction or requirement imposed
 - 9 under federal law; or
 - 10 (ii) a restriction or requirement in a subject area in
 - 11 which federal law does not impose restrictions or
 - 12 requirements; and
- 13 (E) set forth the basis for each alternative listed under
- 14 clause (A).
- 15 (3) Describe the relevant statutory or regulatory requirements or
- 16 restrictions relating to the subject matter of the proposed rule
- 17 that exist before the adoption of the proposed rule.
- 18 (4) Request the submission of alternative ways to achieve the
- 19 purpose of the proposed rule.
- 20 (5) Request the submission of comments, including suggestions
- 21 of specific language for the proposed rule.
- 22 (6) Include a detailed statement of the issue to be addressed by
- 23 adoption of the proposed rule.
- 24 SECTION 10 ~~↔~~ [0]. IC 13-14-9-4, AS AMENDED BY
- 25 P.L.93-2024, SECTION 116, IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) In addition to the
- 27 requirements of IC 4-22-2-23 and (if applicable) IC 4-22-2-24, the
- 28 notice of public comment period submitted by the department to the
- 29 publisher must do the following:
 - 30 (1) Contain a summary of the response of the department to
 - 31 written comments submitted under section 3 of this chapter, if
 - 32 applicable.
 - 33 (2) Request the submission of comments, including suggestions
 - 34 of specific amendments to the language contained in the
 - 35 proposed rule.
 - 36 (3) Identify each element of the proposed rule that imposes a
 - 37 restriction or requirement on persons to whom the proposed rule
 - 38 applies that:
 - 39 (A) is more stringent **or burdensome** than a restriction or
 - 40 requirement imposed under federal law; or
 - 41 (B) applies in a subject area in which federal law does not
 - 42 impose a restriction or requirement.

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

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1 (A) altering ordinary operating policies or procedures; or
 2 (B) implementing new policies or procedures;
 3 in response to an emergency situation.

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

9 (1) the health of persons; or
 10 (2) the welfare of persons whose livelihood is endangered;
 11 the commissioner ~~shall~~ **may** bring suit under subsection (b).

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

15 (1) immediately restrain any person causing or contributing to
 16 the alleged pollution to stop the discharge or introduction of
 17 contaminants causing or contributing to the pollution; or
 18 (2) take other necessary action.

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

21 (1) in addition to the authority contained in section 1 of this
 22 chapter; and
 23 (2) notwithstanding any other provision of this title.

24 SECTION 10~~4~~[2]. IC 13-14-11-5, AS AMENDED BY
 25 P.L.133-2012, SECTION 92, IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The ~~board shall~~
 27 ~~adopt rules requiring the execution of a confidentiality agreement~~
 28 **department may execute confidentiality agreements** with persons
 29 employed, contracted, or subcontracted by the department that is
 30 enforceable by:

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

33 SECTION 10~~5~~[3]. IC 13-14-12-4, AS AMENDED BY
 34 P.L.9-2024, SECTION 341, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) **Upon request by:**

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

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

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

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

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

14 SECTION 10~~6~~[4]. IC 13-15-1-1, AS AMENDED BY
 15 P.L.133-2012, SECTION 95, IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall
 17 establish requirements for the issuance of permits to control air
 18 pollution, ~~noise, and atomic radiation~~, including the following:

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

27 SECTION 10~~7~~[5]. IC 13-15-1-2, AS AMENDED BY
 28 P.L.133-2012, SECTION 96, IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The board shall
 30 establish requirements for the issuance of permits to control water
 31 pollution, ~~and atomic radiation~~, including the following:

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

42 However, the board may not require a permit under subdivision (2) for

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1 any facility, equipment, or device constructed, installed, or modified as
 2 part of a surface coal mining operation that is operated under a permit
 3 issued under IC 14-34.

4 SECTION 10~~8~~[6]. IC 13-15-1-3, AS AMENDED BY
 5 P.L.100-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2026]: Sec. 3. The board shall establish
 7 requirements for the issuance of permits to control solid waste **and**
 8 hazardous waste, ~~and atomic radiation~~, including the following:

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

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

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

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

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

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

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

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

24 SECTION 10~~8~~[7]. IC 13-15-1-3.2, AS ADDED BY
 25 P.L.120-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2026]: Sec. 3.2. (a) A transfer station or any
 27 facility that holds a valid permit or authorization to haul, treat, store,
 28 dispose of, or ship hazardous waste may haul, transfer, consolidate,
 29 process, ship, or otherwise manage solid waste without also holding a
 30 permit to haul, transfer, process, or ship solid waste.

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

36 (c) Solid waste that is managed:

37 (1) at a transfer station; or

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

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

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

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1 (1) at a transfer station; or
 2 (2) at any facility that holds a valid permit to haul, treat, store,
 3 dispose of, or ship hazardous waste;
 4 comes into direct contact with a hazardous waste, the solid waste
 5 becomes subject to 40 CFR 261.3(a)(2)(iv) and shall then be managed
 6 as a hazardous waste.
 7 ~~(e) The board shall amend 329 IAC 11 to conform to this section:~~
 8 SECTION ~~<H0>~~[108]. IC 13-15-2-1, AS AMENDED BY
 9 P.L.133-2012, SECTION 98, IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board ~~shall~~
 11 **may** adopt rules under IC 4-22-2 and IC 13-14-9 to establish
 12 requirements and procedures for the issuance of permits.
 13 (b) In rules for the issuance of permits, the board may do the
 14 following:
 15 (1) Prescribe standards for the discharge, emission, or disposal
 16 of contaminants and the operation of any facility, equipment, or
 17 device.
 18 (2) Impose the conditions that are considered necessary to
 19 accomplish the purposes of this title.
 20 SECTION 1~~<H>~~[09]. IC 13-15-2-2, AS AMENDED BY
 21 P.L.133-2012, SECTION 99, IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board may
 23 adopt rules under IC 4-22-2 and IC 13-14-9 to allow the department to
 24 issue permits that do the following:
 25 (1) Provide incentives to owners and operators of facilities to
 26 assess the pollution emitted by the facilities into all
 27 environmental media.
 28 (2) Provide incentives to owners and operators of facilities to
 29 implement the most innovative and effective pollution control or
 30 pollution prevention strategies while maintaining enforceable
 31 performance goals.
 32 (3) Provide incentives to owners and operators of facilities to
 33 reduce pollution levels at the facilities below the levels required
 34 by law.
 35 (4) Consolidate environmental requirements into one (1) permit
 36 that would otherwise be included in more than one (1) permit.
 37 (5) Reduce the time and money spent by owners and operators
 38 of facilities and the department on administrative tasks that do
 39 not benefit the environment.
 40 (6) Provide owners and operators of facilities with as much
 41 operational flexibility as can reasonably be provided while being
 42 consistent with enforcement of permit requirements.

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

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

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

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

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

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

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

32 SECTION 11 ~~↔~~ [0]. IC 13-15-3-2 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A permit issued
34 under:

- 35 (1) this article; (~~except IC 13-15-9~~);
- 36 (2) IC 13-17-11;
- 37 (3) IC 13-18-18; or
- 38 (4) IC 13-20-1;

39 may be issued for any period determined by the department to be
40 appropriate but not to exceed five (5) years.

41 (b) Except as provided in federal law, a valid permit that has been
42 issued under this chapter that concerns an activity of a continuing

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1 nature may be renewed for a period of not more than ten (10) years as
 2 determined by the department. The board shall adopt rules
 3 implementing this subsection.

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

6 SECTION 11 ~~↔~~ [1]. IC 13-15-3-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A public hearing
 8 shall be held on the question of:

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

11 (2) the issuance of an original permit for a solid waste disposal
 12 facility or a solid waste incinerator regulated under IC 13-20-8;
 13 as provided in subsection (b).

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

15 (1) the request of the applicant;

16 (2) the filing of a petition requesting a public hearing that is
 17 signed by one hundred (100) adult individuals who:

18 (A) reside in the county where the proposed or existing
 19 facility is or is to be located; or

20 (B) own real property within one (1) mile of the site of the
 21 proposed or existing facility; or

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

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

25 SECTION 11 ~~↔~~ [2]. IC 13-15-3-4 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. If the petition under
 27 section 3(b)(2) of this chapter requests that the public hearing be
 28 conducted at a location within a county affected by a proposed permit,
 29 the department shall **attempt to** conduct the public hearing at that
 30 location.

31 SECTION 11 ~~↔~~ [3]. IC 13-15-4-1, AS AMENDED BY
 32 P.L.113-2014, SECTION 64, IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as
 34 provided in sections 2, 3, and 6 of this chapter, the commissioner shall
 35 approve or deny an application filed with the department after July 1,
 36 1995, within the following number of days:

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

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

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

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

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

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

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- 1 326 IAC 2-2 and 326 IAC 2-3.
 2 (B) An air pollution facility construction permit (other than
 3 as defined in 326 IAC 2-2).
 4 (C) Registration of an air pollution facility. for an air
 5 pollution permit.
 6 (8) Sixty (60) days for an application concerning the following:
 7 (A) A Class 1 modification under 40 CFR 270.42 requiring
 8 prior written approval, to a hazardous waste:
 9 (i) landfill;
 10 (ii) incinerator;
 11 (iii) treatment facility; or
 12 (iv) storage facility.
 13 (B) Any other permit not specifically described in this
 14 section for which the application fee exceeds forty-nine
 15 dollars (\$49) and for which a time frame has not been
 16 established under section 3 of this chapter.
 17 (b) When a person holding a valid permit concerning an activity
 18 of a continuing nature has made a timely and sufficient application for
 19 a renewal permit, ~~under the rules of one (1) of the boards~~, the
 20 commissioner shall approve or deny the application on or before the
 21 expiration date stated in the permit for which renewal is sought.
 22 SECTION 11~~6~~[4]. IC 13-15-4-2, AS AMENDED BY
 23 P.L.1-2007, SECTION 127, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section does not apply
 25 to permit applications described in section 1(a)(1) or 1(a)(2) of this
 26 chapter.
 27 (b) **Unless otherwise specified in applicable rules or laws**, if the
 28 department determines that a public hearing should be held under:
 29 (1) IC 13-15-3-3; or
 30 (2) any other applicable rule or law;
 31 the commissioner has thirty (30) days in addition to the number of days
 32 provided for in section 1 of this chapter in which to approve or deny the
 33 application.
 34 SECTION 11~~7~~[5]. IC 13-15-4-3, AS AMENDED BY
 35 P.L.93-2024, SECTION 117, IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~The~~ **The** board may
 37 adopt a rule under IC 4-22-2 that changes a period described under
 38 section 1 of this chapter within which the commissioner must approve
 39 or deny an application:
 40 (1) if:
 41 (A) the general assembly enacts a statute;
 42 (B) ~~a~~ **the** board adopts a rule; or

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

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1 applicable federal, state, or local requirements may apply to the
2 commissioner for an interim permit to construct, modify, or operate the
3 equipment, facility, or pollution control device.

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

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

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

10 (2) rules adopted under this title;

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

13 SECTION ~~<121>~~[119]. IC 13-15-4-10, AS AMENDED BY
14 P.L.27-2024, SECTION 3, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2026]: Sec. 10. The commissioner may suspend
16 the processing of an application, and the period described under
17 sections 1 through 6 of this chapter is suspended, if one (1) of the
18 following occurs:

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

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

24 (B) are not consistent with applicable law.

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

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1 certified mail return receipt accompanying the applicant's
 2 complete information, or the date a notice is sent by the
 3 department to the applicant confirming that the department has
 4 received the applicant's complete information.

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

- 7 (A) withdraw; or
- 8 (B) defer processing of;

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

12 (3) The department is required by federal law or by an agreement
 13 with the United States Environmental Protection Agency for a
 14 federal permit program to transmit a copy of the proposed permit
 15 to the administrator of the United States Environmental
 16 Protection Agency for review and possible objections before the
 17 permit may be issued. The period described under sections 1
 18 through 6 of this chapter ~~shall~~ **may** be suspended from the time
 19 the department submits the proposed permit to the administrator
 20 for review until:

- 21 (A) the department receives the administrator's concurrence
 22 or objection to the issuance of the proposed permit; or
- 23 (B) the period established in federal law by which the
 24 administrator is required to make objections expires without
 25 the administrator having filed an objection.

26 (4) A board initiates **emergency provisional or interim**
 27 rulemaking under section 3(b) of this chapter to revise the period
 28 described under sections 1 through 6 of this chapter.

29 SECTION 12 ~~↔~~ [0]. IC 13-15-4-11 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) If an applicant
 31 is operating pursuant to a continuation of an existing permit pending
 32 determination of an application for a new or renewed permit under
 33 IC 13-15-3-6, the applicant may proceed under this section after
 34 notifying the commissioner in writing of its intent to do so.

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

- 41 (1) The:
- 42 (A) applicant may, except as provided in section 12.1 of this

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

11 ~~(2)~~ The:
 12 (A) applicant may:
 13 ~~(i) except as provided in section 12.1 of this chapter,~~
 14 ~~request and receive a refund of a permit application fee~~
 15 ~~paid by the applicant; and~~
 16 ~~(ii) submit to the department a draft permit and any~~
 17 ~~required supporting technical justification for the~~
 18 ~~permit; and~~
 19 (B) commissioner shall do the following:
 20 (i) Review the draft permit.
 21 ~~(ii) Approve, with or without revision, or deny the draft~~
 22 ~~permit in accordance with section 16 of this chapter.~~
 23 ~~(iii) Except as provided in section 12.1 of this chapter,~~
 24 ~~refund the applicant's application fee not later than~~
 25 ~~twenty-five (25) working days after the receipt of the~~
 26 ~~applicant's request.~~

27 ~~(3)~~ (2) The:
 28 (A) applicant may hire an outside consultant to prepare a
 29 draft permit and any required supporting technical
 30 justification for the permit; and
 31 (B) commissioner shall:
 32 (i) review the draft permit; and
 33 (ii) approve, with or without revision, or deny the draft
 34 permit in accordance with section 16 of this chapter.

35 SECTION 12 ~~(3)~~ [1]. IC 13-15-4-15 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant
 37 chooses to proceed under section ~~11(b)(3)~~ **11(b)(2)** of this chapter, the
 38 department and the applicant shall jointly:
 39 (1) select a consultant that has the appropriate background to
 40 review the applicant's application; and
 41 (2) authorize the consultant to begin work;
 42 not later than fifteen (15) ~~working~~ **business** days after the department

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1 receives notice that the applicant has chosen to proceed under section <
2 > ~~11(b)(3)~~ **11(b)(2)** of this chapter.

3 (b) The commissioner may:

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

6 (2) document the communications.

7 SECTION 12 <4> ~~2~~. IC 13-15-4-16 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If an applicant
9 chooses to proceed under section 11(b)(2) or ~~11(b)(3)~~ of this chapter,
10 the applicant or a consultant shall prepare and submit to the
11 commissioner the draft permit and any required supporting technical
12 justification for the permit not later than thirty-five (35) **working**
13 **business** days after

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

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

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

21 (2) deny;

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

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

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

29 (2) deny;

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

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

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

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

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

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

3 SECTION 12~~↔~~[3]. IC 13-15-5-1.5, AS ADDED BY
4 P.L.66-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2026]: Sec. 1.5. Not later than ten (10) days
6 after the last day of a public comment period under this article or
7 applicable rules of the board, the commissioner may decide, based on
8 information received during the public comment period, to hold a
9 public hearing ~~or meeting~~ before the issuance or denial of a permit. If
10 the commissioner decides to hold a public hearing ~~or meeting~~ under
11 this section, the department shall:

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

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

17 SECTION 12~~↔~~[4]. IC 13-15-6-1, AS AMENDED BY
18 P.L.128-2024, SECTION 18, IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than
20 fifteen (15) days after being served the notice provided by the
21 commissioner under IC 13-15-5-3:

22 (1) the permit applicant; or

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

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

34 SECTION 12~~↔~~[5]. IC 13-15-7-3, AS AMENDED BY
35 P.L.128-2024, SECTION 20, IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A person aggrieved
37 by the revocation or modification of a permit may appeal the revocation
38 or modification to the office of administrative law proceedings for an
39 administrative review under IC 4-21.5-3. Pending the decision resulting
40 from the hearing under IC 4-21.5-3 concerning the permit revocation,
41 ~~or modification~~, the permit remains in force. However, the
42 commissioner may seek injunctive relief with regard to the activity

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1 described in the permit while the decision resulting from the hearing
2 is pending.

3 SECTION 12~~8~~[6]. IC 13-15-7-4, AS AMENDED BY
4 P.L.133-2012, SECTION 103, IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This section
6 applies to a facility that:

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

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

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

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

19 (2) The changes do not exceed emissions:

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

21 (B) expressed as total emissions;

22 allowable under the permit.

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

28 SECTION 12~~9~~[7]. IC 13-15-9-1 IS REPEALED [EFFECTIVE
29 JULY 1, 2026]. Sec. 1. A person may not:

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

32 ~~(2) increase the capacity of such an existing facility;~~

33 without a permit from the department.

34 SECTION 1~~30~~[28]. IC 13-15-9-2 IS REPEALED [EFFECTIVE
35 JULY 1, 2026]. Sec. 2. (a) The board may adopt rules under IC 4-22-2
36 and ~~IC 13-14-9~~ establishing:

37 ~~(1) conditions for the issuance of a permit under this chapter;~~
38 ~~and~~

39 ~~(2) requirements for the operation of nuclear facilities.~~

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

41 ~~(1) air pollution from nuclear facilities;~~

42 ~~(2) water pollution from nuclear facilities; or~~

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1 (3) other environmental problems associated with nuclear
2 facilities:

3 SECTION 1 ~~31~~ [29]. IC 13-15-9-3, AS AMENDED BY
4 P.L.133-2012, SECTION 105, IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A person proposing
6 to construct:

- 7 (1) a nuclear powered generating facility; or
 - 8 (2) a nuclear fuel reprocessing plant;
- 9 shall file with the ~~board~~ **department** an environmental feasibility
10 report on a form prescribed by the ~~board~~; concurrently with the filing
11 of the preliminary safety analysis documents required to be filed with
12 the United States Atomic Energy Commission. **Nuclear Regulatory**
13 **Commission.**

14 SECTION 13 ~~32~~ [0]. IC 13-15-9-4 IS REPEALED [EFFECTIVE
15 JULY 1, 2026]. Sec. 4: (a) The commissioner, on behalf of the board;
16 may conduct a public hearing at a time and place to be determined by
17 the department on the environmental effects of the proposed operation:

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

20 SECTION 13 ~~33~~ [1]. IC 13-15-9-5 IS REPEALED [EFFECTIVE
21 JULY 1, 2026]. Sec. 5: (a) The board shall adopt rules and standards
22 under section 2 of this chapter to protect the citizens of Indiana from
23 the hazards of radiation:

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

- 27 (c) Each permit issued must include a requirement for:
 - 28 (1) appropriate procedures of monitoring any discharge; and
 - 29 (2) a report of each discharge to the department.

30 SECTION 13 ~~34~~ [2]. IC 13-15-10-1, AS AMENDED BY
31 P.L.133-2012, SECTION 108, IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board ~~shall~~ **may**
33 adopt rules to establish a department operated training and certification
34 program for the following:

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

41 SECTION 13 ~~35~~ [3]. IC 13-15-10-4, AS AMENDED BY
42 P.L.133-2012, SECTION 110, IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. The board ~~shall~~ **may**
 2 adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter.
 3 The rules ~~and~~ **must** ~~may~~ include the following:

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

6 (2) Mandatory testing and retraining.

7 (3) Recognition of training programs that the board approves to
 8 serve as a training program that this chapter requires. A
 9 recognized training program may be offered by an employer or
 10 by any other provider.

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

13 SECTION 13 ~~6~~ **[4]**. IC 13-17-3-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall
 15 provide assistance on air pollution matters to towns, cities, and
 16 counties. **The commissioner shall make the commissioner's best**
 17 **efforts to assist and cooperate with other groups interested in and**
 18 **affected by air pollution.**

19 SECTION 13 ~~7~~ **[5]**. IC 13-17-3-4, AS AMENDED BY
 20 P.L.181-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall adopt rules
 22 under IC 4-22-2 and IC 13-14-9 that are:

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

25 (2) necessary to the implementation of the federal Clean Air Act
 26 (42 U.S.C. 7401 et seq.), as amended, ~~by the Clean Air Act~~
 27 ~~Amendments of 1990 (P.L.101-549).~~

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

34 (1) environmental significance of;

35 (2) federal requirements for federally delegated or approved
 36 programs concerning; and

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

39 (c) The board may adopt rules to require sources to report
 40 hazardous air pollutant emissions if the reporting is necessary to
 41 demonstrate compliance with emissions and other performance
 42 standards established under 42 U.S.C. 7412 or 42 U.S.C. 7429. The

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1 board may ~~amend~~ ~~326 IAC 2-6~~ **adopt rules** to allow the
2 department to request hazardous air pollutant emissions data from
3 individual sources for the purpose of site specific studies of hazardous
4 air pollutant:

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

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

10 SECTION 13 ~~8~~ **[6]**. IC 13-17-3-8 IS REPEALED [EFFECTIVE
11 JULY 1, 2026]. Sec. 8: The board shall carry out other duties imposed
12 by law:

13 SECTION 13 ~~9~~ **[7]**. IC 13-17-3-9 IS REPEALED [EFFECTIVE
14 JULY 1, 2026]. Sec. 9: (a) The commissioner shall assist and cooperate
15 with other groups interested in and affected by air pollution:

16 (b) The commissioner may do the following:

- 17 (1) Advise, consult, and cooperate with:
 - 18 (A) other state agencies;
 - 19 (B) towns, cities, and counties;
 - 20 (C) industries;
 - 21 (D) other states;
 - 22 (E) the federal government; and
 - 23 (F) affected groups;

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

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

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

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

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

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

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

41 (6) Upon request, provide technical assistance to towns, cities,
42 or counties requesting technical assistance for the furtherance of

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1 air pollution control:

2 (7) Represent the state in all matters pertaining to plans;
3 procedures; or negotiations for interstate compacts in relation to
4 the control of air pollution:

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

8 SECTION 1<40>[\[38\]](#). IC 13-17-5-9, AS AMENDED BY
9 P.L.104-2022, SECTION 81, IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) ~~After December~~
11 ~~31, 2006~~; The board may not adopt a rule under air pollution control
12 laws that requires motor vehicles to undergo a periodic test of emission
13 characteristics in the following counties:

14 (1) A county having a population of more than eighty thousand
15 four hundred (80,400) and less than eighty-two thousand
16 (82,000):

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

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

22 (c) Unless the budget agency approves a periodic vehicle
23 inspection program for a county referred to in subsection (a); the board
24 shall amend 326 IAC 13-1.1 so that it does not apply after December
25 31, 2006; to a county referred to in subsection (a):

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

41 (1) in attainment of the national ambient air quality
42 standards; or

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

3 SECTION 141[39]. IC 13-17-5-10, AS ADDED BY
4 P.L.187-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2026]: Sec. 10. Not later than December 31,
6 2025, the department shall do the following:

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

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

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

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

17 (C) Meet emissions goals.

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

24 (E) Result in the withdrawal of Lake County and Porter
25 County from the Metropolitan Chicago Interstate Air
26 Quality Control Region.

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

29 SECTION 1420[0]. IC 13-17-6-10, AS AMENDED BY
30 P.L.128-2024, SECTION 22, IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) If the
32 commissioner finds that an asbestos project is not being performed in
33 accordance with air pollution control laws or rules adopted under air
34 pollution control laws, the commissioner may enjoin further work on
35 the asbestos project without prior notice or hearing by delivering a
36 notice to:

- 37 (1) the asbestos contractor engaged in the asbestos project; or
- 38 (2) the agent or representative of the asbestos contractor.

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

- 40 (1) specifically enumerate the violations of law that are
- 41 occurring on the asbestos project; and
- 42 (2) prohibit further work on the asbestos project until the

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1 violations enumerated under subdivision (1) cease and the notice
2 is rescinded by the commissioner.

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

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

11 SECTION 14~~3~~[1]. IC 13-17-6-11 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The
13 commissioner may ~~under IC 4-21.5~~ reprimand an asbestos contractor
14 or asbestos worker or suspend or revoke the license of an asbestos
15 contractor or the accreditation of an asbestos worker for the following
16 reasons:

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

19 (2) Failing to meet the qualifications for a license or
20 accreditation or failing to comply with the requirements of air
21 pollution control laws or rules adopted under air pollution
22 control laws.

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

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

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

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

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

33 SECTION 14~~4~~[2]. IC 13-17-7 IS REPEALED [EFFECTIVE
34 JULY 1, 2026]. (Clean Air Act Permit Compliance Program).

35 SECTION 14~~5~~[3]. IC 13-17-10-1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not
37 incinerate PCB in an incinerator unless the person

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

40 (2) ~~has received the recommendation of the local plan~~
41 ~~commission that has jurisdiction over the area in which the~~
42 ~~incinerator is located and the county executive of the county in~~

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1 which the incinerator is located has approved the incineration of
 2 the PCB or; if an appropriate local plan commission does not
 3 exist, the county executive of the county in which the incinerator
 4 is located has approved the incineration of the PCB:

5 SECTION 14~~6~~[4]. IC 13-17-10-2 IS REPEALED [EFFECTIVE
 6 JULY 1, 2026]. Sec. 2: The commissioner may not:

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

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

11 SECTION 14~~7~~[5]. IC 13-17-10-3 IS REPEALED [EFFECTIVE
 12 JULY 1, 2026]. Sec. 3: The department, in cooperation with the United
 13 States Environmental Protection Agency; an applicant for a permit
 14 issued under this chapter; and a city or town in which an incinerator
 15 described under section 1 of this chapter is or will be located; shall
 16 conduct a study of alternative PCB technologies. The study must
 17 include an assessment of the efficacy and the technical and economic
 18 feasibility of the following:

19 (1) Alternative technologies such as the following:

- 20 (A) The application of lime to break down PCB;
- 21 (B) The low temperature thermal disorption process;
- 22 (C) Disorption and vaporization extraction;
- 23 (D) Plasma torch technology;
- 24 (E) Bacterial remediation;

25 (2) Other technologies identified by the commissioner as having
 26 possible value in the treatment or disposal of PCB in Indiana:

27 SECTION 14~~8~~[6]. IC 13-17-10-4 IS REPEALED [EFFECTIVE
 28 JULY 1, 2026]. Sec. 4: (a) The study required by section 3 of this
 29 chapter must be concluded before January 1, 1996:

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

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

36 SECTION 14~~9~~[7]. IC 13-17-12-4 IS REPEALED [EFFECTIVE
 37 JULY 1, 2026]. Sec. 4: An air pollution control agency shall submit
 38 annual reports as requested by the department:

39 SECTION 1~~50~~[48]. IC 13-17-15-6 IS REPEALED
 40 [EFFECTIVE JULY 1, 2026]. Sec. 6: A unit described in section 4 of
 41 this chapter is not required to have a separate approval under
 42 IC 13-17-7 if the unit:

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- 1 (1) is being operated under a valid existing operating permit
 2 issued under IC 13-17-7; and
 3 (2) is in compliance with the applicable federal requirements
 4 listed in section 4 of this chapter;
 5 when it is used to dispose of and destroy drugs under this chapter.
 6 SECTION 1 ~~51~~ [49]. IC 13-18-2-3, AS AMENDED BY THE
 7 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
 8 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 3. (a) The department shall prepare a list of
 10 impaired waters for the purpose of complying with federal regulations
 11 implementing Section 303(d) of the federal Clean Water Act (33
 12 U.S.C. 1313(d)). In determining whether a water body is impaired, the
 13 department shall consider all existing and readily available water
 14 quality data and related information. The department, before submitting
 15 the list to the United States Environmental Protection Agency, shall:
 16 (1) post the list to the department's ~~Internet web site;~~ **website;**
 17 (2) publish in the Indiana Register a link to the list posted to the
 18 department's ~~Internet web site;~~ **website;**
 19 (3) make the list available for public comment for at least
 20 forty-five (45) days; and
 21 (4) provide information about the list to the board.
 22 (b) The board shall adopt a rule that:
 23 (1) establishes the methodology to be used in identifying waters
 24 as impaired; and
 25 (2) specifies the methodology and criteria for including and
 26 removing waters from the list of impaired waters.
 27 (c) In the establishment of the total maximum daily load for a
 28 surface water under Section 303(d)(1)(C) of the federal Clean Water
 29 Act (33 U.S.C. 1313(d)(1)(C)), the department shall, in identifying the
 30 surface water under Section 303(d)(1)(A) of the federal Clean Water
 31 Act (33 U.S.C. 1313(d)(1)(A)), make every reasonable effort to identify
 32 the pollutant or pollutants under consideration for the establishment of
 33 the total maximum daily load.
 34 (d) The department shall comply with subsection (e) if either of
 35 the following applies:
 36 (1) The department:
 37 (A) is unable, in identifying the surface water as described
 38 in subsection (c), to identify the pollutant or pollutants
 39 under consideration for the establishment of the total
 40 maximum daily load; and
 41 (B) determines, after identifying the surface water as
 42 described in subsection (c), that one (1) or more pollutants

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- 1 should be under consideration for establishment of the total
- 2 maximum daily load.
- 3 (2) The department:
- 4 (A) in identifying the surface water as described in
- 5 subsection (c), identifies the pollutant or pollutants under
- 6 consideration for the establishment of the total maximum
- 7 daily load; and
- 8 (B) determines, after identifying the pollutant or pollutants
- 9 as described in clause (A), that one (1) or more other
- 10 pollutants should be under consideration for establishment
- 11 of the total maximum daily load.
- 12 (e) The department complies with subsection (d) if the department
- 13 does the following before making a pollutant or pollutants the subject
- 14 of consideration for the establishment of the total maximum daily load:
- 15 (1) Determines and demonstrates that either or both of the
- 16 following apply:
- 17 (A) The surface water does not attain water quality
- 18 standards (as established ~~in 327 IAC 2-1 and 327~~
- 19 ~~IAC 2-1.5~~ **by rule**) due to an individual pollutant, multiple
- 20 pollutants, pollution, or an unknown cause of impairment.
- 21 (B) The surface water:
- 22 (i) receives a thermal discharge from one (1) or more
- 23 point sources; and
- 24 (ii) does not have or maintain a balanced indigenous
- 25 population of shellfish, fish, and wildlife.
- 26 (2) Posts on the department's ~~internet web site~~ **website** the
- 27 determination referred to in subdivision (1).
- 28 (3) Makes the determination referred to in subdivision (1)
- 29 available for public comment for at least forty-five (45) days.
- 30 (4) Presents the determination referred to in subdivision (1) to
- 31 the commissioner for final approval after the comment period
- 32 under subdivision (3).
- 33 SECTION 15 ~~↔~~ **[0]**. IC 13-18-3-1, AS AMENDED BY
- 34 P.L.133-2012, SECTION 125, IS AMENDED TO READ AS
- 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall
- 36 adopt rules for the control and prevention of pollution in waters of
- 37 Indiana. ~~with any substance:~~
- 38 ~~(1) that is deleterious to:~~
- 39 ~~(A) the public health; or~~
- 40 ~~(B) the prosecution of any industry or lawful occupation; or~~
- 41 ~~(2) by which:~~
- 42 ~~(A) any fish life or any beneficial animal or vegetable life~~

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1 ~~may be destroyed; or~~
2 ~~(B) the growth or propagation of fish life or beneficial~~
3 ~~animal or vegetable life is prevented or injuriously affected.~~

4 SECTION 15 ~~↔~~ [1]. IC 13-18-3-2, AS AMENDED BY
5 P.L.112-2016, SECTION 17, IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board may
7 adopt rules under IC 4-22-2 that are necessary to the implementation
8 of:

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

11 (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through
12 300j), as in effect January 1, 1988;

13 except as provided in IC 14-37.

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

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

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

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

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

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

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

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

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

35 (4) Whether the designation of the water body as an outstanding
36 state resource water will have a significant adverse effect on
37 future population, development, and economic growth in the
38 watershed, if the water body is in a watershed that has more than
39 three percent (3%) of its land in urban land uses or serves a
40 municipality with a population greater than five thousand
41 (5,000).

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

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

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

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

17 (j) Notwithstanding any other provision of this section, the
18 designation of an outstanding state resource water in effect on January
19 1, 2000, remains in effect.

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

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

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

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

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1 watershed of the outstanding state resource water that will
 2 result in an overall improvement of the water quality of the
 3 outstanding state resource water.

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

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

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

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

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

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

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

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

39 (p) This subsection applies to all surface waters of the state. The
 40 department shall complete an antidegradation review of all NPDES
 41 general permits. The department may modify the general permits for
 42 purposes of antidegradation compliance. After an antidegradation

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1 review of a permit is conducted under this subsection, activities
 2 covered by an NPDES general permit are not required to undergo an
 3 additional antidegradation review. An NPDES general permit may not
 4 be used to authorize a discharge into an outstanding national resource
 5 water or an outstanding state resource water, except that a short term,
 6 temporary storm water discharge to an outstanding national resource
 7 water or to an outstanding state resource water may be permitted under
 8 an NPDES general permit if the commissioner determines that the
 9 discharge will not significantly lower the water quality downstream of
 10 the discharge.

11 (q) Subsection (r) applies to:

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

15 (2) an application for a modification or renewal of an NPDES
 16 permit;

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

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

23 (1) an analysis of alternatives to the proposed discharge; and

24 (2) subject to subsection (s), social or economic factors
 25 indicating the importance of the proposed discharge if
 26 alternatives to the proposed discharge are not practicable.

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

32 (1) Creation, expansion, or maintenance of employment.

33 (2) The unemployment rate.

34 (3) The median household income.

35 (4) The number of households below the poverty level.

36 (5) Community housing needs.

37 (6) Change in population.

38 (7) The impact on the community tax base.

39 (8) Provision of fire departments, schools, infrastructure, and
 40 other necessary public services.

41 (9) Correction of a public health, safety, or environmental
 42 problem.

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- 1 (10) Production of goods and services that protect, enhance, or
 2 improve the overall quality of life and related research and
 3 development.
 4 (11) The impact on the quality of life for residents in the area.
 5 (12) The impact on the fishing, recreation, and tourism
 6 industries.
 7 (13) The impact on threatened and endangered species.
 8 (14) The impact on economic competitiveness.
 9 (15) Demonstration by the permit applicant that the factors
 10 identified and reviewed under subdivisions (1) through (14) are
 11 necessary to accommodate important social or economic
 12 development despite the proposed significant lowering of water
 13 quality.
 14 (16) Inclusion by the applicant of additional factors that may
 15 enhance the social or economic importance associated with the
 16 proposed discharge, such as an approval that:
 17 (A) recognizes social or economic importance; and
 18 (B) is given to the applicant by:
 19 (i) a legislative body; or
 20 (ii) other government officials.
 21 (17) Any other action or recommendation relevant to the
 22 antidegradation demonstration made by a:
 23 (A) state;
 24 (B) county;
 25 (C) township; or
 26 (D) municipality;
 27 potentially affected by the proposed discharge.
 28 (18) Any other action or recommendation relevant to the
 29 antidegradation demonstration received during the public
 30 participation process.
 31 (19) Any other factors that the commissioner:
 32 (A) finds relevant; or
 33 (B) is required to consider under the Clean Water Act.
 34 (t) In determining whether a proposed discharge is necessary to
 35 accommodate important economic or social development in the area in
 36 which the waters are located under antidegradation standards and
 37 implementation procedures, the commissioner:
 38 (1) must give substantial weight to any applicable determinations
 39 by governmental entities; and
 40 (2) may rely on consideration of any one (1) or a combination of
 41 the factors listed in subsection (s).
 42 (u) Each exceptional use water (as defined in IC 13-11-2-72.5,

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1 before its repeal) designated by the board before June 1, 2009, becomes
 2 an outstanding state resource water on June 1, 2009, by operation of
 3 law.

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

6 (1) Outstanding national resource waters.

7 (2) Outstanding state resource waters.

8 (3) Waters of the state as ~~described in 327 IAC 2-1-2(1); as in~~
 9 ~~effect on January 1, 2009; defined in IC 13-11-2-265.~~

10 (4) High quality waters as described in 327 IAC 2-1-2(2); as in
 11 effect on January 1, 2009; **40 CFR 131.12(a)(2).**

12 (5) ~~Waters of the state as described in 327 IAC 2-1.5-4(a); as in~~
 13 ~~effect on January 1, 2009.~~

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

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

19 SECTION 15~~4~~^[2]. IC 13-18-3-2.5, AS AMENDED BY
 20 P.L.54-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) A CSO wet weather limited
 22 use subcategory is established for waters affected by receiving
 23 combined sewer overflows, as specified in an approved long term
 24 control plan. The CSO wet weather limited use subcategory applies to
 25 a specific water body after implementation of an approved long term
 26 control plan for the combined sewer system whose overflow discharges
 27 affect those waters is implemented and the conditions of subsection (b)
 28 are satisfied. The following requirements apply to the CSO wet weather
 29 limited use subcategory:

30 (1) The water quality based requirements associated with the
 31 CSO wet weather limited use subcategory that apply to waters
 32 affected by wet weather combined sewer overflows are
 33 determined by an approved long term control plan for the
 34 combined sewer system. The water quality based requirements
 35 remain in effect during the time and to the physical extent that
 36 the recreational use designation that applied to the waters
 37 immediately before the application to the waters of the CSO wet
 38 weather limited use subcategory is not attained, but for not more
 39 than four (4) days after the date the overflow discharge ends.

40 (2) At all times other than those described in subdivision (1), the
 41 water quality criteria associated with the appropriate recreational
 42 use designation that applied to the waters immediately before the

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- 1 application to the waters of the CSO wet weather limited use
 2 subcategory apply unless there is a change in the use designation
 3 as a result of a use attainability analysis.
- 4 (b) The CSO wet weather limited use subcategory applies if:
 5 (1) the department has approved a long term control plan for the
 6 NPDES permit holder for the combined sewer system;
 7 (2) the approved long term control plan:
 8 (A) is incorporated into:
 9 (i) the NPDES permit holder's NPDES permit; or
 10 (ii) an order of the commissioner under IC 13-14-2-6;
 11 (B) satisfies the requirements of section 2.3 of this chapter;
 12 and
 13 (C) specifies the water quality based requirements that
 14 apply to combined sewer overflows during and immediately
 15 following wet weather events, as provided in subsection
 16 (a)(1);
 17 (3) the NPDES permit holder has implemented the approved
 18 long term control plan; and
 19 (4) subject to subsection (c), 40 CFR 131.10, 40 CFR 131.20,
 20 and 40 CFR 131.21 are satisfied.
- 21 (c) For purposes of subsection (b)(4), 40 CFR 131.10 may be
 22 satisfied by including appropriate data and information in the long term
 23 control plan.
- 24 (d) The department shall implement the CSO wet weather limited
 25 use subcategory and associated water quality based requirements under
 26 this section when the subcategory and requirements are approved by
 27 the United States Environmental Protection Agency. The department
 28 shall seek approval of the United States Environmental Protection
 29 Agency in a timely manner.
- 30 (e) The NPDES permit holder shall monitor its discharges and the
 31 water quality in the affected receiving stream periodically as provided
 32 in the long term control plan. The NPDES permit holder shall provide
 33 all such information to the department.
- 34 (f) In conjunction with a review of its long term control plan under
 35 section 2.4 of this chapter, the NPDES permit holder shall review
 36 information generated after the use attainability analysis was approved
 37 by the department to determine whether the conclusion of the use
 38 attainability analysis is still valid. The NPDES permit holder shall
 39 provide the results of the review to the department.
- 40 (g) The board shall adopt rules under IC 13-14-8 and IC 13-14-9
 41 to implement this section. ~~before October 1, 2006.~~
 42 SECTION 15<=>[3]. IC 13-18-3-2.6, AS ADDED BY

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1 P.L.54-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2026]: Sec. 2.6. (a) Where appropriate, permits
 3 shall contain schedules of compliance requiring the permittee to take
 4 specific steps to achieve expeditious compliance with applicable
 5 standards, limitations, and other requirements.

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

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

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

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

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

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

33 SECTION 15~~6~~[4]. IC 13-18-3-5 IS REPEALED [EFFECTIVE
 34 JULY 1, 2026]. ~~Sec. 5: The board shall carry out other duties imposed~~
 35 ~~by law.~~

36 SECTION 15~~7~~[5]. IC 13-18-3-11 IS REPEALED [EFFECTIVE
 37 JULY 1, 2026]. ~~Sec. 11: Since the water pollution control laws are~~
 38 ~~necessary for the public health, safety, and welfare, the water pollution~~
 39 ~~control laws shall be liberally construed to effectuate the purposes of~~
 40 ~~the water pollution control laws.~~

41 ~~← SECTION 158. IC 13-18-3-12, AS AMENDED BY P.L. 113-2014,~~
 42 ~~SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~

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~~JULY 1, 2026]: Sec. 12. The board shall adopt rules providing that whenever **department may not require a permit, permission, or review from** a person submits **who develops** plans to a unit concerning the design or construction of:~~

- ~~— (1) a sanitary sewer or public water main, if:

 - ~~— (A) a professional engineer who is registered under IC 25-31 prepared the plans;~~
 - ~~— (B) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and~~
 - ~~— (C) all other requirements specified in rules adopted by the board are met; or~~~~
- ~~— (2) a sanitary sewer extension for and within a subdivision, if:

 - ~~— (A) a qualified professional surveyor who is registered under IC 25-21.5 prepared the plans;~~
 - ~~— (B) the subdivision is being laid out or having been laid out by the professional surveyor subject to IC 25-21.5-7;~~
 - ~~— (C) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and~~
 - ~~— (D) all other requirements specified in rules adopted by the board are met;~~~~

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

> SECTION 15<9>[\[6\]](#). 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 1<60>[\[57\]](#). IC 13-18-3-14, AS AMENDED BY P.L.130-2018, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) The outstanding state resource water improvement fund is established. All money collected under section 2 of this chapter and any money accruing to the fund are continuously appropriated to the fund to carry out the purposes of section 2 of this chapter. Money in the fund at the end of a state fiscal year does not revert to the state general fund, unless the

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1 outstanding state resource water improvement fund is abolished.

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

4 (1) The fund may be used by the department of environmental
5 management to fund projects that will lead to overall
6 improvement to the water quality of the affected outstanding
7 state resource water.

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

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

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

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

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

26 (2) The balance in the fund.

27 SECTION 1 ~~<61>~~ [58]. IC 13-18-3-15, AS ADDED BY
28 P.L.81-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) Subject to subsection (c), the
30 board shall ~~<>~~ [] amend 327 IAC 5 and 327 IAC 15 to eliminate:

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

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

35 (A) contained in that article; and

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

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

39 (c) After 327 IAC 5 and 327 IAC 15 are amended under
40 **eliminating the requirement and terms and conditions described in**
41 **subsection (a), the terms and conditions of an NPDES general permit**
42 **under that article as they existed before the amendment remain in effect**

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1 and are binding on any person regulated under the NPDES general
 2 permit until the person submits a notice of intent to be covered by an
 3 NPDES general permit developed and issued under subsection (b).

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

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

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

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

13 SECTION 1 ~~62~~ [59]. IC 13-18-4-2 IS REPEALED [EFFECTIVE
 14 JULY 1, 2026]. Sec. 2: A rule or determination made by the board or
 15 the commissioner under sections † through 4 of this chapter shall be
 16 filed of record in the office of the department.

17 SECTION 16 ~~3~~ [0]. IC 13-18-4-4 IS REPEALED [EFFECTIVE
 18 JULY 1, 2026]. Sec. 4: The commissioner may take appropriate steps
 19 to prevent any pollution that is determined to be unreasonable and
 20 against public interests in view of the condition in any stream or other
 21 waters of Indiana.

22 SECTION 16 ~~4~~ [1]. IC 13-18-4-6, AS AMENDED BY
 23 P.L.263-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Whenever the commissioner
 25 determines that a person:

- 26 (1) is violating; or
 27 (2) is about to violate;

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

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

- 33 (1) cease the violation; and
 34 (2) abate the condition of pollution;

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

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

39 SECTION 16 ~~5~~ [2]. IC 13-18-4-7 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Notwithstanding
 41 any rules of the board, the commissioner shall allow for a mixing zone
 42 in permits that involve a discharge into Lake Michigan if the applicant

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1 can demonstrate to the commissioner that the mixing zone will not
2 cause harm to human health or aquatic life.

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

7 SECTION 16<6>[3]. IC 13-18-5-1 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board ~~shall~~
9 ~~may~~<1>[]adopt rules under IC 4-22-2 to require the following:

10 (1) The construction or installation of secondary containment
11 structures at facilities in which hazardous materials are stored or
12 transferred for the purpose of preventing released hazardous
13 materials from entering surface water or groundwater.

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

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

19 SECTION 16<7>[4]. IC 13-18-9-4 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department
21 shall enforce this chapter under IC 13-30-3 or IC 13-14-2-6.

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

29 SECTION 16<8>[5]. IC 13-18-10-2.1, AS AMENDED BY
30 P.L.199-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2026]: Sec. 2.1. (a) The department:

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

37 (2) may conduct any inquiry or investigation, consistent with the
38 department's duties under this chapter, the department considers
39 necessary before making a determination.

40 (b) If the department fails to make a determination on an
41 application not later than ninety (90) days after the date the department
42 receives the completed application, the applicant may request and

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1 receive a refund of an approval application fee paid by the applicant,
2 and the commissioner shall:

- 3 (1) continue to review the application;
4 (2) approve or deny the application as soon as practicable; and
5 (3) refund the applicant's application fee not later than
6 twenty-five (25) **working business** days after the receipt of the
7 applicant's request.

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

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

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

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

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

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

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

- 40 (1) The nature and details of the acts attributed to the responsible
41 party.
42 (2) The degree of culpability of the responsible party.

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- 1 (3) The responsible party's cooperation with the state, federal, or
 2 foreign agencies involved in the investigation of the activities
 3 involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6)
 4 of this chapter.
- 5 (4) The responsible party's dissociation from any other persons
 6 or entities convicted in a criminal enforcement action referred to
 7 in section 1.4(c)(5) and 1.4(c)(6) of this chapter.
- 8 (5) Prior or subsequent self-policing or internal education
 9 programs established by the responsible party to prevent acts,
 10 omissions, or violations referred to in section 1.4(c)(5) and
 11 1.4(c)(6) of this chapter.
- 12 (g) Except as provided in subsection (h), in taking action under
 13 subsection (e), the commissioner must make separately stated findings
 14 of fact to support the action taken. The findings of fact must:
- 15 (1) include a statement of ultimate fact; and
 16 (2) be accompanied by a concise statement of the underlying
 17 basic facts of record to support the findings.
- 18 (h) If the commissioner denies an application under subsection (e),
 19 the commissioner is not required to explain the extent to which any of
 20 the factors set forth in subsection (f) influenced the denial.
- 21 (i) The department may amend an approval under section 1 of this
 22 chapter or revoke an approval under section 1 of this chapter:
- 23 (1) for failure to comply with:
- 24 (A) this chapter;
 25 (B) rules adopted under this chapter;
 26 (C) the water pollution control laws; or
 27 (D) rules adopted under the water pollution control laws;
 28 and
- 29 (2) as needed to prevent discharges of manure into the
 30 environment that pollute or threaten to pollute the waters of the
 31 state.
- 32 SECTION 16~~9~~⁶. IC 13-18-10-4, AS AMENDED BY
 33 P.L.127-2009, SECTION 10, IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board may
 35 adopt rules under IC 4-22-2 and IC 13-14-9 and the department may
 36 adopt policies or statements under IC 13-14-1-11.5 that are necessary
 37 for the proper administration of this chapter. The rules, policies, or
 38 statements may concern construction, expansion, and operation of
 39 confined feeding operations and may include uniform standards for:
- 40 (1) construction, expansion, and manure containment that are
 41 appropriate for a specific site; and
 42 (2) manure application and handling that are consistent with best

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- 1 management practices:
- 2 (A) designed to reduce the potential for manure to be
- 3 conveyed off a site by runoff or soil erosion; ~~and~~
- 4 (B) that are appropriate for a specific site; ~~and~~
- 5 **(C) accurately reflect differences between dry and liquid**
- 6 **manure.**
- 7 (b) Standards adopted in a rule, policy, or statement under
- 8 subsection (a) must:
- 9 (1) consider confined feeding standards that are consistent with
- 10 standards found in publications from:
- 11 (A) the United States Department of Agriculture;
- 12 (B) the Natural Resources Conservation Service of the
- 13 United States Department of Agriculture;
- 14 (C) the Midwest Plan Service; and
- 15 (D) postsecondary educational institution extension
- 16 bulletins; and
- 17 (2) be developed through technical review by the department,
- 18 postsecondary educational institution specialists, and other
- 19 animal industry specialists.
- 20 SECTION ~~170~~ 167. IC 13-18-11-1.5, AS AMENDED BY
- 21 P.L.133-2012, SECTION 128, IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. The board ~~shall~~
- 23 **may** adopt regulations to implement certification programs for
- 24 operators of water treatment plants or water distribution systems. The
- 25 certification program for the operators shall be classified in accordance
- 26 with the complexity, size, and source of the water for the treatment
- 27 system and the complexity and size for the distribution system.
- 28 SECTION 1 ~~71~~ 68. IC 13-18-11-8, AS AMENDED BY
- 29 P.L.128-2024, SECTION 24, IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The
- 31 commissioner may suspend or revoke the certificate of an operator
- 32 issued under this chapter ~~following a hearing under IC 13-15-7-3 and~~
- 33 ~~IC 4-21-5~~, if any of the following conditions are found:
- 34 (1) The operator has practiced fraud or deception in any state or
- 35 other jurisdiction.
- 36 (2) Reasonable care, judgment, or the application of the
- 37 operator's knowledge or ability was not used in the performance
- 38 of the operator's duties.
- 39 (3) The operator is incompetent or unable to properly perform
- 40 the operator's duties.
- 41 (4) A certificate of the operator issued:
- 42 (A) under this chapter; or

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

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

16 SECTION 1 ~~<72>~~ [69]. IC 13-18-12-2.2, AS AMENDED BY
 17 P.L.250-2019, SECTION 23, IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. (a) ~~As used in this~~
 19 ~~section:~~

- 20 (1) ~~"chemical toilet" has the meaning set forth in 327~~
 21 ~~IAC 7.1-2-6; and~~
 22 (2) ~~"sewage disposal system" has the meaning set forth in 327~~
 23 ~~IAC 7.1-2-36;~~
 24 ~~on February 1, 2016.~~

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

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

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

36 if the sewage disposal system from which the septage is removed is a ~~<~~
 37 ~~>~~ ~~chemical toilet.~~ **portable sanitary unit.**

38 SECTION 17 ~~<3>~~ [0]. IC 13-18-12-2.5, AS AMENDED BY
 39 P.L.250-2019, SECTION 24, IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) The department
 41 and the board may allow a person to use industrial waste products in a
 42 land application operation or as ingredients in a soil amendment or soil

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

19 **For purposes of this subsection, "beneficial use" means the use of**

20 **a solid waste for fertilizing or soil conditioning properties to**

21 **provide nutrients for growing plants or crops, increase organic**

22 **matter, provide pH adjustment capabilities, or provide other**

23 **benefits to the soil or crops as shown to the satisfaction of the**

24 **commissioner through an approved research or demonstration**

25 **project.**

- 26 (b) The department:
- 27 (1) may allow the use of industrial waste products:
- 28 (A) in a land application operation; or
- 29 (B) as ingredients in a soil amendment or soil substitute to
- 30 be land applied;
- 31 on the same basis as other materials under the rules concerning
- 32 land application and marketing and distribution permits;
- 33 (2) may not:
- 34 (A) discriminate against the use of industrial waste products
- 35 on the basis that the industrial waste products lack
- 36 biological carbon;
- 37 (B) impose requirements beyond applicable criteria in ~~327~~
- 38 ~~IAC 6.1;~~ **rules established by the board,** unless additional
- 39 requirements are necessary for the protection of human
- 40 health and the environment;
- 41 (C) require that the finished soil amendment, soil substitute,
- 42 or material to be land applied must be of a particular

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1 economic value; or

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

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

9 (3) for any pollutant present in the industrial waste products that
10 does not have a pollutant limit or concentration in 327 IAC 6.1,
11 shall consider the benefits of the finished soil amendment, soil
12 substitute, or material to be land applied as compared to the
13 measurable risks to human health and the environment based on
14 the anticipated use of the finished soil amendment, soil
15 substitute, or material to be land applied; and

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

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

23 SECTION 17~~4~~[1]. IC 13-18-12-3, AS AMENDED BY
24 P.L.192-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~The board shall initiate;~~
26 **department shall administer**, in accordance with IC 13-15, a septage
27 management permit program for all persons who offer to perform or are
28 performing septage management services.

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

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

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

41 SECTION 17~~5~~[2]. IC 13-18-12-4, AS AMENDED BY
42 P.L.112-2016, SECTION 19, IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board ~~shall~~
 2 **may**, in accordance with IC 13-14-9, adopt rules to establish the
 3 following:

4 (1) Standards for the following:

5 (A) The issuance of permits for:

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

7 and

8 (ii) land application of authorized septage, solid waste,
 9 and industrial waste products.

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

12 (2) Procedures and standards for approval of sites for land
 13 application.

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

17 SECTION 17~~6~~[3]. IC 13-18-16-3 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner
 19 may ~~initiate action under IC 4-21.5-3~~ to assess a civil penalty against
 20 a permit holder who fails to take action to correct or prevent
 21 contamination of the sanitary or chemical quality of the water supply
 22 after the permit holder knew or should have known that the action
 23 should be taken. The civil penalty assessed under this section may not
 24 exceed one thousand dollars (\$1,000) for each day of violation.

25 SECTION 17~~7~~[4]. IC 13-18-16-8, AS AMENDED BY
 26 P.L.233-2017, SECTION 22, IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The board shall
 28 adopt rules under IC 4-22-2 and IC 13-14-9 establishing requirements
 29 for public water systems, including the following:

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

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

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

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

42 SECTION 17~~8~~[5]. IC 13-18-17-3 IS REPEALED [EFFECTIVE

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1 JULY 1, 2026]. Sec. 3: (a) The department, with the assistance of other
 2 state agencies as requested, shall establish and operate a groundwater
 3 quality clearinghouse within the department.

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

6 (1) Receive complaints about groundwater contamination.

7 (2) Screen reports of groundwater pollution.

8 (3) Ensure that complaints and reports are adequately
 9 investigated.

10 (4) Provide information to the public about groundwater and
 11 groundwater pollution.

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

14 SECTION 17~~89~~[6]. IC 13-18-17-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department
 16 under IC 13-14-2-2:

17 (1) may investigate allegations of; and

18 (2) shall investigate confirmed incidents of;

19 contamination of groundwater that affect private water supply wells.

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

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

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

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

29 SECTION 1~~80~~[77]. IC 13-18-17-5, AS AMENDED BY
 30 P.L.56-2023, SECTION 129, IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The board shall
 32 adopt rules under IC 4-22-2 **and IC 13-14-9** establishing groundwater
 33 quality standards that include numeric and narrative criteria, a
 34 groundwater classification plan, and a method of determining where
 35 the groundwater quality standards must apply. The standards
 36 established under this subsection shall be used for the following
 37 purposes:

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

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

41 (3) To establish health protection goals for untreated water in
 42 water supply wells.

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- 1 (4) To establish concentration limits for contaminants in ambient
- 2 groundwater.
- 3 (b) Except as provided in subsection (c) and subject to subsection
- 4 (d), the following agencies shall adopt rules under IC 4-22-2 to apply
- 5 the groundwater quality standards established under this section to
- 6 activities regulated by the agencies:
- 7 (1) The department.
- 8 (2) The department of natural resources.
- 9 (3) The Indiana department of health.
- 10 (4) The office of the state chemist.
- 11 (5) The department of homeland security.
- 12 (c) The executive board of the Indiana department of health may
- 13 not adopt rules to apply the nitrate and nitrite numeric criteria included
- 14 in groundwater quality standards established in rules adopted by the
- 15 board under subsection (a) to onsite sewage systems.
- 16 (d) Any rule adopted by the executive board of the Indiana
- 17 department of health is void to the extent that the rule applies the
- 18 nitrate and nitrite numeric criteria included in groundwater quality
- 19 standards established in rules adopted by the board under subsection
- 20 (a) to onsite sewage systems.
- 21 SECTION ~~181~~ [178]. IC 13-18-17-6 IS AMENDED TO READ
- 22 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board
- 23 shall adopt rules under IC 4-22-2 and IC 13-14-9 to establish
- 24 protection zones around community water system wells.
- 25 (b) The state agencies referred to in section 5(b) of this chapter
- 26 may not permit activities within the zones established under subsection
- 27 (a) that would violate the rules or interfere with the purposes of the
- 28 rules.
- 29 (c) The department shall establish and operate a program of
- 30 education and assistance to local officials in developing and managing
- 31 well field protection zones.
- 32 (d) The rules adopted under subsection (a) or any zoning under
- 33 IC 36-7 to establish protection zones around community water system
- 34 wells may not restrict any activity by:
- 35 (1) an owner of land;
- 36 (2) a mineral owner; or
- 37 (3) a mineral leaseholder of record;
- 38 unless the owner or leaseholder is sent written notice of, and has an
- 39 opportunity to be heard on, the establishment of the zone and the
- 40 construction of the community public water system that caused the
- 41 establishment of the zone.
- 42 (e) A person that requests a permit for construction of a

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1 community water system or establishment of a well field protection
2 zone is responsible for any notice requirements the board establishes.

3 SECTION 1-82-79. IC 13-18-17-7 IS REPEALED
4 [EFFECTIVE JULY 1, 2026]. Sec. 7. (a) The board shall adopt rules
5 under IC 4-22-2 for the construction and monitoring of surface
6 impoundments, including pits, ponds, and lagoons, used for the storage
7 or treatment of nonhazardous waste and wastewater.

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

10 SECTION 18-3-0. IC 13-18-27-1 IS REPEALED [EFFECTIVE
11 JULY 1, 2026]. Sec. 1. As used in this chapter, "327 IAC 15-5" refers
12 to the administrative rule of the environmental rules board in effect on
13 March 25, 2019, concerning storm water runoff associated with
14 construction activity.

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

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

28 SECTION 18-5-2. IC 13-18-27-9, AS ADDED BY
29 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. As used in this
31 chapter, "project site owner" means the person required to comply with
32 327 IAC 15-5, the general permit, or the applicable ordinance of an
33 MS4 community with respect to a construction project. The term
34 includes the following:

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

40 SECTION 18-6-3. IC 13-18-27-15, AS ADDED BY
41 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) Except as

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1 provided in subsection (b), an MS4 community may not require erosion
 2 and sediment control measures that are more stringent than the erosion
 3 and sediment control measures required by ~~327 IAC 15-5~~ or the general
 4 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 18 ~~<=>~~ [4]. IC 13-18-27-16, AS ADDED BY
 21 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) A review
 23 authority to which a construction plan is submitted must make a
 24 preliminary determination whether the construction plan is
 25 substantially complete before the end of:

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

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

32 (b) 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) notifies the project site owner of its favorable preliminary
 37 determination;

38 before the end of the tenth ~~working~~ **business** day after the day on which
 39 the construction plan is submitted to the review authority, in the case
 40 of a small or very small construction activity site, or the fourteenth ~~<=>~~ [
 41 ~~working~~ **business** day after the day on which the construction plan is
 42 submitted to the review authority, in the case of a large construction

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

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

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

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

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

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

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

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1 construction plan.

2 SECTION 18~~8~~[5]. IC 13-19-1-2, AS AMENDED BY
3 P.L.97-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The goal of the state is to
5 encourage solid waste source reduction, recycling, and other
6 alternatives to conserve environmental resources.

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

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

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

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

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

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

16 SECTION 18~~9~~[6]. IC 13-19-3-1, AS AMENDED BY
17 P.L.120-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2026]: Sec. 1. ~~(a)~~ The board shall do the
19 following:

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

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

26 (B) rules necessary for the establishment of a state permit
27 program under Section 2301 of the federal Water
28 Infrastructure Improvements for the Nation Act (42 U.S.C.
29 6945(d)) for the implementation in Indiana of the federal
30 CCR rule.

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

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

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

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

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1 incorporated by reference in 329 IAC 3.1-6-1.

2 SECTION 1~~90~~[87]. IC 13-19-3-3, AS AMENDED BY
3 P.L.249-2023, SECTION 68, IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) As used in this
5 section and section 3.1 of this chapter, "coal combustion residuals"
6 means fly ash, bottom ash, boiler slag, and flue gas desulfurization
7 materials generated from burning coal for the purpose of generating
8 electricity by electric utilities and independent power producers.

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

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

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

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

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

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

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

31 (d) The department shall do the following:

32 (1) Establish a state permit program under Section 2301 of the
33 federal Water Infrastructure Improvements for the Nation Act
34 (42 U.S.C. 6945(d)) for the implementation in Indiana of the
35 federal CCR rule.

36 (2) Submit to the administrator of the United States
37 Environmental Protection Agency under 42 U.S.C.
38 6945(d)(1)(A) evidence of the state permit program.

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

41 (e) Not later than May 15, 2021, the department shall notify the
42 United States Environmental Protection Agency of its intention to

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1 establish a state permit program described in subsection (d)(1) and to
 2 seek approval of the state permit program under 42 U.S.C. 6945(d)(1).
 3 (f) Under IC 4-22-2 and IC 13-14-9:
 4 (1) the department shall initiate rulemaking for the establishment
 5 of the state permit program not more than sixty (60) days after
 6 the effective date of the SECTION of Senate Enrolled Act
 7 271-2021 amending this section; and
 8 (2) the board shall adopt a final rule for the establishment of the
 9 state permit program not more than sixteen (16) months after
 10 initiation of the rulemaking under subdivision (1).
 11 (g) The state permit program established under this section must
 12 not establish requirements for any surface impoundment of coal
 13 combustion residuals unless and until the state permit program is
 14 approved by the administrator of the United States Environmental
 15 Protection Agency under 42 U.S.C. 6945(d)(1). The authority of the
 16 department to establish requirements under the state permit program
 17 established under this section is the only authority the department has
 18 to establish requirements for a surface impoundment of coal
 19 combustion residuals located on the grounds of a legacy generation
 20 resource.
 21 (h) The definitions set forth in Section 257.53 of the federal CCR
 22 rule, as in effect January 1, 2021, apply throughout subsection (i).
 23 (i) The department shall charge the following fees under the state
 24 permit program established under this section:
 25 (1) An initial one (1) time permit fee of twenty thousand five
 26 hundred dollars (\$20,500) for each surface impoundment of coal
 27 combustion residuals regulated under the state permit program.
 28 (2) An annual fee of twenty thousand five hundred dollars
 29 (\$20,500) for each surface impoundment of coal combustion
 30 residuals regulated under the state permit program that has not
 31 completed closure in accordance with Section 257.102 of the
 32 federal CCR rule. The duty to pay the fee established by this
 33 subdivision does not apply on an annual basis until three
 34 hundred sixty-five (365) days after the initial one (1) time permit
 35 fee established by subdivision (1) has been assessed.
 36 (3) An annual fee of ten thousand dollars (\$10,000) for each
 37 surface impoundment of coal combustion residuals regulated
 38 under the state permit program that has been closed and for
 39 which post-closure care has been initiated and is still required in
 40 accordance with Section 257.104 of the federal CCR rule. The
 41 duty to pay the fee established by this subdivision does not apply
 42 on an annual basis until three hundred sixty-five (365) days after

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1 the initial one (1) time permit fee established by subdivision (1)
2 has been assessed.

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

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

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

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

15 (k) Upon the effective date that the board adopts rules to
16 implement the federal CCR rule and subject to subsection (i), annual
17 fees for CCR landfills that were previously regulated as restricted waste
18 sites shall be deposited in the CCR program fund established by section
19 3.2 of this chapter.

20 SECTION 1 ~~91~~ [88]. IC 13-19-3-3.1, AS ADDED BY
21 P.L.120-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2026]: Sec. 3.1. Except as provided in section
23 3(c) of this chapter, the rules adopted under ~~section 1(a)(1)~~ **section**
24 **1(1)** of this chapter may not regulate the following:

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

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

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

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

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

34 (B) Bottom ash as an antiskid material.

35 (C) Raw material for manufacturing another product.

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

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

39 (F) A base in road construction.

40 (G) Cover for coal processing waste disposal locations to
41 inhibit infiltration at surface and underground mines subject
42 to IC 14-34, so long as a demonstration is made in

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- 1 concurrence with the department of natural resources that
- 2 the materials and methods to be employed are appropriate
- 3 for the intended use.
- 4 (H) Providing buffering or enhancing structural integrity for
- 5 refuse piles at surface and underground mines subject to
- 6 IC 14-34, so long as a demonstration is made in
- 7 concurrence with the department of natural resources that
- 8 the materials and methods to be employed are appropriate
- 9 for the intended use.
- 10 (I) Agricultural applications, when applied using
- 11 appropriate agronomic amounts to improve crop or
- 12 vegetative production.

13 SECTION ~~<192>~~[189]. IC 13-19-3-7, AS AMENDED BY
 14 P.L.133-2012, SECTION 133, IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~The department and~~
 16 ~~the board shall allow a person~~ **A permit is not required** to use foundry
 17 sand that meets Type III criteria under 329 IAC 10-9 for the following
 18 activities: ~~<>~~ ~~in accordance with guidance without requiring the~~
 19 ~~person to obtain any permits from the department:~~

- 20 (1) As a daily cover for litter and vermin control at a landfill in
- 21 accordance with any applicable permits issued for the landfill.
- 22 (2) As a protective cover for a landfill leachate system in
- 23 accordance with any applicable permits issued for the landfill.
- 24 (3) For use as capped embankments for ground and sight barriers
- 25 under ten thousand (10,000) cubic yards or embankments for
- 26 airports, bridges, or overpasses.
- 27 (4) For use:
 - 28 (A) in a land application operation; or
 - 29 (B) as a soil amendment;
 if the application or amendment does not include the operation
 30 of a landfill.
 31 (5) As a structural fill base capped by clay, asphalt, or concrete
 32 for the following:
 - 33 (A) Roads.
 - 34 (B) Road shoulders.
 - 35 (C) Parking lots.
 - 36 (D) Floor slabs.
 - 37 (E) Utility trenches.
 - 38 (F) Bridge abutments.
 - 39 (G) Tanks and vaults.
 - 40 (H) Construction or architectural fill.
 - 41 (I) Other similar uses.
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- 1 (6) As a raw material constituent incorporated into another
- 2 product, including the following:
- 3 (A) Flowable fill.
- 4 (B) Concrete.
- 5 (C) Asphalt.
- 6 (D) Brick.
- 7 (E) Block.
- 8 (F) Portland cement.
- 9 (G) Glass.
- 10 (H) Roofing materials.
- 11 (I) Rock wool.
- 12 (J) Plastics.
- 13 (K) Fiberglass.
- 14 (L) Mineral wool.
- 15 (M) Lightweight aggregate.
- 16 (N) Paint.
- 17 (O) Plaster.
- 18 (P) Other similar products.

19 SECTION 19-3-10. IC 13-19-3-9, AS ADDED BY
 20 P.L.189-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) This section does not apply
 22 to an expansion of a solid waste landfill:

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

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

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

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

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

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1 implement this chapter.

2 SECTION ~~19-9~~[6]. IC 13-20-8-1, AS AMENDED BY
 3 P.L.133-2012, SECTION 139, IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. ~~The board shall~~
 5 ~~adopt rules under IC 4-22-2 and IC 13-14-9 to regulate the construction~~
 6 ~~and operation of incinerators under IC 13-14-8. The~~ **Any rules adopted**
 7 **by the board for the construction and operation of incinerators**
 8 **under IC 13-14-8** must incorporate by reference pertinent rules
 9 adopted by the board concerning air pollution control.

10 SECTION ~~200~~[197]. IC 13-20-10.5-1, AS ADDED BY
 11 P.L.189-2011, SECTION 13, IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A person may not
 13 after June 30, 2011, start:

14 (1) construction of:

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

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

17 (2) expansion of:

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

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

20 without obtaining prior approval of the department.

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

27 SECTION ~~201~~[198]. IC 13-20-10.5-2, AS ADDED BY
 28 P.L.189-2011, SECTION 13, IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. ~~Except as provided~~
 30 ~~in section 3 of this chapter, a biomass~~ **An** anaerobic digestion facility
 31 or a ~~biomass~~ gasification facility for which the only input is biomass is
 32 not subject to regulation as a solid waste processing facility.

33 SECTION ~~202~~[199]. IC 13-20-10.5-3 IS REPEALED
 34 [EFFECTIVE JULY 1, 2026]. ~~Sec. 3: The department may determine~~
 35 ~~that a biomass-anaerobic digestion facility or a biomass gasification~~
 36 ~~facility for which the input is a combination of biomass and solid waste~~
 37 ~~is subject to regulation as a solid waste processing facility.~~

38 SECTION ~~203~~[0]. IC 13-20-10.5-3.5, AS ADDED BY
 39 P.L.27-2024, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2026]: Sec. 3.5. (a) The department shall make
 41 a determination under section 1 of this chapter concerning prior
 42 approval for the construction or expansion of ~~a biomass~~ **an** anaerobic

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1 digestion facility or ~~biomass~~ gasification facility for which the only
 2 ~~input is biomass~~ **inputs are biomass or appropriate feedstock** not
 3 later than ninety (90) days after the date on which the department
 4 receives the completed application for prior approval, including all
 5 required supplemental information, unless the department and the
 6 applicant agree to a longer time.

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

- 9 (1) is consistent with the department's duties under this chapter;
- 10 and
- 11 (2) the department considers necessary;

12 before making a determination under section 1 of this chapter.

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

18 SECTION 20~~4~~[\[1\]](#). IC 13-20-13-3 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The
 20 commissioner shall issue a waste tire storage site or waste tire
 21 processing operation certificate of registration to a person that owns or
 22 operates a waste tire storage site or waste tire processing operation if
 23 the person complies with the requirements of this chapter and rules
 24 adopted by the board under section 11 of this chapter.

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

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

- 29 (1) this chapter; and
- 30 (2) rules adopted by the board under this chapter;

31 including a compliance schedule.

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

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

41 SECTION 20~~5~~[\[2\]](#). IC 13-20-13-5, AS AMENDED BY
 42 P.L.37-2012, SECTION 33, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: Sec. 5. A person that obtains a certificate
2 of registration under section 3 of this chapter must do the following:

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

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

- 27 (1) The department may use not more than thirty-five percent
- 28 (35%) of the money deposited in the fund each year for:
 - 29 (A) the removal and disposal of waste tires from sites where
 - 30 the waste tires have been disposed of improperly; and
 - 31 (B) operating the waste tire education program under
 - 32 section 15 of this chapter.
- 33 (2) The department may use the remaining money deposited in
- 34 the fund each year to:
 - 35 (A) provide grants and loans under section 9(b) of this
 - 36 chapter to entities involved in waste tire management
 - 37 activities; and
 - 38 (B) pay the expenses of administering the programs
 - 39 described in:
 - 40 (i) subdivision (1)(B); and
 - 41 (ii) clause (A).
- 42 (b) The expenses of administering the fund shall be paid from

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

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

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1 IC 13-20-22 and IC 13-21-13.
 2 (d) The board ~~shall~~ **may** adopt rules that allow for the incidental
 3 disposal of small amounts of whole waste tires at solid waste landfills.
 4 (e) The rules adopted under subsection (d) may allow a landfill
 5 operator to meet the requirements of the rule by employing procedures
 6 designed to achieve the objectives of subsection (d) in lieu of a numeric
 7 standard.
 8 SECTION 20~~9~~**[6]**. IC 13-20-14-5, AS AMENDED BY
 9 P.L.37-2012, SECTION 37, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person may not act as a
 11 waste tire transporter, as defined in IC 13-11-2-252, unless the person
 12 is registered with the department as a waste tire transporter. To apply
 13 for a certificate of registration as a waste tire transporter, a person must
 14 submit the following to the department:
 15 (1) The person's name.
 16 (2) The address of the person's principal office.
 17 (3) The addresses of any offices maintained by the person in
 18 Indiana.
 19 (4) Evidence of financial assurance ~~maintained in accordance~~
 20 ~~with rules adopted under section 6 of this chapter~~, in the amount
 21 of at least ten thousand dollars (\$10,000). The financial
 22 assurance must be in the form of:
 23 (A) a bond for performance, executed by a corporate surety
 24 licensed to do business in Indiana;
 25 (B) a negotiable certificate of deposit; or
 26 (C) a negotiable letter of credit;
 27 payable to the department and conditional upon faithful
 28 performance of the requirements of this chapter and the
 29 registration.
 30 (b) ~~The rules adopted under section 6 of this chapter~~ **department**
 31 must adopt a manifest form and require a waste tire transporter to
 32 prepare and carry a manifest based upon that form each time a waste
 33 tire transporter transports waste tires. The format and wording of the
 34 form must require a waste tire transporter to enter information in each
 35 manifest indicating the source and number of waste tires to be
 36 transported and the destination to which the waste tires are transported.
 37 (c) A person who acts as a waste tire transporter in Indiana shall
 38 pay an annual registration fee of twenty-five dollars (\$25) that shall be
 39 deposited in the waste tire management fund and appropriated to the
 40 department for the department's use in providing for the removal and
 41 disposal of waste tires from sites where the waste tires have been
 42 disposed of improperly.

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- 1 (d) A waste tire transporter shall do the following:
- 2 (1) Retain a copy of a manifest described under this section for
- 3 at least one (1) year.
- 4 (2) Make a copy of a manifest described under this section
- 5 available to the department upon request.
- 6 (3) ~~Report annually to the department~~ **Record** the number of
- 7 passenger tire equivalents transported by the waste tire
- 8 transporter **and provide the records to the department upon**
- 9 **request.**
- 10 (4) Maintain financial assurance acceptable to the department in
- 11 accordance with subsection (a)(4).
- 12 (e) The commissioner may include in a certificate of registration
- 13 issued under this chapter conditions that ensure compliance with:
- 14 (1) this chapter; and
- 15 (2) rules adopted by the board under this chapter;
- 16 including a compliance schedule.
- 17 (f) The department may deny an application to register under this
- 18 chapter if:
- 19 (1) the application is incomplete;
- 20 (2) the applicant has failed to comply with the requirements of:
- 21 (A) this chapter;
- 22 (B) IC 13-20-13; or
- 23 (C) a rule adopted by the board under ~~section 6 of this~~
- 24 ~~chapter or under~~ IC 13-20-13-11; or
- 25 (3) an enforcement action is pending against the applicant.
- 26 SECTION ~~210~~ [207]. IC 13-20-14-5.6, AS AMENDED BY
- 27 P.L.128-2024, SECTION 27, IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.6. (a) A certificate of
- 29 registration issued by the department under this chapter may be
- 30 revoked or modified by the commissioner, or by a designated staff
- 31 member of the department, after notification in writing is sent in
- 32 accordance with IC 13-14-2-1 to the holder of the certificate, for:
- 33 (1) failure to disclose all relevant facts;
- 34 (2) making a misrepresentation in obtaining the registration; or
- 35 (3) failure to correct, within the time established by the
- 36 department, a violation of:
- 37 (A) a condition of the registration;
- 38 (B) this chapter; or
- 39 (C) a rule adopted by the board. ~~under section 6 of this~~
- 40 ~~chapter.~~
- 41 (b) A person aggrieved by the revocation or modification of a
- 42 certificate of registration may appeal the revocation or modification to

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1 the office of administrative law proceedings under IC 4-15-10.5.
 2 Pending the decision resulting from a hearing under IC 4-21.5-3
 3 concerning the revocation or modification, the registration remains in
 4 force. However, subsequent to revocation or modification, the
 5 commissioner may seek injunctive relief concerning the activity
 6 described in the registration.

7 SECTION 211[08]. IC 13-20-14-6 IS REPEALED
 8 [EFFECTIVE JULY 1, 2026]. ~~Sec. 6: The board shall adopt rules under~~
 9 ~~IC 4-22-2 and IC 13-14-9 to implement this chapter.~~

10 SECTION 212[09]. IC 13-20-14-9.5, AS AMENDED BY
 11 P.L.133-2012, SECTION 147, IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9.5. (a) Except as
 13 provided in rules adopted under subsection (c), an operator of a transfer
 14 station shall remove whole waste tires present in solid waste that is
 15 being transferred from a vehicle or container to another vehicle or
 16 container at the transfer station.

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

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

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

25 SECTION 213[0]. IC 13-20-15-1, AS AMENDED BY
 26 P.L.133-2012, SECTION 148, IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall
 28 administer and implement this chapter to protect the public health,
 29 safety, and welfare from the toxic effects and environmental dangers
 30 of PCB. The board ~~shall~~ **may** adopt ~~the~~ rules **required by** ~~under~~ this
 31 chapter under IC 4-22-2 and IC 13-14-9.

32 SECTION 214[1]. IC 13-20-15-3 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A person may
 34 apply to the commissioner for an exemption certificate on forms
 35 provided by the department. The department may require additional
 36 information or materials to accompany the application as considered
 37 necessary for an accurate evaluation of the application.

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

- 40 (1) manufactured for sale;
- 41 (2) sold for use; or
- 42 (3) used by the person;

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

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

6 SECTION 21 ~~↔~~ [2]. IC 13-20-17.7-4, AS ADDED BY
7 P.L.170-2006, SECTION 15, IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The
9 commissioner shall do the following:

10 (1) Not more than thirty (30) days after receiving a plan
11 developed by a motor vehicle manufacturer or a group of motor
12 vehicle manufacturers under section 1 of this chapter, issue a
13 public notice of a period of at least thirty (30) days during which
14 the public may submit written comments on the plan to the
15 commissioner.

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

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

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

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

25 (b) If a plan is approved in its entirety under subsection (a)(2)(A),
26 the motor vehicle manufacturers shall begin implementing the plan not
27 more than thirty (30) days after the date the plan is approved. If an
28 entire plan is rejected under subsection (a)(2)(B), the commissioner
29 shall inform the motor vehicle manufacturers why the plan was
30 rejected, and the manufacturers shall submit a new plan not more than
31 thirty (30) days after the commissioner informs the manufacturers that
32 the entire plan was rejected. If a plan is approved in part and rejected
33 in part under subsection (a)(2)(C), the manufacturers shall immediately
34 implement the approved part of the plan and submit a revision of the
35 rejected part of the plan not more than thirty (30) days after the
36 commissioner informs the manufacturers of the commissioner's partial
37 approval. The commissioner shall make a determination on a revised
38 plan not more than thirty (30) days after receiving the revised plan.

39 (c) Not more than two hundred forty (240) days after receiving a
40 plan developed by motor vehicle manufacturers under section 1 of this
41 chapter, the commissioner shall complete, on behalf of the
42 manufacturer, any part of the plan that has not yet been approved.

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1 (d) After a plan has been approved under this section, the
2 commissioner shall:

3 (1) review the plan three (3) years after the original date of
4 approval of the plan and every three (3) years thereafter; and

5 (2) work with the motor vehicle manufacturers to agree with the
6 manufacturers on appropriate modifications to the plan.

7 (e) Motor vehicle manufacturers are not required to resubmit a
8 plan modified under subsection (d) to the commissioner for approval.

9 SECTION 21~~6~~[3]. IC 13-20-22-1, AS AMENDED BY
10 P.L.250-2019, SECTION 31, IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A fee is imposed
12 on the disposal or incineration of solid waste in a final disposal facility
13 in Indiana. Except as provided in section 14 of this chapter, the amount
14 of the fee is as follows:

15 (1) For solid waste generated in Indiana, fifty cents (\$0.50) a ton.

16 (2) For solid waste generated outside Indiana:

17 (A) fifty cents (\$0.50) a ton; and

18 (B) if the board has adopted rules under subsection (b), an
19 additional amount imposed under the rules.

20 (b) The board may adopt rules to establish and impose a fee on the
21 disposal or incineration of solid waste that is:

22 (1) generated outside Indiana; and

23 (2) disposed of or incinerated in a final disposal facility in
24 Indiana.

25 If rules are adopted under this subsection, the fee shall be set at an
26 amount necessary to offset the costs incurred by the state or a county,
27 municipality, or township that can be attributed to the importation of
28 the solid waste into Indiana and the presence of the solid waste in
29 Indiana.

30 (c) If solid waste has been subject to a fee under this section, the
31 total amount of the fee paid shall be credited against any other fee to
32 which the solid waste may later be subject under this section.

33 (d) A fee may not be imposed upon material used as alternate daily
34 cover pursuant to ~~under~~ a permit issued by the department ~~under 329~~
35 ~~IAC 10-20-13~~ or a rule adopted by the board.

36 SECTION 21~~4~~[4]. IC 13-20-25-1, AS ADDED BY
37 P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2026]: Sec. 1. The goal of the state is to recycle
39 or divert at least fifty percent (50%) of its municipal waste.

40 SECTION 21~~8~~[5]. IC 13-20-25-9, AS AMENDED BY
41 P.L.147-2015, SECTION 15, IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) A recycler shall

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1 report the recycler's recycling activities under this section. A recycler
 2 may elect to report the recycler's recycling activities on an annual basis
 3 under subsection (b). ~~or on a quarterly basis under subsection (c).~~

4 (b) A recycler ~~that elects to report on an annual basis shall, in~~
 5 ~~2016 and each succeeding calendar year, before March 1, shall~~ submit
 6 to the commissioner a completed recycling activity report concerning
 7 the recycling activities conducted by the recycler during the calendar
 8 year that ended on the most recent December 31.

9 (c) A recycler **may elect to report more frequently than is**
 10 **required under subsection (a).** ~~that elects to report on a quarterly~~
 11 ~~basis shall, for the July through September quarter of 2014 and each~~
 12 ~~succeeding quarter, not more than thirty (30) days after the end of the~~
 13 ~~quarter, submit to the commissioner a completed recycling activity~~
 14 ~~report concerning the recycling activities conducted by the recycler~~
 15 ~~during the quarter. A quarterly report submitted under this subsection~~
 16 ~~must concern the recycling activities conducted by the recycler during~~
 17 ~~the period of:~~

- 18 (1) ~~July through September;~~
 19 (2) ~~October through December;~~
 20 (3) ~~January through March; or~~
 21 (4) ~~April through June.~~

22 (d) A recycler shall submit a separate recycling activity report
 23 under this section for each reporting ~~period; whether annual or~~
 24 ~~quarterly;~~ **period** for each facility:

- 25 (1) that was owned or operated by the recycler; and
 26 (2) at which the recycler conducted recycling activities;

27 during the reporting period.

28 (e) **A person who operates a composting facility that must be**
 29 **registered under this chapter shall submit an annual report to the**
 30 **commissioner that indicates the volume of material processed by**
 31 **the composting facility during the preceding year.**

32 SECTION 21 ~~9~~ **[6]**. IC 13-20-25-10, AS AMENDED BY
 33 P.L.104-2024, SECTION 34, IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) A person:

- 35 (1) who:
 36 (A) is not required to submit a recycling activity report
 37 under section 9 of this chapter; but
 38 (B) recycled recyclable materials during a calendar year;
 39 (2) who:
 40 (A) meets the definition of "scrap metal processing facility"
 41 set forth in IC 8-23-1-36;
 42 (B) meets the definition of "automotive salvage recycler" set

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- 1 forth in IC 9-13-2-10;
- 2 (C) meets the definition of "recycling facility" set forth in
- 3 IC 9-13-2-150.3;
- 4 (D) is engaged in business subject to IC 9-22-3;
- 5 (E) meets the definition of "automotive salvage rebuilder"
- 6 set forth in IC 9-32-2.1-5;
- 7 (F) meets the definition of "scrap metal processor" set forth
- 8 in IC 13-11-2-196.5;
- 9 (G) meets the definition of "core buyer" set forth in
- 10 IC 25-37.5-1-0.2; or
- 11 (H) meets the definition of "valuable metal dealer" set forth
- 12 in IC 25-37.5-1-1(b); or

13 (3) who:

- 14 (A) is not required to submit a recycling activity report
- 15 under section 9 of this chapter; but
- 16 (B) took action during a calendar year to recover, from the
- 17 solid waste stream, for purposes of:
 - 18 (i) use or reuse;
 - 19 (ii) conversion into raw materials; or
 - 20 (iii) use in the production of new products;
- 21 materials that were not municipal waste;

22 may voluntarily submit a recycling activity report to the commissioner
23 concerning the person's recycling activity during the calendar year.

24 (b) The commissioner ~~shall~~ **may** include information reported to
25 the commissioner under this section in the annual reports that the
26 commissioner is required to submit under IC 4-23-5.5-6.

27 SECTION 2 ~~20~~ [\[17\]](#). IC 13-20-25-11, AS AMENDED BY THE
28 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
29 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2026]: Sec. 11. (a) ~~Except as provided in subsection (b);~~ A
31 recycling activity report submitted to the commissioner under this
32 chapter must be submitted ~~on the uniform recycling activity report form~~
33 **posted in a format required** by the commissioner ~~on~~ **through** the
34 department's ~~Internet web site~~ **website**. ~~under section 12 of this~~
35 chapter.

36 (b) ~~If a uniform recycling activity report form is not posted on the~~
37 department's ~~Internet web site~~ by July 1 in a calendar year in which a
38 recycler is required to submit a completed recycling activity report
39 under section 9(a) of this chapter, the recycler may satisfy the recycler's
40 duties under this chapter by submitting to the commissioner, by a letter
41 postmarked before August 1 of the calendar year, the types of
42 information about the recycler's recycling activities during the calendar

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1 year that are set forth in section 12 of this chapter.

2 (b) The recycling activity report form must be posted on the
3 department's website and must do the following:

4 (1) Provide for reporting of the:

5 (A) name and location of; and

6 (B) principal business activities conducted at;
7 the recycler's establishment.

8 (2) Include:

9 (A) an appropriate space for; and

10 (B) instructions requiring the completion of;
11 an appropriate certification, by signature of the recycler (if
12 the recycler is an individual) or a senior official with
13 management responsibility for the recycler (if the recycler is
14 not an individual), of the accuracy and completeness of the
15 recycling activity report.

16 (3) Provide for reporting of the quantity, in tons, of each type
17 of recyclable material listed in subsection (c) that was in
18 storage at the reporting recycler's establishment:

19 (A) at the start of the calendar year; and

20 (B) at the close of the calendar year.

21 (4) Provide for reporting of the quantity, in tons, of each type
22 of recyclable material listed in subsection (c) that was
23 transported from the reporting recycler's establishment, or
24 (in the case of a recycler that is a recyclable materials
25 broker) that was transported or delivered by arrangement of
26 the recycler, to any of the following:

27 (A) Other recyclers located in Indiana.

28 (B) Persons that are located in Indiana but are not
29 recyclers, including persons that may employ the
30 recyclable material as a raw material or a new product
31 without further recycling.

32 (C) Persons located outside Indiana.

33 (c) A uniform recycling activity report form posted on the
34 department's website under subsection (a) must specify that the
35 information to be reported by a recycler under subsection (b)(3)
36 and (b)(4) must be reported separately for each of the following
37 types of recyclable materials:

38 (1) Glass.

39 (2) Metal, including white goods (ferrous).

40 (3) Metal (nonferrous).

41 (4) Paper and paper products (all grades).

42 (5) Plastic and plastic products.

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1 (6) Single stream recyclable materials.

2 (7) Any other distinct type of recyclable material not
3 specified in subdivisions (1) through (6).

4 SECTION ~~221~~[218]. IC 13-20-25-12 IS REPEALED
5 [EFFECTIVE JULY 1, 2026]. Sec. 12. (a) Not later than July 1, 2015;
6 the commissioner shall post on the department's Internet web site a
7 uniform recycling activity report form. The form must do the following:

8 (1) Provide for reporting of the:

9 (A) name and location of; and

10 (B) principal business activities conducted at;

11 the recycler's establishment.

12 (2) Include:

13 (A) an appropriate space for; and

14 (B) instructions requiring the completion of;

15 an appropriate certification, by signature of the recycler (if the
16 recycler is an individual) or a senior official with management
17 responsibility for the recycler (if the recycler is not an
18 individual), of the accuracy and completeness of the recycling
19 activity report.

20 (3) Provide for reporting of the quantity, in tons, of each type of
21 recyclable material listed in subsection (b) that was in storage at
22 the reporting recycler's establishment:

23 (A) at the start of the calendar year; and

24 (B) at the close of the calendar year.

25 (4) Provide for reporting of the quantity, in tons, of each type of
26 recyclable material listed in subsection (b) that was transported
27 from the reporting recycler's establishment; or (in the case of a
28 recycler that is a recyclable materials broker) that was
29 transported or delivered by arrangement of the recycler; to any
30 of the following:

31 (A) Other recyclers located in Indiana:

32 (B) Persons that are located in Indiana but are not recyclers;
33 including persons who may employ the recyclable material
34 as a raw material or a new product without further
35 recycling;

36 (C) Persons located outside Indiana.

37 (b) The uniform recycling activity report form posted on the
38 department's Internet web site under subsection (a) must specify that
39 the information to be reported by a recycler under subsection (a)(3) and
40 (a)(4) must be reported separately for each of the following types of
41 recyclable materials:

42 (1) Glass:



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- 1 (2) Metal, including white goods (ferrous):
- 2 (3) Metal (nonferrous):
- 3 (4) Paper and paper products (all grades):
- 4 (5) Plastic and plastic products:
- 5 (6) Single stream recyclable materials:
- 6 (7) Any other distinct type of recyclable material not specified
- 7 in subdivisions (1) through (6):

8 SECTION 2~~22~~[19]. IC 13-20-26-3, AS ADDED BY
 9 P.L.153-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2026]: Sec. 3. To implement the second round
 11 of grants described in this chapter, the Indiana recycling market
 12 development board **shall may not** award **not** more than a total of two
 13 million dollars (\$2,000,000) to applicants.

14 SECTION 22~~3~~[0]. IC 13-20.5-1-4, AS AMENDED BY
 15 P.L.200-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person may not operate as
 17 a collector of covered electronic devices from covered entities unless
 18 the person:

- 19 (1) has submitted to the department a completed registration
- 20 form; **as required by 329 IAC 16-5-1;** and
- 21 (2) otherwise complies with 329 IAC 16: **rules established by**
- 22 **the board.**
- 23 (b) A registration submitted under this section:
- 24 (1) is effective upon receipt by the department; and
- 25 (2) must be submitted for a program year not later than March 1
- 26 of the program year.

27 SECTION 22~~4~~[1]. IC 13-20.5-1-5, AS AMENDED BY
 28 P.L.200-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person may not recycle
 30 covered electronic devices generated by covered entities unless the
 31 person:

- 32 (1) has submitted to the department a completed registration
- 33 form; **as required by 329 IAC 16-5-1;** and
- 34 (2) otherwise complies with 329 IAC 16: **rules established by**
- 35 **the board.**
- 36 (b) A registered recycler may conduct recycling activities that are
- 37 consistent with this article.
- 38 (c) A registration submitted under this section:
- 39 (1) is effective upon receipt by the department; and
- 40 (2) must be submitted for a program year not later than March 1
- 41 of the program year.

42 SECTION 22~~5~~[2]. IC 13-20.5-1-6, AS ADDED BY

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1 P.L.178-2009, SECTION 27, IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. The department may
3 revoke the registration of a collector or recycler that violates either or
4 both of the following:

- 5 (1) This article.
- 6 (2) ~~329 IAC 16. Rules established by the board.~~

7 SECTION 22~~<6>~~[3]. IC 13-20.5-3-1, AS AMENDED BY
8 P.L.200-2017, SECTION 10, IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than
10 March 1 of each year, a manufacturer shall report to the department the
11 total weight in pounds of covered electronic devices that the
12 manufacturer:

- 13 (1) collected from eligible entities and recycled; or
- 14 (2) arranged to have collected from eligible entities and
15 recycled;

16 during the program year that ended on the immediately preceding
17 December 31.

18 (b) Not later than March 1 of each year, a manufacturer shall
19 report the following to the department:

- 20 (1) The number of recycling credits the manufacturer purchased
21 and sold during the program year that ended on the immediately
22 preceding December 31.
- 23 (2) The number of recycling credits possessed by the
24 manufacturer that the manufacturer intends to use in the
25 calculation of its variable recycling fee under IC 13-20.5-2-1.
- 26 (3) The number of recycling credits the manufacturer retained at
27 the beginning of the program year that began on the immediately
28 preceding January 1.
- 29 (4) The ~~amount~~ **weight** in pounds of covered electronic devices
30 that the manufacturer arranged for a recycler to collect and
31 recycle during the program year that ended on the immediately
32 preceding December 31 and that were not converted to recycling
33 credits.

34 SECTION 22~~<7>~~[4]. IC 13-20.5-3-2, AS AMENDED BY
35 P.L.200-2017, SECTION 11, IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. Not later than each
37 March 1, a recycler of covered electronic devices shall do the
38 following:

- 39 (1) Report to the department separately the total weight in
40 pounds of covered electronic devices that were:
 - 41 (A) recycled by the recycler; and
 - 42 (B) taken by the recycler for final disposal;

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- 1 during the program year that ended on the immediately
- 2 preceding December 31.
- 3 (2) Submit to the department a list of all collectors from whom
- 4 the recycler received covered electronic devices during the
- 5 program year that ended on the immediately preceding
- 6 December 31.
- 7 (3) Certify that the recycler has complied with IC 13-20.5-5 and
- 8 ~~IC 13-29 IAC 16~~ **any applicable regulations** during the program
- 9 year that ended on the immediately preceding December 31.

10 SECTION 22~~8~~⁵. IC 13-20.5-4-1, AS AMENDED BY
 11 P.L.200-2017, SECTION 13, IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A manufacturer shall
 13 **do the following:**

- 14 (1) In each of the manufacturer's program years recycle or
- 15 arrange for the collection and recycling from covered entities of
- 16 an amount of covered electronic devices equal to at least sixty
- 17 percent (60%) of the total weight of the manufacturer's video
- 18 display devices sold to households as reported in the
- 19 manufacturer's registration for the program year under
- 20 IC 13-20.5-1-1(c)(4).
- 21 (2) **Conduct and document due diligence assessments of**
- 22 **collectors and recyclers with which the manufacturer**
- 23 **contracts to allow the manufacturer to comply with this**
- 24 **chapter.**
- 25 (3) **Maintain for three (3) years documentation showing that**
- 26 **all covered electronic devices:**
- 27 (A) recycled;
- 28 (B) partially recycled; or
- 29 (C) sent to downstream recycling operations by the
- 30 manufacturer;
- 31 **are recycled in compliance with this article.**
- 32 (4) **Provide the department with contact information for an**
- 33 **individual who can be contacted regarding the**
- 34 **manufacturer's activities under this article.**

35 SECTION 22~~9~~⁶. IC 13-20.5-4-2 IS REPEALED [EFFECTIVE
 36 JULY 1, 2026]. Sec. 2: (a) A manufacturer shall conduct and document
 37 due diligence assessments of collectors and recyclers with which the
 38 manufacturer contracts to allow the manufacturer to comply with this
 39 chapter.

- 40 (b) A manufacturer shall maintain for three (3) years
- 41 documentation showing that all covered electronic devices recycled;
- 42 partially recycled; or sent to downstream recycling operations by the

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1 manufacturer are recycled in compliance with this article:

2 SECTION 2~~30~~[27]. IC 13-20.5-4-3 IS REPEALED
3 [EFFECTIVE JULY 1, 2026]. Sec. 3: A manufacturer shall provide the
4 department with contact information for an individual who can be
5 contacted regarding the manufacturer's activities under this article:

6 SECTION 2~~31~~[28]. IC 13-20.5-7-3, AS ADDED BY
7 P.L.178-2009, SECTION 27, IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. If the revenues in the
9 electronic waste fund established by IC 13-20.5-2-3 exceed the amount
10 that the department determines is necessary for efficient and effective
11 administration of this article, the department shall recommend to the
12 general assembly in a report submitted in an electronic format under
13 IC 5-14-6 that:

14 (1) the registration fee under IC 13-20.5-2-1(a); or

15 (2) the proportion of sales of video display devices required to be
16 recycled under IC 13-20.5-4-1;

17 be lowered to reduce revenues collected in the subsequent state fiscal
18 year by the estimated amount of the excess: report to the standing
19 committees with subject matter jurisdiction over environmental
20 affairs for both the house of representatives and the senate.

21 SECTION ~~232~~[229]. IC 13-20.5-7-10 IS REPEALED
22 [EFFECTIVE JULY 1, 2026]. Sec. 10: (a) Solid waste management
23 districts shall conduct educational programs to provide information to
24 the public concerning:

25 (1) reuse and recycling of electronic waste;

26 (2) collection programs available to the public for the disposal
27 of electronic waste; and

28 (3) proper disposal of electronic waste:

29 (b) The department, with assistance from solid waste management
30 districts and other appropriate persons, shall provide solid waste
31 management districts with a curriculum model that includes
32 educational core principles concerning the reuse, recycling, collection,
33 and proper disposal of solid waste. Solid waste management districts
34 shall implement educational programs that meet the minimum
35 standards established by the department in the curriculum model.

36 SECTION 23~~3~~[0]. IC 13-21-1-1 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The commissioner: <
38 >[] shall do the following:

39 (1) shall adopt the state plan in final form; and

40 (2) may adopt rules under IC 4-22-2 to provide for the plan's
41 implementation.

42 SECTION 23~~4~~[1]. IC 13-21-1-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The state plan must
 2 provide for solid waste management in Indiana for the twenty (20)
 3 years following the adoption of the state plan. The state plan ~~must~~ **may**
 4 include the following, in order of priority:

- 5 (1) The establishment of voluntary statewide goals for source
 6 reduction.
- 7 (2) The establishment of criteria for alternatives to final disposal,
 8 including the following:
 - 9 (A) Recycling.
 - 10 (B) Composting.
 - 11 (C) The availability of markets.
- 12 (3) The establishment of general criteria for the siting,
 13 construction, operation, closing, and monitoring of final disposal
 14 facilities.
- 15 (4) Criteria and other elements to be considered in the adoption
 16 of district solid waste management plans.

17 SECTION 23 ~~5~~ [2]. IC 13-21-1-3 IS REPEALED [EFFECTIVE
 18 JULY 1, 2026]. ~~Sec. 3. Revisions of the state plan must be~~
 19 ~~implemented using the procedures set forth in section 1 of this chapter.~~

20 SECTION 23 ~~6~~ [3]. IC 13-21-1-4, AS ADDED BY P.L.37-2012,
 21 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2026]: Sec. 4. (a) ~~In 2015 and every fifth year thereafter,~~ The
 23 legislative council ~~shall~~ **may** require an interim study committee or a
 24 statutory study committee to:

- 25 (1) assess solid waste management districts; and
- 26 (2) determine whether any changes should be made to the
 27 statutes governing solid waste management districts.

28 (b) An interim study committee or a statutory study committee that
 29 assesses solid waste management districts under subsection (a) shall
 30 issue a final report, in an electronic format under IC 5-14-6, to the
 31 legislative council containing the committee's findings and
 32 recommendations, including any recommended legislation, not later
 33 than November 1 of the year in which an assessment is conducted.

34 SECTION 23 ~~7~~ [4]. IC 13-21-13-1, AS AMENDED BY
 35 P.L.104-2022, SECTION 90, IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A board may
 37 impose fees on the disposal of solid waste in a final disposal facility
 38 located within the district. A fee imposed by a board in a county with
 39 a population of more than one hundred twelve thousand (112,000) and
 40 less than one hundred twenty thousand (120,000) under this section
 41 may not exceed two dollars and fifty cents (\$2.50) a ton. A fee imposed
 42 by a board in other counties under this section may not exceed:

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- 1 (1) two dollars and fifty cents (\$2.50) a ton; or
- 2 (2) the amount of a fee imposed by the board;
- 3 (A) under this section; and
- 4 (B) in effect on January 1, 1993;
- 5 whichever is greater.
- 6 (b) The board shall do the following:
- 7 (1) Set the amount of fees imposed under this section after a
- 8 public hearing.
- 9 (2) Give public notice of the hearing.
- 10 (c) If solid waste has been subject to a district fee under this
- 11 section, the total amount of the fee that was paid shall be credited
- 12 against a district fee to which the solid waste may later be subject
- 13 under this section.
- 14 (d) Except as provided in section 4 of this chapter, fees imposed
- 15 under this chapter shall be imposed uniformly on public facilities and
- 16 on privately owned or operated facilities throughout the district.
- 17 (e) A resolution adopted by a board that establishes fees under this
- 18 chapter may contain a provision that authorizes the board to impose a
- 19 penalty of not more than five hundred dollars (\$500) per day because
- 20 of:
- 21 (1) nonpayment of fees; or
- 22 (2) noncompliance with a condition in the resolution.
- 23 (f) A board may not impose fees for material used as alternate
- 24 daily cover pursuant to a permit issued by the department under 329
- 25 ~~IC 10-20-13: the rules adopted by the board.~~
- 26 SECTION 23~~<8>~~[5]. IC 13-22-2-2 IS REPEALED [EFFECTIVE
- 27 JULY 1, 2026]. ~~Sec. 2: The board shall adopt rules under IC 4-22-2 and~~
- 28 ~~IC 13-14-9 to implement this chapter through IC 13-22-8;~~
- 29 ~~IC 13-22-11.5; and IC 13-22-13 through IC 13-22-14.~~
- 30 SECTION 23~~<9>~~[6]. IC 13-22-2-3, AS AMENDED BY
- 31 P.L.93-2024, SECTION 118, IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The board ~~shall~~
- 33 ~~adopt rules under IC 4-22-2 and IC 13-14-8 to~~ **may** develop criteria for
- 34 determining hazardous waste. In developing ~~those~~ **criteria for**
- 35 **determining hazardous waste**, the board shall determine whether any
- 36 waste to be or being disposed of meets any of the following conditions:
- 37 (1) Presents immediate or persistent hazards to humans or
- 38 wildlife.
- 39 (2) Is resistant to natural degradation or detoxification.
- 40 (3) Is bioconcentrative, flammable, reactive, toxic, corrosive, or
- 41 infectious in addition to any other harmful characteristics.
- 42 (b) The board shall do the following:

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

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1 SECTION 2~~41~~[38]. IC 13-22-2-6 IS REPEALED [EFFECTIVE
2 JULY 1, 2026]. Sec. 6. The board shall do the following:

3 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 setting standards
4 for closure and postclosure monitoring and maintenance plans.

5 (2) Include in the rules a requirement for prior notice of closure
6 and a time limit for completion of closure.

7 SECTION 2~~42~~[39]. IC 13-22-2-7, AS AMENDED BY
8 P.L.133-2012, SECTION 151, IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The board ~~shall~~
10 ~~adopt rules under IC 4-22-2 and IC 13-14-9 setting~~ **may set** standards
11 for corrective action for all releases of hazardous waste or constituents
12 from any solid waste management unit at a hazardous waste facility.
13 ~~The~~ **Any standards adopted by the board** must require that corrective
14 action be taken beyond the facility boundary where necessary to protect
15 human health and the environment, unless the owner or operator of the
16 facility concerned demonstrates to the satisfaction of the commissioner
17 that, despite the best efforts of the owner or operator, the owner or
18 operator is unable to obtain the necessary permission to undertake that
19 action. The rules adopted under this section apply to the following:

20 (1) All facilities operating under permits issued under
21 IC 13-22-3. ~~or IC 13-7-8.5 (before its repeal).~~

22 (2) All landfills, surface impoundments, and waste piles,
23 including any new units, replacements of existing units, and
24 lateral expansions of existing units, that receive hazardous waste
25 after July 26, 1982.

26 SECTION 24~~3~~[0]. IC 13-22-3-3 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Before allowing
28 the operation of a landfill for the disposal of hazardous waste, the
29 commissioner and all the owners of the land upon which the landfill is
30 located must execute and record a restrictive covenant upon the land
31 involved. The department shall file the instrument imposing the
32 restrictive covenant for record in the recorder's office in the county in
33 which the landfill is located.

34 (b) The covenant must state that:

35 (1) the land has been or may be used as a landfill for disposal of
36 hazardous waste; and

37 (2) neither the property owners, agents, or employees, nor any of
38 their heirs, successors, lessees, or assignees, may engage in
39 filling, grading, excavating, building, drilling, or mining on the
40 property following the completion and closure of the landfill
41 without authorization of the commissioner.

42 (c) Before the commissioner grants an authorization for the

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1 activities prohibited in the covenant, the commissioner shall ~~review~~
2 **consider** the following:

- 3 (1) The original design of the landfill.
- 4 (2) The type of operation.
- 5 (3) The hazardous waste deposited there.
- 6 (4) The state of decomposition of the hazardous wastes.

7 SECTION 24~~4~~[1]. IC 13-22-7.5-1, AS ADDED BY
8 P.L.172-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter applies to a person
10 that transports:

- 11 (1) a chemical munition ~~referred to in 329 IAC 3.1-6-3, as in~~
12 ~~effect on January 1, 2005; as defined in IC 13-11-2-25;~~ or
- 13 (2) hazardous waste derived from the bulk neutralization and
14 destruction of the agent VX referred to in IC 13-11-2-25(6).

15 SECTION 24~~5~~[2]. IC 13-22-8-1, AS AMENDED BY
16 P.L.133-2012, SECTION 152, IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board ~~shall~~
18 **may** adopt rules under IC 4-22-2 and IC 13-14-9 on standards of
19 financial responsibility for the following:

- 20 (1) Closure.
- 21 (2) Postclosure monitoring at hazardous waste facilities.
- 22 (3) Any required corrective action at those facilities.

23 (b) ~~The~~ **Any** rules adopted under this section must reflect the
24 provisions for financial responsibility prescribed by section 2 of this
25 chapter.

26 SECTION 24~~6~~[3]. IC 13-22-11-1 IS REPEALED [EFFECTIVE
27 JULY 1, 2026]. Sec. 1. (a) ~~The office shall do the following:~~

- 28 ~~(1) Continuously gather information on secondary material~~
29 ~~utilization or waste reduction practices and technology from~~
30 ~~sources within and outside Indiana.~~
- 31 ~~(2) Provide information and advice on secondary material~~
32 ~~utilization or waste reduction in response to a request from a~~
33 ~~business or business organization that is active in Indiana.~~

34 (b) ~~In the absence of a request, the office may, at the direction of~~
35 ~~the commissioner, present advice on secondary material utilization or~~
36 ~~waste reduction to a business that:~~

- 37 ~~(1) is active in Indiana; and~~
- 38 ~~(2) in the judgment of the commissioner, could:~~
 - 39 ~~(A) significantly reduce;~~
 - 40 ~~(B) eliminate; or~~
 - 41 ~~(C) avoid;~~

42 ~~the generation and disposal of hazardous waste through waste~~

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1 reduction or secondary material utilization under IC 13-22-11-5.
 2 The office shall study the information to be presented with advice
 3 under this subsection.

4 SECTION 24~~<7>~~[4]. IC 13-22-11-2 IS REPEALED [EFFECTIVE
 5 JULY 1, 2026]. Sec. 2: In directing the office to present advice to
 6 businesses under section 1(b) of this chapter, the commissioner shall
 7 establish a priority among types of businesses according to the
 8 following:

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

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

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

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

21 SECTION 24~~<8>~~[5]. IC 13-23-1-2, AS AMENDED BY
 22 P.L.38-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board shall adopt rules
 24 under IC 4-22-2, IC 13-14-8, and IC 13-14-9 for the establishment and
 25 operation of the program established under section 1 of this chapter.

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

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

34 (1) Requirements for maintaining:

35 (A) a leak detection system;

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

37 or

38 (C) a comparable system or method;

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

41 (2) Requirements for maintaining records of any:

42 (A) monitoring;

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

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1 shall, under rules adopted by the board under IC 4-22-2 and
 2 IC 13-14-9, establish a certification program for persons who
 3 supervise, manage, or direct underground storage tank or aboveground
 4 storage tank:

- 5 (1) installation or retrofitting;
- 6 (2) testing;
- 7 (3) cathodic protection procedures; or
- 8 (4) decommissioning.

9 (b) A person may be certified by the department if the person
 10 submits evidence to the department that the person has successfully
 11 completed:

- 12 (1) the International Fire Code ~~Institute Council~~ examination; or
- 13 (2) another appropriate examination approved by the department.

14 (c) The department may create a supplemental educational library
 15 concerning proper installation and closure of underground storage
 16 tanks or aboveground storage tanks, which includes the American
 17 Petroleum Institute's series, "An Education and Certification Program
 18 for Underground Storage Tank Professionals" and "API 653
 19 Aboveground Storage Tank Inspector Certification Program".

20 SECTION 2~~50~~[47]. IC 13-23-3-2 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) To obtain a
 22 certificate under section 1 of this chapter, a person must:

- 23 (1) take an examination that is approved;
- 24 (2) achieve a passing score on the examination that is
 25 established; and
- 26 (3) pay any reasonable fees necessary to offset the costs incurred
 27 by the ~~state fire marshal department~~ in administering the
 28 examination and certification procedures that are established;

29 under rules adopted by the ~~fire prevention and building safety~~
 30 ~~commission: board.~~

31 (b) An examination described under subsection (a) must cover the
 32 following subjects:

- 33 (1) Relevant rules adopted by the
 34 ~~(A) board and~~
 35 ~~(B) fire prevention and building safety commission;~~
 36 concerning underground storage tanks.
- 37 (2) Any other subjects approved under rules adopted by the fire
 38 prevention and building safety commission.

39 (c) The ~~fire prevention and building safety commission board~~
 40 shall adopt rules establishing the following:

- 41 (1) The number of times a person who fails an examination
 42 described under this section may take the examination again.

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1 (2) The period of time a person who fails an examination
2 described under this section must wait before taking the
3 examination again.

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

- 7 (1) under section 1 of this chapter; and
 - 8 (2) by ~~reciprocity; equivalency;~~
- 9 if the person is licensed or certified by another state that has
10 certification requirements that are substantially similar to the
11 requirements established under this section.

12 SECTION 2~~51~~[48]. IC 13-23-4-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The rules adopted
14 under ~~IC 13-23-1-2(c)(6)~~~~<>~~[**IC 13-23-1-2(b)(6)**] may allow evidence
15 of financial responsibility in one (1) or a combination of the following
16 forms:

- 17 (1) Insurance.
- 18 (2) Guarantee.
- 19 (3) Surety bond.
- 20 (4) Letter of credit.
- 21 (5) Qualification as a self-insurer.
- 22 (6) Any other method satisfactory to the commissioner and the
23 Administrator of the United States Environmental Protection
24 Agency.

25 SECTION 2~~52~~[49]. IC 13-23-4-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The rules adopted
27 under ~~IC 13-23-1-2(c)(6)~~~~<>~~[**IC 13-23-1-2(b)(6)**] may require the use
28 of certain policy provisions or contract terms, including provisions or
29 terms concerning the following:

- 30 (1) The minimum amount of coverage required for various
31 classes and categories of underground storage tanks established
32 under section 4 of this chapter.
- 33 (2) Conditions or defenses that are necessary or unacceptable in
34 establishing evidence of financial responsibility.

35 SECTION 25~~3~~[0]. IC 13-23-4-4 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The rules adopted
37 under ~~IC 13-23-1-2(c)(6)~~~~<>~~[**IC 13-23-1-2(b)(6)**] may require a
38 minimum amount of coverage for particular classes or categories of
39 underground storage tanks containing petroleum. Minimum coverage
40 amounts established under this subsection must be at least one million
41 dollars (\$1,000,000) for each occurrence, with an appropriate aggregate
42 amount.

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1 (b) The board may by rule set minimum coverage amounts lower
2 than the amount set forth in subsection (a) for underground storage
3 tanks containing petroleum that are:

- 4 (1) not located at facilities engaged in the production, refining,
5 or marketing of petroleum; and
- 6 (2) not used to handle substantial quantities of petroleum.

7 (c) In adopting rules establishing classes and categories of
8 underground storage tanks containing petroleum for purposes of this
9 section, the board may consider the following factors:

- 10 (1) The:
 - 11 (A) size, type, location, storage, and handling capacity of
12 underground storage tanks in the class or category; and
 - 13 (B) volume of petroleum handled by those tanks.
- 14 (2) The:
 - 15 (A) likelihood of release; and
 - 16 (B) potential extent of damage from any release;
17 from underground storage tanks in the class or category.
- 18 (3) The economic impact of the limits on the owners and
19 operators of each class or category, particularly relating to the
20 small business segment of the petroleum marketing industry.
- 21 (4) The availability of methods of financial responsibility in
22 amounts greater than the amount established by this section.
- 23 (5) Any other factors that the board considers pertinent.

24 SECTION 25~~4~~[1]. IC 13-23-7-5, AS AMENDED BY
25 P.L.96-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2026]: Sec. 5. The treasurer of state shall invest
27 the money in the ELTF not currently needed to meet the obligations of
28 the ELTF in the same manner as other public money may be invested.
29 Interest that accrues from these investments shall be deposited in the
30 ELTF. ~~At least one (1) time each year, the treasurer of state shall~~
31 ~~provide the financial assurance board a report detailing the investments~~
32 ~~made under this section.~~

33 SECTION 25~~5~~[2]. IC 13-23-8-4, AS AMENDED BY
34 P.L.9-2024, SECTION 344, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The administrator shall pay
36 ELTF claims that are:

- 37 (1) for costs related to eligible releases;
- 38 (2) submitted by eligible parties; and
- 39 (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.

40 (b) **The administrator, if appropriate, may allow** an eligible
41 party~~<>~~[]**may to** assign the **eligible party's** right to receive payment
42 of an ELTF claim to another person.

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1 (c) Not more than forty-five (45) business days after an ELTF
2 claim is submitted, the administrator shall do one (1) of the following:

3 (1) Approve the ELTF claim and, under IC 13-23-9-2(c),
4 forward the ELTF claim to the state comptroller for payment.

5 (2) Send to the claimant a written notice that:

6 (A) states that a correction, a clarification, or additional
7 information is needed before the ELTF claim can be
8 approved; and

9 (B) provides a clear explanation:

10 (i) of the correction, clarification, or additional
11 information that is needed; and

12 (ii) of why it is needed.

13 (3) Deny the claim and provide the claimant with a statement of
14 the reasons for the denial under IC 13-23-9-2(b).

15 SECTION 256[3]. IC 13-23-9-1.7, AS AMENDED BY
16 P.L.149-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2026]: Sec. 1.7. (a) The administrator may pay
18 an ELTF claim for fifty percent (50%) of the costs of decommissioning
19 or replacing an underground petroleum storage tank, provided that:

20 (1) the applicant is the owner of the tank;

21 (2) such decommissioning or replacement is necessary, in the
22 judgment of the administrator, to protect human health and the
23 environment considering the age, obsolescence, and level of
24 deterioration of the tank; and

25 (3) the costs:

26 (A) are reasonable and cost effective; and

27 (B) result from or reimburse the claimant for work
28 performed decommissioning the tank or replacing the tank
29 with a new aboveground storage tank as defined in
30 IC 13-11-2-0.4 or underground storage tank as defined in
31 IC 13-11-2-241.

32 (b) **Subject to subsection (c)**, the expenses described in
33 subsection (a) that are paid from the ELTF in a state fiscal year may not
34 exceed:

35 (1) ten million dollars (\$10,000,000) each year for claims
36 submitted by applicants owning not more than twelve (12)
37 underground petroleum storage tanks;

38 (2) seven million five hundred thousand dollars (\$7,500,000)
39 each year for claims submitted by applicants owning more than
40 twelve (12) but not more than one hundred (100) underground
41 petroleum storage tanks; and

42 (3) two million five hundred thousand dollars (\$2,500,000) each

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1 year for claims submitted by applicants owning more than one
 2 hundred (100) underground petroleum storage tanks.
 3 (c) At the end of each state fiscal year, any funds that were
 4 allocated for the decommissioning or replacement of underground
 5 petroleum storage tanks, as described in subsection (b), but that were
 6 not spent shall roll over to the next state fiscal year and be used to
 7 decommission or replace underground petroleum storage tanks within
 8 the same category as allocated in the prior state fiscal year pursuant to
 9 subsection (b)(1), (b)(2), and (b)(3).
 10 SECTION 25 ~~8~~ [4]. IC 13-23-9-4 IS REPEALED [EFFECTIVE
 11 JULY 1, 2026]. Sec. 4. If the administrator denies an ELTF claim
 12 under this chapter, the claimant may appeal the denial under IC 4-21-5
 13 to the office of administrative law proceedings under IC 4-15-10.5.
 14 SECTION 25 ~~8~~ [5]. IC 13-23-11-2, AS AMENDED BY
 15 P.L.176-2023, SECTION 46, IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board
 17 consists of the following ~~nine (9)~~ **ten (10)** members:
 18 (1) The administrator or the administrator's designee.
 19 (2) One (1) member nominated by the treasurer of state in
 20 consultation with the commissioner of the department of state
 21 revenue.
 22 (3) One (1) member representing the independent petroleum
 23 wholesale distributor-marketer industry. ~~In making this~~
 24 ~~appointment, the governor may consider the recommendation of~~
 25 ~~the Indiana petroleum marketers and convenience store~~
 26 ~~association.~~
 27 (4) One (1) member representing the petroleum refiner-supplier
 28 industry. ~~In making this appointment, the governor may consider~~
 29 ~~the recommendation of the Indiana petroleum council.~~
 30 (5) One (1) member of the financial lending community who has
 31 experience with loan guaranty programs.
 32 (6) One (1) member representing the convenience store operator
 33 industry or independent petroleum retail distributor-marketer
 34 industry. ~~In making this appointment, the governor may consider~~
 35 ~~the recommendation of the Indiana petroleum marketers and~~
 36 ~~convenience store association.~~
 37 (7) One (1) member representing environmental interests.
 38 (8) One (1) member representing an environmental consulting
 39 firm that performs work involving underground storage tank or
 40 aboveground storage tank corrective actions.
 41 (9) One (1) member representing the property and casualty
 42 insurance industry.

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1 **(10) One (1) member representing airports.**
2 (b) The governor shall appoint the members specified in
3 subsection (a)(2) through ~~(a)(9)~~ **(a)(10)** for terms of ~~two (2)~~ **four (4)**
4 years.

5 **(c) The governor may consider nomination and**
6 **recommendations for members appointed under subsection (a)(2)**
7 **through (a)(10) from representative constituencies.**

8 SECTION 25~~<9>~~[6]. IC 13-23-11-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) If an appointed
10 member of the board is not able to serve the member's full term, the
11 governor shall appoint an individual to serve for the remainder of the
12 unexpired term.

13 (b) The term of an appointed member of the board continues until
14 the member's successor has been appointed. ~~and qualified.~~

15 **(c) No member may serve more than two (2) consecutive**
16 **terms.**

17 SECTION 2~~<60>~~[57]. IC 13-23-11-5 IS AMENDED TO READ
18 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. ~~The board, at the~~
19 ~~board's first meeting of each year, shall elect~~ **The governor may**
20 **designate** from among the board's members a chairperson and other
21 officers necessary to transact business.

22 SECTION 2~~<61>~~[58]. IC 13-23-11-6, AS AMENDED BY
23 P.L.113-2014, SECTION 79, IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board must
25 have a quorum to transact business. Five (5) members constitute a
26 quorum.

27 (b) An affirmative vote of the majority of members present is
28 required for the board to take action.

29 ~~(c) The board shall meet upon:~~
30 ~~(1) the request of the chairperson; or~~
31 ~~(2) the written request of three (3) of the board's members.~~

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

34 SECTION 2~~<62>~~[59]. IC 13-23-11-7, AS AMENDED BY
35 P.L.176-2023, SECTION 47, IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) The board shall
37 do the following:

38 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to do
39 the following:

- 40 (A) Carry out the duties of the board under this article.
- 41 (B) Establish standards and procedures under which:
 - 42 (i) eligible parties may submit ELTF claims; and

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

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

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

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

10 SECTION 26~~3~~^[0]. IC 13-23-11-9 IS ADDED TO THE
11 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2026]: **Sec. 9. This chapter expires July 1,**
13 **2031.**

14 SECTION 26~~4~~^[1]. IC 13-23-13-1, AS AMENDED BY
15 P.L.176-2023, SECTION 50, IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Subject to
17 subsections (b)(1) and (d), the commissioner may, under rules adopted
18 under IC 13-23-1-2:

- 19 (1) issue an order under IC 13-14-2-7 or IC 4-21.5-4; or
 - 20 (2) proceed under IC 13-14-2-6;
- 21 to require the owner or operator of an underground storage tank or
22 aboveground storage tank to undertake corrective action with respect
23 to any release of a regulated substance.

24 (b) Except as provided in subsection (d), the commissioner may
25 not, with respect to a release of petroleum from an underground storage
26 tank or aboveground storage tank:

- 27 (1) take action under subsection (a); or
- 28 (2) if a reportable quantity of the released petroleum remains or
29 may remain underground at the site of the underground storage
30 tank or aboveground storage tank:

31 (A) request that the owner or operator of the underground
32 storage tank or aboveground storage tank execute a
33 restrictive covenant (as defined in IC 13-11-2-193.5)
34 applying to the site of the underground storage tank or
35 aboveground storage tank;

36 (B) make a determination of no further action being
37 required at the site of the underground storage tank or
38 aboveground storage tank; or

39 (C) approve closure, or its equivalent, of the site of the
40 underground storage tank or aboveground storage tank;

41 unless the commissioner has received and reviewed the initial site
42 characterization of the site of the release or an alternative evaluation is

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1 prepared for submittal to the commissioner in accordance with
 2 subsection (c) **and an evaluation of potential remedial activities to**
 3 **achieve remedial objectives including closure options,**
 4 **environmental deed restrictions, and remediation methods to**
 5 **achieve a no further action determination, including estimated**
 6 **costs and time frames sufficient for the commissioner to evaluate**
 7 **the adequacy of the proposed response.**

8 (c) When necessary and feasible as determined by a qualified
 9 environmental professional, an initial site characterization shall
 10 include:

11 (1) site-specific geologic information obtained from a minimum
 12 of three (3) continuously sampled soil borings; and

13 (2) hydrogeologic information, including depth to ground water
 14 and ground water flow directions and gradients, obtained from
 15 a minimum of three (3) monitoring wells screened across the
 16 water table.

17 A qualified environmental professional, on behalf of the owner or
 18 operator of an underground storage tank or an aboveground storage
 19 tank from which there has been a release of petroleum, may submit for
 20 approval by the commissioner an alternative procedure for initial site
 21 characterization and request a waiver of the requirements in this
 22 subsection. The commissioner may approve the request for a waiver
 23 and alternative procedure only if the alternative procedure provides
 24 substantially equal protection for human health and the environment.
 25 If an initial site characterization does not define the nature and extent
 26 of the contaminant plume, additional investigation shall be performed
 27 when necessary and feasible as determined by a qualified
 28 environmental professional.

29 (d) The commissioner may take action under subsection (a)
 30 without having received and reviewed the initial site characterization
 31 if the commissioner reasonably believes that the release from the
 32 underground storage tank or aboveground storage tank creates a threat
 33 to human health or the environment sufficient to necessitate action
 34 under subsection (a) before the initial site characterization is submitted
 35 to the department.

36 (e) If the commissioner:

37 (1) requires corrective action under subsection (a); and

38 (2) determines that the corrective action will be done properly
 39 and promptly by the owner or operator of the underground
 40 storage tank or aboveground storage tank from which the release
 41 occurs;

42 the commissioner may enter into an agreed order with the owner or

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1 operator to implement necessary corrective action.

2 SECTION 26~~5~~[2]. IC 13-23-13-2, AS AMENDED BY
3 P.L.176-2023, SECTION 51, IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner,
5 under rules adopted under IC 13-23-1-2, may undertake corrective
6 action with respect to any release of a regulated substance into the
7 environment from an underground storage tank or aboveground storage
8 tank if:

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

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

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

16 (i) an owner or operator of the underground storage
17 tank or aboveground storage tank;

18 (ii) subject to the rules concerning corrective action;
19 and

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

22 (B) An existing situation requires prompt action by the
23 commissioner under this section to protect human health
24 and the environment.

25 (C) The cost of corrective action at the site of an
26 underground storage tank exceeds the amount of financial
27 responsibility required under ~~IC 13-23-1-2(c)(6)~~,
28 **IC 13-23-1-2(b)(6)**, IC 13-23-4-4, and IC 13-23-4-5 and,
29 considering the class or category of underground storage
30 tank from which the release occurred, expenditures by the
31 state are necessary to ensure an effective corrective action.

32 (D) The owner or operator of the underground storage tank
33 or aboveground storage tank has failed or refused to comply
34 with an order of the commissioner or a judgment of a court
35 of competent jurisdiction under section 1 of this chapter to
36 take corrective action with respect to the release.

37 SECTION 26~~6~~[3]. IC 13-23-13-9 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. In determining the
39 equities for seeking the recovery of costs under section 8 of this
40 chapter, the commissioner may consider the following:

41 (1) The amount of financial responsibility required to be
42 maintained under ~~IC 13-23-1-2(c)(6)~~. ~~<>~~ **IC 13-23-1-2(b)(6)**.

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1 (2) The factors considered in establishing that amount for
2 underground storage tanks containing petroleum under
3 IC 13-23-4-4.

4 SECTION 26 7 [4]. IC 13-23-16-2, AS AMENDED BY
5 P.L.176-2023, SECTION 65, IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. If the department
7 receives a report concerning:

8 (1) the discovery of released regulated substances at an
9 underground storage tank or aboveground storage tank site or in
10 the surrounding area under ~~329 IAC 9-4-1(1)~~; **40 CFR 280.50**;
11 or

12 (2) a spill or overfill under ~~329 IAC 9-4-4(a)~~; **40 CFR 280.53**;
13 the department shall, not more than seven (7) days after receiving the
14 report, provide notice of the release, spill, or overfill to the county
15 health officer of each county in which the release, spill, or overfill
16 occurred.

17 SECTION 26 8 [5]. IC 13-23-16-3, AS ADDED BY
18 P.L.221-2007, SECTION 16, IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Not more than seven
20 (7) days after receiving a notice from the department under section 2
21 of this chapter, a county health officer shall **make a reasonable effort**
22 **to** do the following:

23 (1) Publish notice of the release, spill, or overfill in a newspaper
24 **or other media** of general circulation in the county health
25 officer's county.

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

28 SECTION 26 9 [6]. IC 13-23-16-4, AS ADDED BY
29 P.L.221-2007, SECTION 16, IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. Notice provided by
31 a county health officer under section 3 of this chapter must include:

32 (1) the same information reported to the department under ~~329~~
33 ~~IAC 9-4-1(1) or 329 IAC 9-4-4(a)~~; **40 CFR 280.50 or 40 CFR**
34 **280.53**; and

35 (2) any other information the county health officer considers
36 necessary or appropriate.

37 SECTION 270 [267]. IC 13-24-1-1 IS AMENDED TO READ
38 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The
39 commissioner may issue an order under:

40 (1) IC 13-14-2-7;

41 (2) IC 4-21.5-4; or

42 (3) IC 4-21.5-3-6;

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1 to require an owner or operator or a responsible person to undertake
2 removal or remedial action with respect to a release of petroleum at a
3 petroleum facility.

4 (b) If the commissioner determines that the removal or remedial
5 action will be done properly and promptly by the owner, operator, or
6 responsible person, the commissioner may enter into an agreed order
7 with the owner, operator, or responsible person to implement necessary
8 removal or remedial action.

9 (c) If the commissioner and the owner or operator or the
10 responsible party fail to agree on the appropriate and necessary
11 removal or remedial action to be taken, the dispute shall be resolved
12 under IC 4-21-5.

13 SECTION 2<71>[68]. IC 13-24-1-8 IS REPEALED [EFFECTIVE
14 JULY 1, 2026]. Sec. 8. IC 4-21-5 applies to:

- 15 (1) determinations;
- 16 (2) notices;
- 17 (3) hearings; and
- 18 (4) appeal determinations;

19 under this chapter.

20 SECTION 2<72>[69]. IC 13-25-2-6.5 IS AMENDED TO READ
21 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) The
22 department shall work with interested stakeholders, including the
23 federal government, the general public, members of the general
24 assembly, and businesses, to evaluate the feasibility of simplifying and
25 expediting notification under IC 13-25-2-6. Options to be evaluated
26 include:

- 27 (1) connecting persons required to provide notice under
- 28 IC 13-25-2-6 with the National Response Center; and
- 29 (2) recommending any appropriate changes in federal law.

30 (b) The department shall implement an option evaluated under
31 subsection (a) if the option:

- 32 (1) is practical to implement;
- 33 (2) is technically feasible;
- 34 (3) is economically feasible;
- 35 (4) is protective of human health and the environment; and
- 36 (5) would adequately serve persons required to provide notice
- 37 under IC 13-25-2-6.

38 (c) The department shall provide a toll free long distance
39 telephone line through which a person required to provide notice under
40 IC 13-25-2-6 may contact the office described in IC 13-13-3-1 of this
41 chapter. the department.

42 SECTION 27<3>[0]. IC 13-25-4-7, AS AMENDED BY

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1 P.L.133-2012, SECTION 154, IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The board ~~shall~~ **may**
 3 adopt rules establishing criteria for determining the commissioner's
 4 priorities in selecting hazardous substance response sites. ~~Until these~~
 5 ~~rules have been adopted, the commissioner shall give priority to those~~
 6 ~~sites presenting a significant threat to public health and environment.~~

7 SECTION 27~~4~~[1]. IC 13-25-4-11 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. **(a)** After a response
 9 is initiated under:

- 10 (1) section 9 of this chapter; or
- 11 (2) IC 13-24-1;

12 the ~~state~~ **department** may impose a lien on the property on which the
 13 response is undertaken ~~or impose a restrictive covenant on a facility~~
 14 ~~or site where remediation objectives set forth in IC 13-25-5-8.5~~
 15 ~~have not been met.~~ The lien may secure the payment to the state of an
 16 amount of money equal to the amount expended from the fund under
 17 section 1(a)(3) of this chapter to finance the response.

18 **(b) The board may adopt rules under IC 4-22-2 and IC 13-14-9**
 19 **to set forth procedures to allow the department to impose:**

- 20 **(1) a lien; or**
- 21 **(2) a restrictive covenant;**

22 **as described in this section.**

23 SECTION 27~~5~~[2]. IC 13-25-4-12 IS REPEALED [EFFECTIVE
 24 JULY 1, 2026]. Sec. 12. For a lien arising under section 11 of this
 25 chapter to be perfected, notice of the lien must be filed in the office of
 26 the county recorder of the county in which the real property subject to
 27 the lien is located. Before notice of a lien may be filed in the office of
 28 the county recorder, the department shall provide notice of the
 29 intention to file the lien as provided by section 19 of this chapter.

30 SECTION 27~~6~~[3]. IC 13-25-4-13 IS REPEALED [EFFECTIVE
 31 JULY 1, 2026]. Sec. 13. The department shall provide notice of the
 32 filing of a lien to the owner of the property if the owner can be
 33 identified. If the owner of record cannot be identified, the department
 34 shall notify the tenant or other person having control of the property.

35 SECTION 27~~7~~[4]. IC 13-25-4-14 IS REPEALED [EFFECTIVE
 36 JULY 1, 2026]. Sec. 14. When a notice of a lien arising under section
 37 11 of this chapter is presented to the county recorder for filing, the
 38 county recorder shall enter the lien appropriately in the entry book and
 39 in the miscellaneous record. The entries made under this section must
 40 show the following:

- 41 (1) The date of filing;
- 42 (2) The book and page number or instrument number.

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- 1 (3) The name of the person named in the notice.
- 2 (4) A legal description of the property if appropriate.
- 3 (5) A serial number or other identifying number given in the
- 4 notice.

5 SECTION 27~~<8>~~[5]. IC 13-25-4-15 IS REPEALED [EFFECTIVE
6 JULY 1, 2026]. Sec. 15: (a) Subject to subsection (b), when a
7 certificate of discharge of a lien arising under section 14 of this chapter
8 or IC 13-7-8.7-10.7 (before its repeal) is:

- 9 (1) issued by an employee or a designated agent of the
- 10 department; and
- 11 (2) presented for filing in the office of the county recorder of the
- 12 county where the notice of lien was filed;

13 the county recorder shall record the certificate of discharge as a release
14 of the lien.

15 (b) To be recorded under this section, the certificate must refer to
16 the county recorder's book and page number or instrument number
17 under which the lien was recorded.

18 SECTION 27~~<9>~~[6]. IC 13-25-4-16 IS REPEALED [EFFECTIVE
19 JULY 1, 2026]. Sec. 16: When recording a release of a lien under
20 section 15 of this chapter, the county recorder shall inscribe, in the
21 margin of each entry made to record the lien under section 14 of this
22 chapter, a reference to the place where the release is recorded.

23 SECTION 2~~<80>~~[77]. IC 13-25-4-17 IS REPEALED
24 [EFFECTIVE JULY 1, 2026]. Sec. 17: Upon:

- 25 (1) the recording of the certificate of discharge as a release under
- 26 section 15 of this chapter; and
- 27 (2) the inscribing of the references to the release under section
- 28 16 of this chapter;

29 a certificate of discharge of a lien arising under section 14 of this
30 chapter operates as a full discharge and satisfaction of the lien unless
31 the references to the release inscribed under section 15 of this chapter
32 specifically note the release as a partial lien release.

33 SECTION ~~<281>~~[278]. IC 13-25-4-18 IS REPEALED
34 [EFFECTIVE JULY 1, 2026]. Sec. 18: A lien created under section 14
35 of this chapter or IC 13-7-8.7-10.7 (before its repeal) continues until
36 the earlier of the following:

- 37 (1) The full discharge and satisfaction of the lien.
- 38 (2) The expiration of a ten (10) year period from the date of the
- 39 creation of the lien unless an action to foreclose the lien is
- 40 pending.

41 SECTION 2~~<82>~~[79]. IC 13-25-4-19 IS REPEALED
42 [EFFECTIVE JULY 1, 2026]. Sec. 19: (a) At least thirty (30) days

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1 before notice of a lien arising under this chapter may be filed under
 2 section 12 of this chapter, the department must send a written notice:
 3 (1) to the owner of the real property that would be subject to the
 4 lien; or
 5 (2) if the owner of record cannot be identified, to the tenant or
 6 other person having control of the real property;
 7 of the date on which the state intends to impose a lien under section 11
 8 of this chapter.

9 (b) The department shall provide the county recorder of the county
 10 in which the real property that would be subject to the lien is located
 11 with a copy of the written notice described in subsection (a).

12 SECTION 28~~3~~[0]. IC 13-25-4-20 IS REPEALED [EFFECTIVE
 13 JULY 1, 2026]. Sec. 20: (a) Before the date on which the state intends
 14 to impose a lien on real property under section 11 of this chapter, the
 15 owner of the real property may request that a hearing be conducted
 16 under IC 4-21-5. A hearing conducted under this section and IC 4-21-5
 17 shall be limited to determining if there is probable cause to believe
 18 that:

19 (1) a removal or a remedial action was conducted on the real
 20 property under:

- 21 (A) this chapter; or
- 22 (B) IC 13-24-1; and

23 (2) if the removal or the remedial action was conducted under
 24 this chapter, the owner of the real property would be subject to
 25 liability under 42 U.S.C. 9607 (Section 107 of the federal
 26 Comprehensive Environmental Response, Compensation, and
 27 Liability Act).

28 (b) For the purposes of a hearing conducted under this section and
 29 IC 4-21-5, an administrative law judge is the ultimate authority.

30 SECTION 28~~4~~[1]. IC 13-25-4-21 IS REPEALED [EFFECTIVE
 31 JULY 1, 2026]. Sec. 21: If an owner requests a hearing under section
 32 20 of this chapter, the state may not impose a lien on the owner's real
 33 property under section 11 of this chapter until the commissioner
 34 determines after the hearing that there is probable cause to believe that:

35 (1) a removal or a remedial action was conducted on the real
 36 property under this chapter or IC 13-24-1; and

37 (2) if the removal or the remedial action was conducted under
 38 this chapter, the owner of the real property would be subject to
 39 liability under 42 U.S.C. 9607 (Section 107 of the federal
 40 Comprehensive Environmental Response, Compensation, and
 41 Liability Act).

42 SECTION 28~~5~~[2]. IC 13-25-4-22 IS REPEALED [EFFECTIVE

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1 JULY 1, 2026]. Sec. 22: If the department provides a county recorder
 2 with a copy of a written notice under section 19(b) of this chapter, the
 3 department shall retrieve the copy of the written notice from the county
 4 recorder on the date a lien is imposed on the real property described in
 5 the written notice. However:

6 (1) if:

7 (A) a hearing is not held under section 20 of this chapter
 8 and IC 4-21.5; and

9 (B) a lien is not imposed:

10 (i) on the real property described in the notice; and

11 (ii) by the date indicated in the notice;

12 the department shall retrieve the copy of the notice on the day
 13 after the date the lien was to be imposed on the real property; or

14 (2) if:

15 (A) a hearing is held under section 20 of this chapter and
 16 IC 4-21.5; and

17 (B) a lien is not imposed on the real property described in
 18 the notice;

19 the department shall retrieve the copy of the notice on the day
 20 after the date the commissioner determines that a lien may not be
 21 imposed on the real property.

22 SECTION 28~~6~~[3]. IC 13-25-5-6 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If an applicant's
 24 application is rejected under section 5 of this chapter **because the**
 25 **application is incomplete**, the applicant may ~~do the following~~:

26 (1) Appeal the department's decision under IC 4-21.5.

27 (2) If the application is rejected because the application is not
 28 complete; submit a completed application without submitting an
 29 additional application fee.

30 (b) If an applicant's application is rejected and the applicant:

31 (1) does not appeal the rejection; or

32 (2) loses an appeal concerning the rejection;

33 the department shall refund the unexpended part of the applicant's
 34 application fee.

35 SECTION 28~~7~~[4]. IC 13-25-5-8 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Before the
 37 department evaluates a proposed voluntary remediation work plan, the
 38 applicant who submitted the work plan and the commissioner must
 39 enter into a voluntary remediation agreement that sets forth the terms
 40 and conditions of the evaluation and the implementation of the work
 41 plan. A voluntary remediation agreement must include the following:

42 (1) Provisions for the following:

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

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1 have begun between the applicant and the commissioner:

2 (1) the applicant or the commissioner may withdraw from the
3 negotiations; and

4 (2) the department shall refund the unexpended part of the
5 applicant's application fee.

6 SECTION 28~~8~~[5]. IC 13-25-5-11 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Before the
8 commissioner approves or rejects a proposed voluntary remediation
9 work plan under section 10 of this chapter, the commissioner must:

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

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

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

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

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

23 (2) Request a public hearing concerning the proposed voluntary
24 remediation work plan.

25 (c) If the commissioner receives at least one (1) written request,
26 the commissioner may hold a public hearing in the geographical area
27 affected by the proposed voluntary remediation work plan on the
28 question of whether to approve or reject the work plan. The
29 commissioner shall consider all written comments and public
30 testimony.

31 SECTION 28~~9~~[6]. IC 13-25-5-15 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant
33 who submitted an approved voluntary remediation work plan proceeds
34 with the work plan, the department or a person under contract with the
35 department shall do the following:

36 (1) Oversee and review the implementation of the voluntary
37 remediation work plan.

38 (2) Make regular reports to the commissioner concerning the
39 remediation.

40 (b) **Upon submission of a report to the commissioner, the
41 commissioner may evaluate the remedial action to verify the action
42 is achieving project goals. If project goals are not met, the**

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1 commissioner may require modification of the voluntary
2 remediation work plan.

3 (c) If the parties are unable to agree to a modification as
4 provided for in subsection (b) within one hundred eighty (180)
5 days, the commissioner or applicant may withdraw the project
6 from the voluntary remediation work program. Projects
7 withdrawn from the voluntary remediation work program may be
8 referred to the state clean-up program.

9 SECTION 2~~90~~[87]. IC 13-25-5-16 IS AMENDED TO READ
10 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If the
11 commissioner determines that an applicant has successfully completed
12 a voluntary remediation work plan approved under this chapter, the
13 commissioner shall certify that the work plan has been completed by
14 issuing the applicant a certificate of completion.

15 (b) The issuance of a certificate of completion under this section
16 is a final agency action for purposes of IC 4-21.5.

17 (c) A person who receives a certificate under this section shall
18 attach a copy of the certificate to the recorded deed that concerns the
19 property on which the remediation took place.

20 (d) If the commissioner determines that an applicant has not
21 successfully completed a voluntary remediation work plan
22 approved under this chapter, the commissioner shall notify the
23 applicant of this determination under IC 4-21.5.

24 SECTION 2~~91~~[88]. IC 13-25-5-17 IS REPEALED
25 [EFFECTIVE JULY 1, 2026]. Sec. 17. If the commissioner determines
26 that an applicant has not successfully completed a voluntary
27 remediation work plan approved under this chapter, the commissioner
28 shall notify the applicant of this determination under IC 4-21.5.

29 SECTION ~~292~~[289]. IC 13-26-2-5 IS AMENDED TO READ
30 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Upon the
31 determination of the department that a sufficient petition has been filed
32 in accordance with this chapter, the commissioner shall appoint a
33 hearing officer. who does not have to be a state employee. If the
34 hearing officer is not a full-time state employee, the hearing officer is
35 entitled to be paid reasonable:

36 (1) expenses; and

37 (2) per diem;

38 for each day or part of a day in actual attendance at a meeting or
39 hearing or in performance of duties. The reasonable per diem and
40 expenses are valid claims against the department.

41 SECTION 29~~3~~[0]. IC 13-26-8-4, AS AMENDED BY
42 P.L.165-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This section applies to the
 2 addition of territory to a regional sewage or solid waste district other
 3 than at the request of an eligible entity described in section 1 of this
 4 chapter. This section does not apply to a regional water district.

5 (b) To add territory to a district already established, the board of
 6 the district must file with the department a motion adopted by the board
 7 requesting the addition of territory to the district. If the motion is for
 8 the addition of territory to a regional sewage district, the board, not
 9 later than ten (10) days after filing the motion with the department,
 10 must also file a copy of the motion in the office of:

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

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

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

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

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

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

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

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

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

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

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

35 (e) For purposes of subsection (c):

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

38 (2) the board shall:

39 (A) provide the notice of; and

40 (B) conduct;

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

42 (3) instead of making findings and recommendations under

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1 IC 13-26-2-8, the board shall submit documentary evidence to
 2 the commissioner to prove the:
 3 (A) notice was provided; and
 4 (B) hearing was conducted;
 5 by the board as required under subdivision (2).
 6 SECTION 29~~4~~[1]. IC 13-27-2-2 IS REPEALED [EFFECTIVE
 7 JULY 1, 2026]. Sec. 2: The commissioner shall appoint an assistant
 8 commissioner to head the division.
 9 SECTION 29~~5~~[2]. IC 13-27-2-3 IS REPEALED [EFFECTIVE
 10 JULY 1, 2026]. Sec. 3: The commissioner shall hire employees of the
 11 division.
 12 SECTION 29~~6~~[3]. IC 13-27-2-4 IS REPEALED [EFFECTIVE
 13 JULY 1, 2026]. Sec. 4: (a) The commissioner may appoint liaison
 14 advisory panels to assist the division in the functions of the division.
 15 Individual panels must include members representing different areas
 16 of interest in and potential support of pollution prevention and
 17 environmentally-related technical assistance, including the following:
 18 (1) Industry.
 19 (2) Education.
 20 (3) Environmental and public interest groups.
 21 (4) State government.
 22 (5) Local government officials associated with state programs for
 23 pollution prevention.
 24 (6) Organized labor.
 25 (b) A member of a liaison advisory panel is not entitled to the
 26 minimum salary per diem provided by IC 4-10-11-2.1(b). The member
 27 is, however, entitled to reimbursement for traveling expenses as
 28 provided under IC 4-13-1-4 and other expenses actually incurred in
 29 connection with the member's duties as provided in the state policies
 30 and procedures established by the Indiana department of administration
 31 and approved by the budget agency.
 32 SECTION 29~~7~~[4]. IC 13-27-2-5 IS REPEALED [EFFECTIVE
 33 JULY 1, 2026]. Sec. 5: The commissioner and the assistant
 34 commissioner, through coordinated effort, shall do the following:
 35 (1) Periodically review state environmental programs and
 36 projects for their ability and progress in promoting multimedia
 37 industrial-pollution prevention.
 38 (2) Assist the division of air, the division of water, and the
 39 division of solid and hazardous waste management in
 40 identifying, within planned and existing regulatory programs of
 41 the department, obstacles to pollution prevention and
 42 opportunities to promote and assist in pollution prevention;

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- 1 including the following:
- 2 (A) Encouraging regulatory flexibility to afford businesses
- 3 the opportunity to develop or implement pollution
- 4 prevention technologies and practices.
- 5 (B) Performing pollution prevention impact analyses of
- 6 administrative rules before proposed rules are published
- 7 and before final adoption.
- 8 (C) Exploring permanent funding for the program.
- 9 (3) Promote increased coordination between the divisions of the
- 10 department and between the department and other governmental
- 11 regulatory programs with responsibilities and duties relating to
- 12 toxic materials and environmental wastes; including, to the
- 13 fullest extent possible, the following:
- 14 (A) Joint planning processes.
- 15 (B) Joint research and studies.
- 16 (C) Joint public hearings.
- 17 (D) Joint hazard assessments.
- 18 (E) Joint environmental and workplace impact statements.
- 19 (F) Joint pollution prevention impact analyses for existing
- 20 and proposed administrative rules.
- 21 (4) Develop policies and programs to reduce the following by
- 22 means of industrial pollution prevention:
- 23 (A) Generation of municipal wastes.
- 24 (B) Generation of household hazardous wastes and
- 25 pollutants.
- 26 (C) Use of toxic materials in consumer products.
- 27 (5) Provide general information about, and actively publicize the
- 28 advantages of and developments in, pollution prevention and the
- 29 requirements of this article.
- 30 (6) Assist businesses that seek information, guidance, planning
- 31 assistance, or recommendations for pollution prevention by
- 32 providing technical information to those businesses at
- 33 production or commercial locations.
- 34 (7) Work with existing environmental regulatory programs to
- 35 make use of existing information gathering systems that may
- 36 assist the division in assessing the progress of pollution
- 37 prevention statewide.
- 38 (8) Grant or deny applications for pollution prevention grants
- 39 under section 10 of this chapter.
- 40 (9) Provide source reduction and recycling technical assistance
- 41 and administer the Indiana recycling grants program established
- 42 under IC 13-20-22-2.

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1 SECTION 29~~<8>~~[5]. IC 13-27-2-5.1 IS ADDED TO THE
2 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: **Sec. 5.1. The department may do the**
4 **following:**

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

8 (2) Remove obstacles to pollution prevention.

9 (3) Develop and implement pollution prevention and
10 environmental recognition programs to incentivize:

11 (A) communities;

12 (B) salvage facilities;

13 (C) marinas;

14 (D) companies; and

15 (E) other entities;

16 that exceed environmental regulatory requirements.

17 (4) Assist businesses that seek:

18 (A) information;

19 (B) guidance;

20 (C) planning assistance; or

21 (D) recommendations;

22 for pollution prevention by providing technical information
23 to those businesses.

24 (5) Work with existing environmental regulatory programs
25 to make use of existing information gathering systems that
26 may assist the department in assessing the progress of
27 pollution prevention.

28 (6) Provide source reduction and recycling technical
29 assistance and administer the Indiana recycling grants
30 program established under IC 13-20-22-2.

31 SECTION 29~~<9>~~[6]. IC 13-27-2-6 IS REPEALED [EFFECTIVE
32 JULY 1, 2026]. **Sec. 6. The division shall assist other governmental**
33 **regulatory programs in devising:**

34 (1) standards;

35 (2) administrative rules; and

36 (3) permits;

37 based on goals and principles of pollution prevention:

38 SECTION ~~<300>~~[297]. IC 13-27-2-7 IS REPEALED
39 [EFFECTIVE JULY 1, 2026]. **Sec. 7. To facilitate the use and**
40 **coordination of reporting requirements, the commissioner may seek**
41 **unified reporting and permitting authority from the United States**
42 **Environmental Protection Agency with respect to federal toxic**

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1 material; waste management; and pollution control laws and
2 regulations in effect on January 1, 1990, including the following:

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

4 (2) The Federal Water Pollution Control Act (33 U.S.C. 1251 et
5 seq.);

6 (3) The federal Toxic or Hazardous Substance Control Act (15
7 U.S.C. 2601 et seq.);

8 (4) The federal Solid Waste Disposal Act (42 U.S.C. 6901 et
9 seq.);

10 (5) The federal Comprehensive Environmental Response,
11 Compensation, and Liability Act (42 U.S.C. 9601 et seq.);

12 SECTION ~~301~~ [298]. IC 13-27-2-9 IS AMENDED TO READ
13 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) To:

14 (1) promote pollution prevention statewide by all industries and
15 companies; and

16 (2) assist in obtaining information on the progress of multimedia
17 reduction of environmental wastes and related environmental
18 policies and programs;

19 the commissioner ~~shall~~ **may** establish and operate a state information
20 clearinghouse for pollution prevention.

21 (b) The commissioner ~~shall~~ **may** use the clearinghouse established
22 under this section to do the following:

23 (1) Collect and compile the following:

24 (A) Information from organizations receiving grants under
25 this article.

26 (B) Information from the published technical literature.

27 (2) Mount active outreach and educational programs to further
28 the development and adoption of principles and techniques of
29 pollution prevention.

30 (c) The clearinghouse established under this section must include
31 data on the operation and effectiveness of industry pollution prevention
32 programs. The ~~division~~ **department** shall permit and facilitate free use
33 of this data by businesses, governmental agencies, and the general
34 public. A business may not be required to submit information of a
35 proprietary nature to the clearinghouse or to a governmental program
36 funded under this article.

37 (d) The ~~division~~ shall provide information for the clearinghouse
38 established under this section:

39 SECTION ~~302~~ [299]. IC 13-27-2-11 IS REPEALED
40 [EFFECTIVE JULY 1, 2026]. Sec. 11: The ~~division~~ shall sponsor pilot
41 projects to develop and demonstrate innovative techniques for clean
42 manufacturing. The results of pilot projects sponsored under this

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1 section shall be made available for use by the public. However,
2 information about a pilot project that is considered proprietary by a
3 manufacturer involved in the pilot project may not be disclosed to the
4 public.

5 SECTION 30 ~~↔~~ [0]. IC 13-27-2-13 IS REPEALED [EFFECTIVE
6 JULY 1, 2026]. Sec. 13. The commissioner may:

7 (1) order all hearings and investigations necessary for the
8 administration of this article; and

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

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

15 (1) must encourage pollution prevention; and

16 (2) may not discourage the use of recycling or treatment
17 techniques determined to be acceptable for pollution that has not
18 been prevented.

19 SECTION 30 ~~↔~~ [2]. IC 13-28-3-2, AS AMENDED BY
20 P.L.53-2014, SECTION 128, IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The assistance
22 program established under this chapter shall do the following:

23 (1) ~~Designate an individual to serve as a liaison and ombudsman~~
24 ~~to the regulated community to~~ Assist the regulated community
25 with specific regulatory or permit matters pending with the
26 department.

27 (2) Provide assistance to new and existing businesses and small
28 municipalities in identifying:

29 (A) applicable environmental rules and regulations; and

30 (B) permit requirements;

31 that apply to new and existing businesses and small
32 municipalities.

33 (3) Develop and distribute educational materials regarding:

34 (A) environmental requirements;

35 (B) compliance methods;

36 (C) voluntary environmental audits;

37 (D) pollution control technologies; and

38 (E) other compliance issues;

39 including standardized forms and procedures for completing
40 permit applications.

41 (4) Provide public outreach and training sessions in cooperation
42 with representatives of the business and municipal communities

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- 1 regarding existing and future state and federal environmental
- 2 requirements.
- 3 (5) Develop and operate a clearinghouse to respond to inquiries
- 4 from businesses and municipalities concerning applicable
- 5 environmental rules, regulations, and requirements.
- 6 (6) Provide technical assistance concerning pollution control
- 7 techniques to local and state governmental entities and
- 8 businesses and distribute educational materials regarding
- 9 pollution prevention developed by the ~~pollution prevention~~
- 10 ~~division established by IC 13-27-2-1.~~ **department.**
- 11 (7) Provide administrative and technical support for the
- 12 compliance advisory panel established by IC 13-13-7.1-1.
- 13 (8) Conduct other activities as required to:
- 14 (A) improve regulatory compliance; and
- 15 (B) promote cooperation and assistance in meeting
- 16 environmental requirements.
- 17 (b) The assistance program may ~~establish~~ **provide** limited onsite
- 18 assistance to provide compliance information **and technical assistance**
- 19 to a small business or small municipality, subject to the confidentiality
- 20 provisions of section 4 of this chapter. The assistance program may use
- 21 money from the environmental management special fund to implement
- 22 this subsection. The assistance program may limit the number of
- 23 inspections per year and restrict onsite assistance to specific programs.
- 24 SECTION 30~~<6>~~[3]. IC 13-28-3-7 IS ADDED TO THE
- 25 INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 26 **[EFFECTIVE JULY 1, 2026]: Sec. 7. As part of the technical and**
- 27 **compliance assistance program, the department shall establish a**
- 28 **small business stationary source technical assistance program as**
- 29 **required under Section 507 of the federal Clean Air Act (42 U.S.C.**
- 30 **7661f).**
- 31 SECTION 30~~<7>~~[4]. IC 13-28-4-11, AS AMENDED BY
- 32 P.L.130-2018, SECTION 74, IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The department
- 34 shall maintain statistics on the use of environmental audit reports in
- 35 department compliance and enforcement activities, including statistics
- 36 on:
- 37 (1) ~~the number of times the reports are~~ disclosed to the
- 38 department;
- 39 (2) ~~the number and types of~~ violations disclosed to the
- 40 department through the reports; **and**
- 41 (3) the civil penalties collected for the violations. ~~and~~
- 42 (4) ~~the time necessary for the violations to be corrected.~~

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1 The department shall report annually to the interim study committee on
 2 environmental affairs established by IC 2-5-1.3-4 in an electronic
 3 format under IC 5-14-6 on the use of environmental audit reports:

4 (b) The department shall propose an enforcement policy, pursuant
 5 to IC 13-14-1-11.5, that provides relief from civil penalties for a
 6 voluntary disclosure that results from an internal environmental audit.
 7 In developing this enforcement policy, the department shall consider
 8 similar policies implemented by:

- 9 (1) the United States Environmental Protection Agency; and
- 10 (2) states contiguous to Indiana.

11 SECTION 30~~8~~[5]. IC 13-28-5-2 IS REPEALED [EFFECTIVE
 12 JULY 1, 2026]. Sec. 2: The program must provide the following:

- 13 (1) Education, training, and information on permit and
 14 compliance requirements of the federal Clean Air Act (42 U.S.C.
 15 7401 et seq.);
- 16 (2) Standardized forms and procedures for completing permit
 17 applications;
- 18 (3) An ombudsman for small businesses.

19 SECTION 30~~9~~[6]. IC 13-28-5-3 IS REPEALED [EFFECTIVE
 20 JULY 1, 2026]. Sec. 3: The ombudsman described in section 2 of this
 21 chapter shall assist as necessary each small business that applies for
 22 assistance with the following:

- 23 (1) Specific regulatory matters pending before the department.
- 24 (2) Permit applications.

25 SECTION ~~310~~[307]. IC 13-28-5-4 IS REPEALED
 26 [EFFECTIVE JULY 1, 2026]. Sec. 4: The department may establish the
 27 technical and environmental compliance assistance program required
 28 by this chapter as part of the technical and compliance assistance
 29 program established under IC 13-28-3.

30 SECTION 3~~11~~[08]. IC 13-29-1-13 IS REPEALED
 31 [EFFECTIVE JULY 1, 2026]. Sec. 13: The board shall adopt under
 32 IC 4-22-2 and IC 13-14-9 the rules necessary to implement this chapter.

33 SECTION 3~~12~~[09]. IC 13-30-1-2 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A citizen, a
 35 partnership, a corporation, a limited liability company, an association,
 36 or a public officer or agency, as a condition precedent to maintaining
 37 an action, must give notice in writing by registered or certified mail to:

- 38 (1) the department of natural resources;
- 39 (2) (1) the department; and
- 40 (3) (2) the attorney general.

41 (b) The attorney general shall promptly notify all state
 42 administrative agencies having jurisdiction over or control of the

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1 pollution, impairment, destruction, or protection of the environment for
2 which relief is sought.

3 SECTION 31 ~~↔~~[0]. IC 13-30-2-1, AS AMENDED BY
4 P.L.133-2012, SECTION 158, IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not do
6 any of the following:

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

11 (A) the environment; or

12 (B) any publicly owned treatment works;

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

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

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

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

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

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

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

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

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

41 (A) cause or contribute to pollution; or

42 (B) be designed to prevent pollution.

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- 1 However, the commissioner or the board may approve
- 2 experimental uses of any equipment, facility, or pollution control
- 3 device that is considered necessary for the further development
- 4 of the state of the art of pollution control.
- 5 (8) Conduct any salvage operation or open dump by open
- 6 burning or burn, cause, or allow the burning of any solid waste
- 7 in a manner that violates either:
- 8 (A) the air pollution control laws; or
- 9 (B) the rules adopted by the board.
- 10 (9) Commence construction of a proposed hazardous waste
- 11 facility without having first:
- 12 (A) filed an application for; and
- 13 (B) received;
- 14 a permit from the department.
- 15 (10) Commence or engage in the operation of a hazardous waste
- 16 facility without having first obtained a permit from the
- 17 department.
- 18 (11) Deliver any hazardous waste to a hazardous waste facility
- 19 that:
- 20 (A) is not approved; or
- 21 (B) does not hold a permit from the department.
- 22 (12) Cause or allow the transportation of a hazardous waste
- 23 without a manifest if a manifest is required by law.
- 24 (13) Violate any:
- 25 (A) condition;
- 26 (B) limitation; or
- 27 (C) stipulation;
- 28 placed upon a certificate of environmental compatibility by the
- 29 hazardous waste facility site approval authority or any other
- 30 provision of IC 13-22-10.
- 31 (14) Apply or allow the application of used oil to any ground
- 32 surface, except for purposes of treatment in accordance with a
- 33 permit issued by the department under any of the following:
- 34 (A) IC 13-15. ~~except IC 13-15-9.~~
- 35 (B) IC 13-17-11.
- 36 (C) IC 13-18-18.
- 37 (D) IC 13-20-1.
- 38 (15) Commence construction of a solid waste incinerator without
- 39 first obtaining a permit from the department under IC 13-20-8.
- 40 (16) Commence operation of a solid waste incinerator without
- 41 first obtaining the approval of the department under IC 13-20-8.
- 42 SECTION 31 ~~←~~ [\[1\]](#). IC 13-30-10-1.5, AS AMENDED BY

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1 P.L.181-2018, SECTION 14, IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as
3 provided in subsection (b), a person regulated under IC 13-22 who
4 knowingly:

- 5 (1) transports hazardous waste to an unpermitted facility;
- 6 (2) treats, stores, or disposes of hazardous waste without a
7 permit issued by the department under IC 13-22; or
- 8 (3) transports, treats, stores, disposes, recycles, or causes to be
9 transported used oil regulated under rules adopted by the board
10 without a manifest or in violation of the standards established by
11 the department for the management of used oil;

12 commits a Class B misdemeanor.

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

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

- 19 (1) any applicable requirements of IC 13-17-4, IC 13-17-5,
20 IC 13-17-6, ~~IC 13-17-7~~, IC 13-17-8, IC 13-17-9, IC 13-17-10, or
21 IC 13-17-13 or of rules of the board implementing the chapters
22 referred to in this subdivision;
- 23 (2) any condition of a permit issued by the department under
24 IC 13-17; or
- 25 (3) any fee or filing requirement in IC 13-17, including the
26 requirement to file an application for a permit under IC 13-17;

27 commits a Class C misdemeanor.

28 (d) Notwithstanding the maximum fine provisions of IC 35-50-3-4,
29 criminal fines for a person convicted of an offense described in
30 subsection (c) shall be assessable in a maximum amount of not less
31 than ten thousand dollars (\$10,000) per day per violation.

32 (e) Except as provided in subsection (f), a person who willfully or
33 negligently violates:

- 34 (1) any applicable standards or limitations of IC 13-18-3-2.4,
35 IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or
36 IC 13-18-16 or of rules of the board implementing the chapters
37 referred to in this subdivision;
- 38 (2) any condition of a National Pollutant Discharge Elimination
39 System permit issued by the department under IC 13-18-19 or
40 rules adopted by the board under IC 13-18-19;
- 41 (3) any National Pollutant Discharge Elimination System Permit
42 filing requirement under IC 13-18-19; or

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1 (4) any condition of a permit issued by the department in
 2 accordance with the requirements of 33 U.S.C. 1344;
 3 commits a Class A misdemeanor.
 4 (f) Notwithstanding the maximum fine provisions of IC 35-50-3-2,
 5 criminal fines for a person convicted of an offense described in
 6 subsection (e) shall be assessable in a maximum amount of not less
 7 than ten thousand dollars (\$10,000) per day per violation.
 8 (g) A person who willfully or recklessly violates any applicable
 9 standards or limitations of IC 13-18-8 commits a Class B misdemeanor.
 10 (h) A person who willfully or recklessly violates any applicable
 11 standards or limitations of IC 13-18-9, IC 13-18-10, or IC 13-18-10.5
 12 commits a Class C misdemeanor.
 13 (i) A person who:
 14 (1) knowingly commits any act described in subsection (a), (c),
 15 or (e); and
 16 (2) knows that commission of the act places another person in
 17 imminent danger of death or serious bodily injury;
 18 commits a Level 4 felony. However, the offense is a Level 3 felony if
 19 it results in serious bodily injury to any person, and a Level 2 felony if
 20 it results in the death of any person.
 21 (j) It shall be a defense to an offense described in subsection (i)
 22 that the person charged:
 23 (1) did not know; or
 24 (2) could not reasonably have been expected to know;
 25 that the violation would place another person in imminent danger or
 26 threat of serious bodily injury. For the purposes of subsection (i), a
 27 person is responsible only for the person's own actual awareness or
 28 actual belief, and knowledge by another person may not be attributed
 29 to the person.
 30 (k) The penalties under this section apply regardless of whether a
 31 person uses electronic submissions or paper documents to accomplish
 32 the actions described in this section.
 33 SECTION 312. [EFFECTIVE UPON PASSAGE] (a) The
 34 legislative services agency shall prepare legislation for introduction
 35 in the 2027 regular session of the general assembly to make any
 36 necessary amendments to the Indiana Code to conform to the
 37 amendments made by this act.
 38 (b) This SECTION expires July 1, 2027.
 39 SECTION 313. emergency is declared for this act.
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