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SENATE BILL No. 277

Proposed Changes to January 29, 2026 printing by AM027719

DIGEST OF PROPOSED AMENDMENT

Environmental rules board. Removes various changes to the environmental rules board.

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:

42 (1) septage;

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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 23. 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 24. 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 25. 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 26. 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 27. IC 13-11-2-165, AS AMENDED BY P.L.189-2018,
 29 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2026]: Sec. 165. "Pollution control laws" refers
 31 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 28. 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 29. IC 13-11-2-177.5 IS AMENDED TO READ AS
 16 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. ~~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. IC 13-11-2-199.4 IS REPEALED [EFFECTIVE
 35 JULY 1, 2026]. Sec. 199.4. "Septage management vehicle", for
 36 purposes of IC 13-18-12-2.2, has the meaning set forth in
 37 IC 13-18-12-2.2(b).

38 SECTION 31. IC 13-11-2-201, AS AMENDED BY P.L.107-2016,
 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2026]: Sec. 201. (a) "Sewage disposal system", for purposes
 41 of this chapter, IC 13-18-12 (except as provided in subsection (b)); and
 42 IC 13-20-17.5, means septic tanks, septic tank soil absorption systems,

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1 septage holding tanks, seepage pits, cesspools, privies, composting
 2 toilets, interceptors or grease traps, portable sanitary units, and other
 3 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 32. IC 13-11-2-203.5, AS AMENDED BY P.L.1-2010,
 12 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2026]: Sec. 203.5. (a) Except as provided in subsection (b),
 14 "small business", for purposes of section 47.7 of this chapter, means a
 15 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 16.1-1~~ **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. IC 13-11-2-212, AS AMENDED BY P.L.54-2023,
- 15 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2026]: Sec. 212. (a) "Solid waste processing facility", for
- 17 purposes of IC 13-19-3-8.2, IC 13-19-4, IC 13-20-1, IC 13-20-4, and
- 18 IC 13-20-6, and subject to subsection (b), means a facility at which at
- 19 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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1 **anaerobic digestion facility or gasification facility.**
2 SECTION 35. IC 13-11-2-213 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 213. "Source", for
4 purposes of IC 13-17-3, ~~and IC 13-17-7~~, means an aggregation of one
5 (1) or more facilities that are:

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

10 SECTION 36. IC 13-11-2-214 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 214. "Source
12 reduction", for purposes of ~~IC 13-17-7~~ and IC 13-21, means a reduction
13 in the amount of solid waste generated that is achieved through actions
14 affecting the source of the solid waste.

15 SECTION 37. IC 13-11-2-224 IS REPEALED [EFFECTIVE
16 JULY 1, 2026]. ~~Sec. 224. "Stormwater permit", for purposes of~~
17 ~~IC 13-18-20, refers to a permit issued to a facility regulated under 327~~
18 ~~IAC 15-5 or 327 IAC 15-6.~~

19 SECTION 38. IC 13-11-2-232 IS REPEALED [EFFECTIVE
20 JULY 1, 2026]. ~~Sec. 232. "Title V operating permit", for purposes of~~
21 ~~IC 13-17-7, means a permit required by 42 U.S.C. 7661a.~~

22 SECTION 39. IC 13-11-2-245, AS AMENDED BY P.L.198-2016,
23 SECTION 636, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2026]: Sec. 245. (a) "Vehicle", for purposes of
25 IC 13-17-5, refers to a vehicle required to be registered with the bureau
26 of motor vehicles and required to have brakes. The term does not
27 include the following:

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

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

35 (c) "Vehicle", for purposes of IC 13-20-13-7, means a motor
36 vehicle, a farm tractor (as defined in IC 9-13-2-56), an implement of
37 agriculture (as defined in IC 9-13-2-77), a semitrailer (as defined in
38 IC 9-13-2-164(a) or IC 9-13-2-164(b)), and types of equipment,
39 machinery, implements, or other devices used in transportation,
40 manufacturing, agriculture, construction, or mining. The term does not
41 include a lawn and garden tractor that is propelled by a motor of not
42 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. 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) 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. 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 42. IC 13-12-4-5, AS AMENDED BY P.L.133-2012,
2 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 5. To the fullest extent possible:

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

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

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

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

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

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

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

42 (D) Study, develop, and describe appropriate alternatives to

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

15 SECTION 43. IC 13-12-4-6 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. All state agencies
 17 shall review their:

- 18 (1) statutory authority;
- 19 (2) administrative rules; and
- 20 (3) current policies and procedures;
- 21 to determine whether there are any deficiencies or inconsistencies that
- 22 prohibit full compliance consistency with the purposes and provisions
- 23 of this chapter.

24 SECTION 44. IC 13-12-4-8 IS REPEALED [EFFECTIVE JULY
 25 1, 2026]. Sec. 8. This chapter may not be construed to require an
 26 environmental impact statement for the issuance of a license or permit
 27 by any state agency.

28 SECTION 45. IC 13-12-4-10 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. Any state agency
 30 that is required by the federal National Environmental Policy Act (P.L.
 31 91-190) (42 U.S.C. 4321 et seq.) to file a federal environmental impact
 32 statement is not required to file a statement with the state government
 33 as provided under sections 5 and 6 of this chapter unless the action
 34 contemplated requires state legislation or state appropriations: **exempt**
 35 **from the requirements of this chapter with respect to the action**
 36 **requiring the statement.**

37 SECTION 46. IC 13-12-5-1 IS REPEALED [EFFECTIVE JULY
 38 1, 2026]. Sec. 1. The general assembly recognizes that there are two (2)
 39 approaches to environmental protection:

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

42 SECTION 47. IC 13-12-5-2 IS REPEALED [EFFECTIVE JULY

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1 1, 2026]. Sec. 2: Clean manufacturing consists of economically feasible
2 practices that reduce, avoid, or eliminate the unnecessary use of
3 harmful industrial materials and the generation of industrial wastes,
4 pollutants, emissions, and discharges at the point of production. Clean
5 manufacturing practices are limited to the following:

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

10 SECTION 48. IC 13-12-5-3 IS REPEALED [EFFECTIVE JULY
11 1, 2026]. Sec. 3: Waste management or pollution control consists of
12 environmental protection practices employed after industrial wastes,
13 pollutants, discharges, and emissions have been generated. Waste
14 management or pollution control practices include the following:

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

25 SECTION 49. IC 13-13-2-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner~~<~~
27 ~~>~~ shall **may** appoint individuals to the other positions in the
28 department.

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

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

40 SECTION 51. IC 13-13-3-1 IS REPEALED [EFFECTIVE JULY
41 1, 2026]. Sec. 1: The department must include the following offices:

- 42 (1) An office dealing with environmental emergencies:

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

5 SECTION 52. IC 13-13-3-2, AS AMENDED BY P.L.114-2008,
 6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2026]: Sec. 2. The department ~~must~~ **may** include the
 8 following: ~~divisions:~~

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

18 SECTION 53. IC 13-13-5-1 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. Except as provided
 20 in IC 14-37, the department is designated as the following:

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

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1 Defense Environmental Restoration Program (10 U.S.C. 2701
2 through 2708) as in effect on January 1, 1993.

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

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

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

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

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

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

39 (3) ~~Two (2) members appointed by the governor to represent the~~
40 ~~public who are not members of the general assembly; owners of~~
41 ~~a small business stationary source; or representatives of owners~~
42 ~~of small business stationary sources. Not more than one (1)~~

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

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

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

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

17 (4) (6) The commissioner of the department of environmental
18 management or the commissioner's designee.

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

22 SECTION 57. IC 13-13-7.1-3, AS AMENDED BY P.L.42-2024,
23 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2026]: Sec. 3. (a) The term of a member appointed to the
25 panel under section 2(1) or 2(2) of this chapter is two (2) years and
26 expires June 30 of each odd-numbered year.

27 (b) (a) The term of a member appointed to the panel under section
28 2(3) section 2(1) through 2(5) of this chapter is four (4) years. The
29 term expires June 30, 2025, and each fourth year thereafter.

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

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

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

41 SECTION 58. IC 13-13-7.1-5, AS ADDED BY P.L.53-2014,
42 SECTION 119, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: Sec. 5. The individual serving on the
2 panel under ~~section 2(4)~~ **section 2(6)** of this chapter is a nonvoting
3 member.

4 SECTION 59. IC 13-13-7.1-6, AS AMENDED BY P.L.1-2025,
5 SECTION 177, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2026]: Sec. 6. The ~~chairperson of the legislative~~
7 **council governor** shall appoint the chair of the panel from the
8 members appointed under ~~section 2(1) or 2(2)~~ **section 2** of this chapter.
9 The chair of the panel serves at the pleasure of the ~~chairperson of the~~
10 **legislative council: governor**. The panel shall meet at the call of the
11 chair of the panel.

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

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

23 SECTION 62. IC 13-13-7.1-13, AS AMENDED BY P.L.42-2024,
24 SECTION 103, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2026]: Sec. 13. Except as provided in section
26 9 of this chapter, the expenses of the panel shall be paid from
27 appropriations to the department. ~~of environmental management.~~

28 SECTION 63. IC 13-13-7.1-14 IS REPEALED [EFFECTIVE
29 JULY 1, 2026]. ~~Sec. 14: The panel shall submit an annual report to the~~
30 ~~legislative council in an electronic format under IC 5-14-6.~~

31 SECTION 64. IC 13-13-8-2, AS ADDED BY P.L.133-2012,
32 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2026]: Sec. 2. (a) The following entities are abolished on
34 January 1, 2013:

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

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

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

41 (b) All powers, duties, and liabilities are transferred from the
42 entities abolished under subsection (a) to the environmental rules board

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1 established by section 3 of this chapter effective January 1, 2013.

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

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

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

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

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

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

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

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

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

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

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

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

32 SECTION 65. IC 13-13-8-4, AS AMENDED BY P.L.250-2019,
33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2026]: Sec. 4. (a) The board consists of the following ~~sixteen~~
35 **(16) eighteen (18)** members:

36 (1) The following ex officio members:

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

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

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

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- 1 (D) The secretary of commerce or the secretary's designee.
- 2 (E) **The chairperson appointed under IC 13-13-7.1-6,**
- 3 **who serves as a nonvoting member of the board.**
- 4 (F) **The chairperson selected under IC 13-23-11-5, who**
- 5 **serves as a nonvoting member of the board.**
- 6 (2) The following twelve (12) members, who shall be appointed
- 7 by the governor based on recommendations from representative
- 8 constituencies:
 - 9 (A) One (1) representative of agriculture.
 - 10 (B) One (1) representative of manufacturing.
 - 11 (C) One (1) representative of environmental interests.
 - 12 (D) One (1) representative of labor.
 - 13 (E) One (1) representative of local government.
 - 14 (F) One (1) representative of small business.
 - 15 (G) One (1) health professional ~~who holds a~~
 - 16 ~~license to practice in Indiana.~~
 - 17 (H) One (1) representative of the solid waste management
 - 18 industry.
 - 19 (I) One (1) representative of a public utility. ~~that engages in~~
 - 20 ~~the production and transmission of electricity.~~
 - 21 (J) One (1) representative of the residential or commercial
 - 22 construction industry.
 - 23 (K) Two (2) representatives of the general public ~~who~~
 - 24 ~~cannot qualify for membership on the~~
 - 25 ~~board under clauses (A) through (J).~~
- 26 (b) An individual appointed under subsection (a)(2) must possess
- 27 knowledge, experience, or education qualifying the individual to
- 28 represent the constituency the individual is being recommended to
- 29 represent.
- 30 ~~← (e) In appointing members under subsection (a)(2), the~~
- 31 ~~governor may consider geographic location, political affiliation,~~
- 32 ~~and other factors to ensure viewpoints are fairly balanced.~~
- 33 > SECTION 66. IC 13-13-8-5 IS REPEALED [EFFECTIVE JULY
- 34 1, 2026]. Sec. 5. Except as provided in section 4(a)(1)(A) of this
- 35 chapter, an ex officio member of the board may designate in writing a
- 36 technical representative to serve as a voting member of the board when
- 37 the ex-officio member is unable to attend a board meeting.
- 38 ~~← SECTION 67. IC 13-13-8-6 IS REPEALED [EFFECTIVE JULY~~
- 39 ~~1, 2026]. Sec. 6. Not more than six (6) of the appointed members of the~~
- 40 ~~board may be members of the same political party.~~
- 41 > SECTION 6 ~~8~~ [7]. IC 13-13-8-7, AS ADDED BY P.L.133-2012,
- 42 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 7. (a) An appointed member of the board serves
2 a term of four (4) years. **A member may not serve more than two (2)**
3 **consecutive terms.**

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

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

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

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

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

27 SECTION ~~7-9~~ [69]. IC 13-13-8-11, AS ADDED BY
28 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. Each member of the
30 board shall fully disclose any potential conflicts of interest ~~relating to~~
31 ~~permits or enforcement orders and recuse themselves as appropriate~~
32 ~~for particular matters before the board~~ under the:

- 33 (1) federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended; ~~<~~
34 ~~>~~ ~~by the Clean Air Act Amendments of 1990;~~
- 35 (2) federal Resource Conservation and Recovery Act (42 U.S.C.
36 6901 et seq.);
- 37 (3) federal Comprehensive Environmental Response,
38 Compensation, and Liability Act of 1980, as amended by the
39 federal Superfund Amendments and Reauthorization Act of
40 1986 (42 U.S.C. 9601 through 9675);
- 41 (4) federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
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1 (5) federal Safe Drinking Water Act (42 U.S.C. 300f through
2 300j).

3 SECTION 7~~↔~~[0]. IC 13-13-8-13, AS ADDED BY
4 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) The board may
6 select, from a list of three (3) qualified individuals recommended by
7 the governor, an independent third party who is not an employee of the
8 state to serve as legal counsel.

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

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

12 (2) ~~Review all materials prepared for the board by the~~
13 ~~department for legal accuracy and sufficiency and direct the~~
14 ~~department to make any necessary revisions.~~

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

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

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

33 SECTION 7~~↔~~[3]. IC 13-14-1-7, AS AMENDED BY
34 P.L.133-2012, SECTION 75, IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The commissioner
36 shall prepare the proposed budget of the department and, **if necessary**,
37 the board.

38 SECTION 7~~↔~~[4]. IC 13-14-1-9, AS AMENDED BY
39 P.L.133-2012, SECTION 77, IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) ~~The~~
41 ~~commissioner shall~~ **may** issue permits, licenses, orders, and variances
42 as authorized by:

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- 1 (1) this title;
- 2 (2) other statutes; and
- 3 (3) rules of the board.
- 4 (b) If the commissioner is notified by the department of state
- 5 revenue that a person is on the most recent tax warrant list, the
- 6 commissioner may not issue a permit or license to the applicant until:
- 7 (1) the applicant provides a statement to the commissioner from
- 8 the department of state revenue indicating that the applicant's tax
- 9 warrant has been satisfied; or
- 10 (2) the commissioner receives a notice from the commissioner
- 11 of the department of state revenue under IC 6-8.1-8-2(k).
- 12 SECTION 7~~6~~[5]. IC 13-14-1-10 IS REPEALED [EFFECTIVE
- 13 JULY 1, 2026]. Sec. 10: The department shall encourage and assist
- 14 units of local government in developing programs and facilities for the
- 15 following:
- 16 (1) Air, water, radiation, odor, and noise pollution control;
- 17 (2) Wastewater treatment;
- 18 (3) Water resource development;
- 19 (4) Solid waste management.
- 20 SECTION 7~~6~~[6]. IC 13-14-1-11.5, AS AMENDED BY THE
- 21 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
- 22 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2026]: Sec. 11.5. (a) If the department proposes to utilize a
- 24 policy or statement that:
- 25 (1) interprets, supplements, or implements a statute or rule;
- 26 (2) has not been adopted in compliance with IC 4-22-2;
- 27 (3) is not intended by the department to have the effect of law;
- 28 and
- 29 (4) is not related solely to internal department organization;
- 30 the proposed policy or statement may not be put into effect until the
- 31 requirements of subsection (b) have been met.
- 32 (b) The department shall present the proposed policy or statement
- 33 under subsection (a) to the appropriate board. At least forty-five (45)
- 34 days before the presentation, the department shall make available to the
- 35 public, including posting on the department's ~~web site:~~ **website:**
- 36 (1) the proposed policy or statement;
- 37 (2) information on the availability for public inspection of all
- 38 materials relied upon by the department in the development of
- 39 the proposed policy or statement, including, if applicable:
- 40 (A) health criteria;
- 41 (B) analytical methods;
- 42 (C) treatment technology;

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

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1 **July 1, 2026, expires January 1 of the fifth year after the year in**
2 **which the policy or statement takes effect, unless the policy or**
3 **statement expires or is repealed on an earlier date or is**
4 **reauthorized under this section.**

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

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

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

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

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

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

36 SECTION ~~80~~[79]. IC 13-14-1-14 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. The department~~<~~
38 ~~shall~~ **may** do the following:

- 39 (1) Develop and maintain an information clearinghouse on the
40 following subjects:
41 (A) Source separation.
42 (B) Recycling.

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- 1 (C) Composting.
- 2 (D) Solid waste minimization.
- 3 (E) Solid waste reduction.
- 4 (F) Hazardous waste minimization.
- 5 (G) Hazardous waste reduction.
- 6 (2) Assist in the development and implementation of public
- 7 education programs on:
- 8 (A) source separation;
- 9 (B) recycling;
- 10 (C) composting;
- 11 (D) solid waste reduction;
- 12 (E) solid waste minimization;
- 13 (F) hazardous waste minimization;
- 14 (G) hazardous waste reduction; and
- 15 (H) other alternatives to final disposal in landfills.
- 16 (3) Take action in any other matter involving:
- 17 (A) solid waste minimization;
- 18 (B) solid waste reduction;
- 19 (C) hazardous waste minimization; or
- 20 (D) hazardous waste reduction;
- 21 as directed by the commissioner.
- 22 SECTION 8<+>[0]. IC 13-14-1-17 IS REPEALED [EFFECTIVE
- 23 JULY 1, 2026]. Sec. 17. (a) Before November 1 of each year, the
- 24 department shall submit an annual report to the governor and to the
- 25 legislative council in an electronic format under IC 5-14-6:
- 26 (b) The report under subsection (a) must include the following:
- 27 (1) A summary of the:
- 28 (A) reviews conducted; and
- 29 (B) agreements approved;
- 30 in the preceding state fiscal year under IC 13-17-13.
- 31 (2) Information on the following:
- 32 (A) Waste tire management as required by IC 13-20-13.
- 33 (B) The status of the waste tire management fund and the
- 34 programs funded by the fund.
- 35 (C) Recommendations for revisions to waste tire
- 36 management programs.
- 37 (3) An evaluation of the actions taken by the department to
- 38 improve the department's process of issuing permits that must
- 39 include the following information:
- 40 (A) A description of the reduction or increase in the backlog
- 41 of permit applications in each department permit program
- 42 during the preceding twelve (12) month period.

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

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

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1 to collect covered electronic devices; information regarding
 2 covered electronic devices that are being collected by
 3 persons other than registered manufacturers; collectors; and
 4 recyclers; and information about covered electronic devices;
 5 if any; being disposed of in landfills in Indiana.

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

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

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

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

16 under this title.

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

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

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

25 (e) The department:

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

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

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

- 37 (1) **Determinations made under IC 13-19-4, IC 13-11-2-40,**
 38 **and otherwise specified in this title.**
 39 (2) **Orders, including those related to enforcement.**
 40 (3) **Notices provided under IC 13-17-6-10 and IC 13-25.**
 41 (4) **Decisions made under IC 13-14-8-11 and IC 13-25-5-6.**
 42 (5) **Emergency orders.**

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1 **(6) Approval, denial, revocations, modification, or renewal**
 2 **of permits.**
 3 **(7) Denial of a claim under the petroleum storage tank excess**
 4 **liability trust fund established by IC 13-23-7-1.**
 5 **(h) The department shall include in written communications**
 6 **as appropriate information regarding the process by which an**
 7 **agency action described in subsection (g) is reviewed.**
 8 SECTION 8 ~~↔~~ [2]. IC 13-14-2-9, AS ADDED BY P.L.220-2014,
 9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2026]: Sec. 9. (a) This section applies to a restrictive covenant
 11 created in connection with a remediation project conducted under:
 12 (1) IC 13-23;
 13 (2) IC 13-24;
 14 (3) IC 13-25-4; or
 15 (4) IC 13-25-5.
 16 (b) If:
 17 (1) a change of conditions or an advancement in science or
 18 technology permits a modification of the conditions and
 19 restrictions imposed by a restrictive covenant; and
 20 (2) the modification of the conditions and restrictions imposed
 21 by the restrictive covenant would not increase the potential
 22 hazards to human health or the environment;
 23 the commissioner may, under subsection (c), authorize the filing in the
 24 office of the county recorder of a supplemental recording recognizing
 25 the modification of the conditions and restrictions of the restrictive
 26 covenant to reflect the change in conditions or advancement in science
 27 or technology.
 28 (c) The commissioner may authorize the filing of a supplemental
 29 recording under subsection (b) if the owner of the real property that is
 30 subject to the restrictive covenant submits to the department:
 31 (1) a written request for the modification of the covenant;
 32 (2) a copy of the proposed modification of the restrictive
 33 covenant; and
 34 (3) information indicating why the covenant should be modified.
 35 The information submitted under subdivision (3) must be sufficient to
 36 enable the department to determine whether the proposed modification
 37 of the restrictive covenant will increase the potential hazards to human
 38 health or the environment. The commissioner may request additional
 39 information from the owner of the real property if necessary to the
 40 making of a determination under this subsection.
 41 ~~(d) The board shall adopt rules under IC 4-22-2 and IC 13-14-9~~
 42 ~~providing for the recovery of administrative and personnel expenses~~

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1 incurred by the state in evaluating proposed modifications of restrictive
2 covenants under this section:

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

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

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

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

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

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

34 SECTION 8-~~6~~⁶. IC 13-14-5-3 IS REPEALED [EFFECTIVE
35 JULY 1, 2026]. Sec. 3: ~~If the designated agent of the department~~
36 ~~completes the inspection at a time when the property owner is not~~
37 ~~available to receive an oral report under section 2 of this chapter,~~ the
38 designated agent shall send a written summary of the inspection in
39 accordance with IC 13-14-2-1 to the property owner not later than
40 forty-five (45) calendar days following the inspection:

41 SECTION 8-~~7~~⁷. IC 13-14-5-5 IS REPEALED [EFFECTIVE
42 JULY 1, 2026]. Sec. 5: The board shall adopt rules under IC 4-22-2 and

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1 IC 13-14-9 to administer this chapter and IC 13-30-7.

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

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

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

14 SECTION ~~90~~[89]. IC 13-14-8-1, AS AMENDED BY
15 P.L.93-2024, SECTION 115, IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board may:

- 17 (1) adopt;
18 (2) repeal;
19 (3) rescind; or
20 (4) amend;

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

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

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

29 SECTION 9~~10~~[0]. IC 13-14-8-3 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A rule or standard
31 adopted by a board may:

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

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1 (B) on other short term conditions constituting an acute
2 danger to health or to the environment.

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

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

23 SECTION 9 ~~↔~~ [2]. IC 13-14-8-5, AS AMENDED BY
24 P.L.133-2012, SECTION 87, IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Any person may
26 present written proposals for the adoption, amendment, or repeal of a
27 rule by the board. A proposal presented under this section must be:

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

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

40 SECTION 9 ~~↔~~ [3]. IC 13-14-8-6 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Each hearing on
42 a proposed rule must be open to the public, and a reasonable

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1 opportunity to be heard with respect to the subject of a hearing shall be
 2 afforded to any person. **The board may define reasonable**
 3 **procedures to conduct an orderly hearing.**

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

9 (c) A person who:

10 (1) is heard or represented at a hearing; or

11 (2) requests notice;

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

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

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

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

24 (A) the discharge of any contaminants;

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

26 (i) facility;

27 (ii) equipment; or

28 (iii) device;

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

30 (C) the operation of any:

31 (i) facility;

32 (ii) equipment; or

33 (iii) device;

34 to control or to prevent pollution.

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

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

38 (A) water wells;

39 (B) water holes; and

40 (C) drainage holes;

41 to protect ground water against contamination.

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

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

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

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

- 11 (A) monitoring contaminant discharges at their sources;
- 12 (B) the collection of samples; and
- 13 (C) the collection, reporting, and retention, in accordance
14 with record retention schedules adopted under IC 5-15-5.1,
15 of data resulting from that monitoring.

16 (8) Standards or requirements to control:
17 (A) the discharge; or
18 (B) the pretreatment;

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

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

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

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

31 SECTION 9 ~~6~~ [5]. IC 13-14-8-10 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. ~~A~~ The board may
33 adopt rules under IC 4-22-2 to specify the following with respect to any
34 of the board's rules:

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

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

40 SECTION 9 ~~7~~ [6]. IC 13-14-8-11, AS AMENDED BY
41 P.L.128-2024, SECTION 17, IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) A person

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

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

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

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

28 (c) The final determination on a site-specific limitation will be part
29 of the NPDES permit decision under ~~327 IAC 5.8~~[**IC 13-15**].

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

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

37 SECTION 9~~9~~[8]. IC 13-14-8-11.6, AS AMENDED BY
38 P.L.113-2014, SECTION 63, IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.6. (a) A discharger
40 is not required to obtain a state permit for the modification or
41 construction of a water pollution treatment or control facility if the
42 discharger has an effective:

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

3 (2) industrial waste pretreatment permit not issued by the
4 department for discharges to a publicly owned treatment works.

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

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

14 SECTION ~~100~~ [99]. IC 13-14-9-0.1 IS REPEALED
15 [EFFECTIVE JULY 1, 2026]. ~~Sec. 0.1. The amendments made to~~
16 ~~sections 3 and 4 of this chapter by P.L.100-2006 apply only to proposed~~
17 ~~rules for which the department of environmental management provides~~
18 ~~notice under section 3 of this chapter, as amended by P.L.100-2006,~~
19 ~~after June 30, 2006.~~

20 SECTION 10~~0~~ [0]. IC 13-14-9-3, AS AMENDED BY
21 P.L.249-2023, SECTION 52, IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Before publication
23 of the notice described in IC 4-22-2-23, the department may provide
24 notice in the Indiana Register of a public comment period regarding
25 potential rulemaking. A notice provided under this section must do the
26 following:

27 (1) Identify the authority under which the proposed rule is to be
28 adopted.

29 (2) Describe the subject matter and the basic purpose of the
30 proposed rule. The description required by this subdivision must:

31 (A) list all alternatives being considered by the department
32 at the time of the notice;

33 (B) state whether each alternative listed under clause (A)
34 creates:

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

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

41 (C) state the extent to which each alternative listed under
42 clause (A) differs from federal law;

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

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

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

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

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

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

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

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

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

21 SECTION 10~~4~~[3]. IC 13-14-11-5, AS AMENDED BY
 22 P.L.133-2012, SECTION 92, IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The ~~board~~ **shall**
 24 ~~adopt rules requiring the execution of a confidentiality agreement~~
 25 **department may execute confidentiality agreements** with persons
 26 employed, contracted, or subcontracted by the department that is
 27 enforceable by:

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

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

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

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

40 (b) The report must:

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

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- 1 earnings of the fund;
- 2 (2) comply with accounting standards under IC 4-13-2-7(a)(1);
- 3 and
- 4 (3) be available to the public.

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

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

11 SECTION 10~~6~~[5]. IC 13-15-1-1, AS AMENDED BY
12 P.L.133-2012, SECTION 95, IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall
14 establish requirements for the issuance of permits to control air
15 pollution, ~~noise, and atomic radiation~~, including the following:

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

24 SECTION 10~~7~~[6]. IC 13-15-1-2, AS AMENDED BY
25 P.L.133-2012, SECTION 96, IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The board shall
27 establish requirements for the issuance of permits to control water
28 pollution, ~~and atomic radiation~~, including the following:

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

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

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

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

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

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

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

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

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

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

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

21 SECTION 10~~9~~[8]. IC 13-15-1-3.2, AS ADDED BY
 22 P.L.120-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2026]: Sec. 3.2. (a) A transfer station or any
 24 facility that holds a valid permit or authorization to haul, treat, store,
 25 dispose of, or ship hazardous waste may haul, transfer, consolidate,
 26 process, ship, or otherwise manage solid waste without also holding a
 27 permit to haul, transfer, process, or ship solid waste.

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

33 (c) Solid waste that is managed:

34 (1) at a transfer station; or

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

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

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

40 (1) at a transfer station; or

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

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

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

5 SECTION ~~110~~ [109]. IC 13-15-2-1, AS AMENDED BY
6 P.L.133-2012, SECTION 98, IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board ~~shall~~
8 **may** adopt rules under IC 4-22-2 and IC 13-14-9 to establish
9 requirements and procedures for the issuance of permits.

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

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

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

17 SECTION 11~~110~~ [0]. IC 13-15-2-2, AS AMENDED BY
18 P.L.133-2012, SECTION 99, IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board may
20 adopt rules under IC 4-22-2 and IC 13-14-9 to allow the department to
21 issue permits that do the following:

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

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

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

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

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

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

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

42 (1) Authorization of emission trading.

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

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

3 SECTION 11 ~~↔~~[2]. IC 13-15-3-3 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A public hearing
5 shall be held on the question of:

- 6 (1) the issuance of an original or renewal permit for a hazardous
- 7 waste disposal facility under IC 13-22-3; or
- 8 (2) the issuance of an original permit for a solid waste disposal
- 9 facility or a solid waste incinerator regulated under IC 13-20-8;

10 as provided in subsection (b).

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

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

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

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

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

- 34 (1) Three hundred sixty-five (365) days for an application
35 concerning the following **waste permits**:
 - 36 (A) A new hazardous waste or solid waste landfill.
 - 37 (B) A new hazardous waste or solid waste incinerator.
 - 38 (C) A major modification of a solid waste landfill.
 - 39 (D) A major modification of a solid waste incinerator.
 - 40 (E) A new hazardous waste treatment or storage facility.
 - 41 (F) A new Part B permit issued under 40 CFR 270 et seq.
 - 42 for an existing hazardous waste treatment or storage facility.

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

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- 1 ~~(C) Registration of an air pollution facility: for an air~~
- 2 **pollution permit.**
- 3 (8) Sixty (60) days for an application concerning the following:
- 4 (A) A Class 1 modification under 40 CFR 270.42 requiring
- 5 prior written approval, to a hazardous waste:
- 6 (i) landfill;
- 7 (ii) incinerator;
- 8 (iii) treatment facility; or
- 9 (iv) storage facility.
- 10 (B) Any other permit not specifically described in this
- 11 section for which the application fee exceeds forty-nine
- 12 dollars (\$49) and for which a time frame has not been
- 13 established under section 3 of this chapter.

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

19 SECTION 11~~6~~[5]. IC 13-15-4-2, AS AMENDED BY
 20 P.L.1-2007, SECTION 127, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section does not apply
 22 to permit applications described in section 1(a)(1) or 1(a)(2) of this
 23 chapter.

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

- 26 (1) IC 13-15-3-3; or
 - 27 (2) any other applicable rule or law;
- 28 the commissioner has thirty (30) days in addition to the number of days
 29 provided for in section 1 of this chapter in which to approve or deny the
 30 application.

31 SECTION 11~~7~~[6]. IC 13-15-4-3, AS AMENDED BY
 32 P.L.93-2024, SECTION 117, IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~A~~ **The** board may
 34 adopt a rule under IC 4-22-2 that changes a period described under
 35 section 1 of this chapter within which the commissioner must approve
 36 or deny an application:

- 37 (1) if:
- 38 (A) the general assembly enacts a statute;
- 39 (B) ~~a~~ **the** board adopts a rule; or
- 40 (C) the federal government enacts a statute or adopts a
 41 regulation;
- 42 that imposes a new requirement concerning a class of

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

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

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

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

7 (2) rules adopted under this title;

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

10 SECTION 12~~+~~[0]. IC 13-15-4-10, AS AMENDED BY
11 P.L.27-2024, SECTION 3, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2026]: Sec. 10. The commissioner may suspend
13 the processing of an application, and the period described under
14 sections 1 through 6 of this chapter is suspended, if one (1) of the
15 following occurs:

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

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

21 (B) are not consistent with applicable law.

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

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

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

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- 1 (1) consult with the applicant regarding the advisability of
 2 proceeding under this section; and
 3 (2) document the communications.
- 4 SECTION 12~~4~~[3]. IC 13-15-4-16 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If an applicant
 6 chooses to proceed under section 11(b)(2) or ~~11(b)(3)~~ of this chapter,
 7 the applicant or a consultant shall prepare and submit to the
 8 commissioner the draft permit and any required supporting technical
 9 justification for the permit not later than thirty-five (35) ~~working~~
 10 **business** days after
 11 ~~(1) the applicant has notified the commissioner that the applicant~~
 12 ~~has chosen to proceed under section 11(b)(2) of this chapter; or~~
 13 ~~(2) the department and the applicant have authorized a~~
 14 ~~consultant to begin work under section 11(b)(3)~~ **11(b)(2)** of this
 15 chapter.
- 16 (b) Subject to subsection (c), the commissioner shall:
 17 (1) approve, with or without revision; or
 18 (2) deny;
 19 the draft permit not later than twenty-five (25) ~~working~~ **business** days
 20 after receiving the draft permit.
- 21 (c) If notice of opportunity for public comment or public hearing
 22 is required under applicable law before a permit decision can be issued,
 23 the commissioner shall comply with all public participation
 24 requirements and:
 25 (1) approve, with or without revision; or
 26 (2) deny;
 27 the draft permit not later than fifty-five (55) ~~working~~ **business** days
 28 after receipt of the draft permit.
- 29 (d) If the commissioner denies the draft permit, the commissioner
 30 shall specify the reasons for the denial.
- 31 (e) If an applicant has elected to have a draft permit prepared
 32 under section ~~11(b)(3)~~ **11(b)(2)** of this chapter and:
 33 (1) the consultant fails to submit a draft permit and supporting
 34 technical justification to the commissioner; or
 35 (2) the commissioner fails to approve or deny the draft permit;
 36 within the applicable time specified under subsection (a), (b), or (c),
 37 the department shall refund the applicant's permit application fee not
 38 later than twenty-five (25) ~~working~~ **business** days after expiration of
 39 the applicable period.
- 40 (f) The commissioner and the applicant may mutually agree to
 41 extend the deadlines in this section.
- 42 SECTION 12~~5~~[4]. IC 13-15-5-1.5, AS ADDED BY

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

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

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

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

19 (1) the permit applicant; or

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

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

31 SECTION 12~~7~~[6]. IC 13-15-7-3, AS AMENDED BY
32 P.L.128-2024, SECTION 20, IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A person aggrieved
34 by the revocation or modification of a permit may appeal the revocation
35 or modification to the office of administrative law proceedings for an
36 administrative review under IC 4-21.5-3. Pending the decision resulting
37 from the hearing under IC 4-21.5-3 concerning the permit revocation,
38 ~~or modification~~, the permit remains in force. However, the
39 commissioner may seek injunctive relief with regard to the activity
40 described in the permit while the decision resulting from the hearing
41 is pending.

42 SECTION 12~~8~~[7]. IC 13-15-7-4, AS AMENDED BY

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

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

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

8 (b) The board ~~shall~~ **may** adopt rules under IC 4-22-2 and
 9 IC 13-14-9 as part of the operating permit program established under
 10 42 U.S.C. 7661 through 7661f providing that a facility may make
 11 changes without a permit revision if the following conditions exist:

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

16 (2) The changes do not exceed emissions:

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

18 (B) expressed as total emissions;

19 allowable under the permit.

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

25 SECTION 12 ~~<9>~~ [8]. IC 13-15-9-1 IS REPEALED [EFFECTIVE
 26 JULY 1, 2026]. Sec. 1: A person may not:

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

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

30 ~~without a permit from the department.~~

31 SECTION 1 ~~<30>~~ [29]. IC 13-15-9-2 IS REPEALED [EFFECTIVE
 32 JULY 1, 2026]. Sec. 2: (a) The board may adopt rules under IC 4-22-2
 33 and IC 13-14-9 establishing:

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

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

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

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

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

40 ~~(3) other environmental problems associated with nuclear~~
 41 ~~facilities.~~

42 SECTION 13 ~~<4>~~ [0]. IC 13-15-9-3, AS AMENDED BY

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1 P.L.133-2012, SECTION 105, IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A person proposing
 3 to construct:

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

6 shall file with the ~~board~~ **department** an environmental feasibility
 7 report ~~on a form prescribed by the board~~; concurrently with the filing
 8 of the ~~preliminary safety analysis documents~~ required to be filed with
 9 the United States Atomic Energy ~~Commission~~. **Nuclear Regulatory**
 10 **Commission.**

11 SECTION 13~~<2>~~[1]. IC 13-15-9-4 IS REPEALED [EFFECTIVE
 12 JULY 1, 2026]. Sec. 4. (a) ~~The commissioner, on behalf of the board,~~
 13 ~~may conduct a public hearing at a time and place to be determined by~~
 14 ~~the department on the environmental effects of the proposed operation.~~

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

17 SECTION 13~~<3>~~[2]. IC 13-15-9-5 IS REPEALED [EFFECTIVE
 18 JULY 1, 2026]. Sec. 5. (a) ~~The board shall adopt rules and standards~~
 19 ~~under section 2 of this chapter to protect the citizens of Indiana from~~
 20 ~~the hazards of radiation.~~

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

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

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

27 SECTION 13~~<4>~~[3]. IC 13-15-10-1, AS AMENDED BY
 28 P.L.133-2012, SECTION 108, IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board ~~shall~~ **may**
 30 adopt rules to establish a department operated training and certification
 31 program for the following:

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

38 SECTION 13~~<5>~~[4]. IC 13-15-10-4, AS AMENDED BY
 39 P.L.133-2012, SECTION 110, IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. The board ~~shall~~ **may**
 41 adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter.
 42 The rules~~<5>~~[5] ~~must~~ **may** include the following:

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

10 SECTION 13~~6~~[5]. IC 13-17-3-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall
 12 provide assistance on air pollution matters to towns, cities, and
 13 counties. **The commissioner shall make the commissioner's best**
 14 **efforts to assist and cooperate with other groups interested in and**
 15 **affected by air pollution.**

16 SECTION 13~~4~~[6]. IC 13-17-3-4, AS AMENDED BY
 17 P.L.181-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall adopt rules
 19 under IC 4-22-2 and IC 13-14-9 that are:

- 20 (1) consistent with the general intent and purposes declared in
- 21 IC 13-17-1 and section 1 of this chapter; and
- 22 (2) necessary to the implementation of the federal Clean Air Act
- 23 (42 U.S.C. 7401 et seq.), as amended. ~~by the Clean Air Act~~
 24 ~~Amendments of 1990 (P.L.101-549);~~

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

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

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

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1 air pollutant:

2 (1) emissions; and

3 (2) impacts.

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

7 ~~← SECTION 138. IC 13-17-3-8 IS REPEALED [EFFECTIVE JULY~~
8 ~~1, 2026]. Sec. 8. The board shall carry out other duties imposed by law.~~

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

12 (b) The commissioner may do the following:

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

14 (A) other state agencies;

15 (B) towns, cities, and counties;

16 (C) industries;

17 (D) other states;

18 (E) the federal government; and

19 (F) affected groups;

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

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

24 (A) Air pollution.

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

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

29 (A) Air pollution.

30 (B) The prevention and control of air pollution.

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

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

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

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

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

4 SECTION 1<40>[\[38\]](#). IC 13-17-5-9, AS AMENDED BY
 5 P.L.104-2022, SECTION 81, IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) After December
 7 31, 2006, The board may not adopt a rule under air pollution control
 8 laws that requires motor vehicles to undergo a periodic test of emission
 9 characteristics in the following counties:

10 (1) A county having a population of more than eighty thousand
 11 four hundred (80,400) and less than eighty-two thousand
 12 (82,000).

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

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

18 (c) Unless the budget agency approves a periodic vehicle
 19 inspection program for a county referred to in subsection (a); the board
 20 shall amend 326 IAC 13-1.1 so that it does not apply after December
 21 31, 2006, to a county referred to in subsection (a):

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

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

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

41 SECTION 1<41>[\[39\]](#). IC 13-17-5-10, AS ADDED BY
 42 P.L.187-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS

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- 1 [EFFECTIVE JULY 1, 2026]: Sec. 10. Not later than December 31,
- 2 2025, the department shall do the following:
- 3 (1) Perform a comprehensive evaluation of ambient air quality
- 4 within any nonattainment areas in Indiana.
- 5 (2) Identify air pollution reduction or regulatory relief strategies
- 6 that can do the following with respect to the federal Clean Air
- 7 Act (42 U.S.C. 7401 et seq.), as amended: ~~by the federal Clean~~
- 8 ~~Air Act Amendments of 1990 (P.L.101-549):~~
- 9 (A) Ensure that affected areas within Indiana are no longer
- 10 designated as nonattainment.
- 11 (B) Result in the eventual phase out of the inspection and
- 12 maintenance program for light duty vehicles.
- 13 (C) Meet emissions goals.
- 14 (D) Appropriately address air pollution contributions to
- 15 nonattainment areas in Indiana from sources that cannot be
- 16 addressed by state or local controls, including contributions
- 17 from international, natural or background, interstate,
- 18 mobile, and stationary sources as well as exceptional events
- 19 that are unlikely to recur.
- 20 (E) Result in the withdrawal of Lake County and Porter
- 21 County from the Metropolitan Chicago Interstate Air
- 22 Quality Control Region.

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

25 SECTION 14 ~~↔~~ [0]. IC 13-17-6-10, AS AMENDED BY
 26 P.L.128-2024, SECTION 22, IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) If the
 28 commissioner finds that an asbestos project is not being performed in
 29 accordance with air pollution control laws or rules adopted under air
 30 pollution control laws, the commissioner may enjoin further work on
 31 the asbestos project without prior notice or hearing by delivering a
 32 notice to:

- 33 (1) the asbestos contractor engaged in the asbestos project; or
- 34 (2) the agent or representative of the asbestos contractor.
- 35 (b) A notice issued under this section must:
- 36 (1) specifically enumerate the violations of law that are
- 37 occurring on the asbestos project; and
- 38 (2) prohibit further work on the asbestos project until the
- 39 violations enumerated under subdivision (1) cease and the notice
- 40 is rescinded by the commissioner.
- 41 (c) Not later than ten (10) days after receiving written notification
- 42 from a contractor that violations enumerated in a notice issued under

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1 this section have been corrected, the commissioner shall issue a
2 determination whether or not to rescind the notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (1) issue; or

4 (2) consider an application for;

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

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

15 (1) Alternative technologies such as the following:

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

17 (B) The low temperature thermal disorption process.

18 (C) Disorption and vaporization extraction.

19 (D) Plasma torch technology.

20 (E) Bacterial remediation.

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

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

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

28 (1) present the report to:

29 (A) the governor; and

30 (B) the general assembly; and

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

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

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

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

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

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

2 SECTION 1~~51~~[49]. IC 13-18-2-3, AS AMENDED BY THE
3 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
4 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 3. (a) The department shall prepare a list of
6 impaired waters for the purpose of complying with federal regulations
7 implementing Section 303(d) of the federal Clean Water Act (33
8 U.S.C. 1313(d)). In determining whether a water body is impaired, the
9 department shall consider all existing and readily available water
10 quality data and related information. The department, before submitting
11 the list to the United States Environmental Protection Agency, shall:

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

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

- 19 (1) establishes the methodology to be used in identifying waters
20 as impaired; and
- 21 (2) specifies the methodology and criteria for including and
22 removing waters from the list of impaired waters.

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

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

32 (1) The department:

- 33 (A) is unable, in identifying the surface water as described
34 in subsection (c), to identify the pollutant or pollutants
35 under consideration for the establishment of the total
36 maximum daily load; and
- 37 (B) determines, after identifying the surface water as
38 described in subsection (c), that one (1) or more pollutants
39 should be under consideration for establishment of the total
40 maximum daily load.

41 (2) The department:

- 42 (A) in identifying the surface water as described in

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1 subsection (c), identifies the pollutant or pollutants under
 2 consideration for the establishment of the total maximum
 3 daily load; and

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

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

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

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

17 (B) The surface water:

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

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

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

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

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

29 SECTION 15 ~~↔~~ [0]. IC 13-18-3-1, AS AMENDED BY
 30 P.L.133-2012, SECTION 125, IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall
 32 adopt rules for the control and prevention of pollution in waters of
 33 Indiana. ~~with any substance:~~

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

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

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

37 ~~(2) by which:~~

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

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

42 SECTION 15 ~~↔~~ [1]. IC 13-18-3-2, AS AMENDED BY

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1 P.L.112-2016, SECTION 17, IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board may
 3 adopt rules under IC 4-22-2 that are necessary to the implementation
 4 of:
 5 (1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et
 6 seq.), as in effect January 1, 1988; and
 7 (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through
 8 300j), as in effect January 1, 1988;
 9 except as provided in IC 14-37.
 10 (b) "Degradation" has the meaning set forth in IC 13-11-2-50.5.
 11 (c) "Outstanding national resource water" has the meaning set
 12 forth in IC 13-11-2-149.5.
 13 (d) "Outstanding state resource water" has the meaning set forth
 14 in IC 13-11-2-149.6.
 15 (e) "Watershed" has the meaning set forth in IC 14-8-2-310.
 16 (f) The board may designate a water body as an outstanding state
 17 resource water by rule if the board determines that the water body has
 18 a unique or special ecological, recreational, or aesthetic significance.
 19 (g) Before the board may adopt a rule designating a water body as
 20 an outstanding state resource water, the board must consider the
 21 following:
 22 (1) Economic impact analyses, presented by any interested party,
 23 taking into account future population and economic development
 24 growth.
 25 (2) The biological criteria scores for the water body, using
 26 factors that consider fish communities, macro invertebrate
 27 communities, and chemical quality criteria using representative
 28 biological data from the water body under consideration.
 29 (3) The level of current urban and agricultural development in
 30 the watershed.
 31 (4) Whether the designation of the water body as an outstanding
 32 state resource water will have a significant adverse effect on
 33 future population, development, and economic growth in the
 34 watershed, if the water body is in a watershed that has more than
 35 three percent (3%) of its land in urban land uses or serves a
 36 municipality with a population greater than five thousand
 37 (5,000).
 38 (5) Whether the designation of the water body as an outstanding
 39 state resource water is necessary to protect the unique or special
 40 ecological, recreational, or aesthetic significance of the water
 41 body.
 42 (h) Before the board may adopt a rule designating a water body as

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1 an outstanding state resource water, the board must make available to
 2 the public a written summary of the information considered by the
 3 board under subsections (f) and (g), including the board's conclusions
 4 concerning that information.

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

13 (j) Notwithstanding any other provision of this section, the
 14 designation of an outstanding state resource water in effect on January
 15 1, 2000, remains in effect.

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

- 18 (1) prevent degradation; and
 19 (2) allow for increases and additions in pollutant loadings from
 20 an existing or new discharge if:

21 (A) there will be an overall improvement in water quality
 22 for the outstanding state resource water as described in this
 23 section; and

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

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

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

30 (A) for which a new or increased permit limit is required;
 31 and

32 (B) below which antidegradation implementation
 33 procedures do not apply.

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

38 (A) Implementation of a water quality project in the
 39 watershed of the outstanding state resource water that will
 40 result in an overall improvement of the water quality of the
 41 outstanding state resource water.

42 (B) Payment of a fee, not to exceed five hundred thousand

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1 dollars (\$500,000), based on the type and quantity of
 2 increased pollutant loadings, to the department for deposit
 3 in the outstanding state resource water improvement fund
 4 established under section 14 of this chapter for use as
 5 permitted under that section.

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

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

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

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

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

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

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

35 (p) This subsection applies to all surface waters of the state. The
 36 department shall complete an antidegradation review of all NPDES
 37 general permits. The department may modify the general permits for
 38 purposes of antidegradation compliance. After an antidegradation
 39 review of a permit is conducted under this subsection, activities
 40 covered by an NPDES general permit are not required to undergo an
 41 additional antidegradation review. An NPDES general permit may not
 42 be used to authorize a discharge into an outstanding national resource

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1 water or an outstanding state resource water, except that a short term,
 2 temporary storm water discharge to an outstanding national resource
 3 water or to an outstanding state resource water may be permitted under
 4 an NPDES general permit if the commissioner determines that the
 5 discharge will not significantly lower the water quality downstream of
 6 the discharge.

7 (q) Subsection (r) applies to:

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

11 (2) an application for a modification or renewal of an NPDES
 12 permit;

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

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

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

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

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

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

29 (2) The unemployment rate.

30 (3) The median household income.

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

32 (5) Community housing needs.

33 (6) Change in population.

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

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

37 (9) Correction of a public health, safety, or environmental
 38 problem.

39 (10) Production of goods and services that protect, enhance, or
 40 improve the overall quality of life and related research and
 41 development.

42 (11) The impact on the quality of life for residents in the area.

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

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1 the following categories:

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

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

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

- 26 (1) The water quality based requirements associated with the
 27 CSO wet weather limited use subcategory that apply to waters
 28 affected by wet weather combined sewer overflows are
 29 determined by an approved long term control plan for the
 30 combined sewer system. The water quality based requirements
 31 remain in effect during the time and to the physical extent that
 32 the recreational use designation that applied to the waters
 33 immediately before the application to the waters of the CSO wet
 34 weather limited use subcategory is not attained, but for not more
 35 than four (4) days after the date the overflow discharge ends.
 36 (2) At all times other than those described in subdivision (1), the
 37 water quality criteria associated with the appropriate recreational
 38 use designation that applied to the waters immediately before the
 39 application to the waters of the CSO wet weather limited use
 40 subcategory apply unless there is a change in the use designation
 41 as a result of a use attainability analysis.
 42 (b) The CSO wet weather limited use subcategory applies if:

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- 1 (1) the department has approved a long term control plan for the
 2 NPDES permit holder for the combined sewer system;
- 3 (2) the approved long term control plan:
 4 (A) is incorporated into:
 5 (i) the NPDES permit holder's NPDES permit; or
 6 (ii) an order of the commissioner under IC 13-14-2-6;
 7 (B) satisfies the requirements of section 2.3 of this chapter;
 8 and
 9 (C) specifies the water quality based requirements that
 10 apply to combined sewer overflows during and immediately
 11 following wet weather events, as provided in subsection
 12 (a)(1);
- 13 (3) the NPDES permit holder has implemented the approved
 14 long term control plan; and
- 15 (4) subject to subsection (c), 40 CFR 131.10, 40 CFR 131.20,
 16 and 40 CFR 131.21 are satisfied.
- 17 (c) For purposes of subsection (b)(4), 40 CFR 131.10 may be
 18 satisfied by including appropriate data and information in the long term
 19 control plan.
- 20 (d) The department shall implement the CSO wet weather limited
 21 use subcategory and associated water quality based requirements under
 22 this section when the subcategory and requirements are approved by
 23 the United States Environmental Protection Agency. The department
 24 shall seek approval of the United States Environmental Protection
 25 Agency in a timely manner.
- 26 (e) The NPDES permit holder shall monitor its discharges and the
 27 water quality in the affected receiving stream periodically as provided
 28 in the long term control plan. The NPDES permit holder shall provide
 29 all such information to the department.
- 30 (f) In conjunction with a review of its long term control plan under
 31 section 2.4 of this chapter, the NPDES permit holder shall review
 32 information generated after the use attainability analysis was approved
 33 by the department to determine whether the conclusion of the use
 34 attainability analysis is still valid. The NPDES permit holder shall
 35 provide the results of the review to the department.
- 36 (g) The board shall adopt rules under IC 13-14-8 and IC 13-14-9
 37 to implement this section. ~~before October 1, 2006.~~
- 38 SECTION 15 ~~↔~~ [3]. IC 13-18-3-2.6, AS ADDED BY
 39 P.L.54-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2026]: Sec. 2.6. (a) Where appropriate, permits
 41 shall contain schedules of compliance requiring the permittee to take
 42 specific steps to achieve expeditious compliance with applicable

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1 standards, limitations, and other requirements.

2 (b) The schedule of compliance shall require compliance as soon

3 as reasonably possible, but **not later than five (5) years from the date**

4 **applicable standards, limitations, or other requirements are**

5 **incorporated into the permit and** may remain in effect as long as the

6 National Pollutant Discharge Elimination System (NPDES) permit

7 requirements are in effect.

8 (c) The department shall, at the request of the NPDES permit

9 holder, incorporate in the permit a schedule of compliance for meeting

10 the water quality based requirements associated with combined sewer

11 overflows during the period of development, approval, and

12 implementation of the long term control plan. The schedules of

13 compliance:

14 (1) may exceed time frames authorized under 327 IAC; and

15 (2) may not exceed the period specified for implementation in an

16 approved long term control plan.

17 (d) If the term of a schedule of compliance exceeds the term of an

18 NPDES permit, the department shall continue to implement the

19 schedule of compliance continuously before and during each

20 successive permit term, to the maximum duration as provided in

21 subsection (c). The permit shall specify that the schedule of compliance

22 lasts beyond the term of the permit.

23 (e) Upon request of the permittee, the department shall modify

24 NPDES permits containing water quality based requirements

25 associated with combined sewer overflows to provide schedules of

26 compliance as provided in subsection (c).

27 (f) The board shall adopt rules under IC 13-14-8 and IC 13-14-9

28 to implement this section. ~~before October 1, 2006.~~

29 SECTION 15~~6~~[4]. IC 13-18-3-5 IS REPEALED [EFFECTIVE

30 JULY 1, 2026]. ~~Sec. 5: The board shall carry out other duties imposed~~

31 ~~by law.~~

32 SECTION 15~~7~~[5]. IC 13-18-3-11 IS REPEALED [EFFECTIVE

33 JULY 1, 2026]. ~~Sec. 11: Since the water pollution control laws are~~

34 ~~necessary for the public health, safety, and welfare, the water pollution~~

35 ~~control laws shall be liberally construed to effectuate the purposes of~~

36 ~~the water pollution control laws.~~

37 SECTION 15~~8~~[6]. IC 13-18-3-12, AS AMENDED BY

38 P.L.113-2014, SECTION 70, IS AMENDED TO READ AS

39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. The ~~board shall~~

40 ~~adopt rules providing that whenever~~ **department may not require a**

41 **permit, permission, or review from a person submits who develops**

42 ~~plans to a unit concerning the design or construction of:~~

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

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

19 SECTION 15 ~~69~~ [7]. IC 13-18-3-13 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. If a violation of 327
21 ~~IC 15-5~~ the department's construction storm water general
22 permit occurs, the department shall determine which person is
23 responsible for committing the violation. In making this determination;
24 the department shall, if appropriate, consider:

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

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

31 SECTION 1 ~~60~~ [58]. IC 13-18-3-14, AS AMENDED BY
32 P.L.130-2018, SECTION 64, IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) The outstanding
34 state resource water improvement fund is established. All money
35 collected under section 2 of this chapter and any money accruing to the
36 fund are continuously appropriated to the fund to carry out the purposes
37 of section 2 of this chapter. Money in the fund at the end of a state
38 fiscal year does not revert to the state general fund, unless the
39 outstanding state resource water improvement fund is abolished.

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

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

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- 1 management to fund projects that will lead to overall
 2 improvement to the water quality of the affected outstanding
 3 state resource water.
- 4 (2) The treasurer of state may invest the money in the fund not
 5 currently needed to meet the obligations of the fund in the same
 6 manner as other public money may be invested.
- 7 (3) Any interest received accrues to the fund.
- 8 (4) The expenses of administering the fund shall be paid from
 9 the fund.
- 10 (c) ~~If money is disbursed from the outstanding state resource water~~
 11 ~~improvement fund in the previous state fiscal year or the commissioner~~
 12 ~~determines that the fund had a positive balance at the close of the~~
 13 ~~previous state fiscal year, Upon request by the house of~~
 14 ~~representatives or senate committees on environmental affairs or~~
 15 ~~the board, the commissioner shall submit a status report on the fund~~
 16 ~~< to the interim study committee on environmental affairs established~~
 17 ~~by IC 2-5-1.3-4, in an electronic format under IC 5-14-6. before~~
 18 ~~November 1. If requested, the report must include the following~~
 19 ~~information:~~
- 20 (1) Plans for the use and implementation of the outstanding state
 21 resource water improvement fund.
- 22 (2) The balance in the fund.
- 23 SECTION 1 ~~<61>~~ [59]. IC 13-18-3-15, AS ADDED BY
 24 P.L.81-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) Subject to subsection (c), the
 26 board shall ~~<>~~ [amend 327 IAC 5 and 327 IAC 15 to eliminate:
- 27 (1) the requirement that NPDES general permit terms and
 28 conditions be contained in a rule; and
- 29 (2) the terms and conditions of each NPDES general permit that
 30 is:
- 31 (A) contained in that article; and
- 32 (B) in effect on the effective date of this section.
- 33 (b) The department may develop and issue NPDES general
 34 permits in accordance with 40 CFR 122.28.
- 35 (c) After 327 IAC 5 and 327 IAC 15 are amended under
 36 **eliminating the requirement and terms and conditions described in**
 37 **subsection (a), the terms and conditions of an NPDES general permit**
 38 **under that article as they existed before the amendment remain in effect**
 39 **and are binding on any person regulated under the NPDES general**
 40 **permit until the person submits a notice of intent to be covered by an**
 41 **NPDES general permit developed and issued under subsection (b).**
- 42 (d) Any person regulated under an NPDES general permit on the

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1 effective date of the amendment required by subsection (a) must:
 2 (1) submit a notice of intent described in subsection (c) not later
 3 than ninety (90) days after the department makes the form of the
 4 notice of intent available to the person; or
 5 (2) apply for an NPDES individual permit ~~under 327 IAC 5~~ to
 6 maintain permit coverage required under the Clean Water Act.
 7 (e) This section does not affect the authority of the board to adopt
 8 rules that authorize NPDES general permits.
 9 SECTION 16 ~~↔~~ [0]. IC 13-18-4-2 IS REPEALED [EFFECTIVE
 10 JULY 1, 2026]. ~~Sec. 2: A rule or determination made by the board or~~
 11 ~~the commissioner under sections † through 4 of this chapter shall be~~
 12 ~~filed of record in the office of the department.~~
 13 SECTION 16 ~~↔~~ [1]. IC 13-18-4-4 IS REPEALED [EFFECTIVE
 14 JULY 1, 2026]. ~~Sec. 4: The commissioner may take appropriate steps~~
 15 ~~to prevent any pollution that is determined to be unreasonable and~~
 16 ~~against public interests in view of the condition in any stream or other~~
 17 ~~waters of Indiana.~~
 18 SECTION 16 ~~↔~~ [2]. IC 13-18-4-6, AS AMENDED BY
 19 P.L.263-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Whenever the commissioner
 21 determines that a person:
 22 (1) is violating; or
 23 (2) is about to violate;
 24 section 5 of this chapter, the department shall serve notice of the
 25 commissioner's determination on the person in accordance with
 26 IC 13-14-2-1.
 27 (b) The commissioner shall include in the notice an order against
 28 the person to:
 29 (1) cease the violation; and
 30 (2) abate the condition of pollution;
 31 fixing in the order a reasonable time within which the correction and
 32 abatement must take place.
 33 (c) ~~Proceedings concerning an order issued under this section are~~
 34 ~~governed by IC 4-21-5.~~
 35 SECTION 16 ~~↔~~ [3]. IC 13-18-4-7 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Notwithstanding
 37 any rules of the board, the commissioner shall allow for a mixing zone
 38 in permits that involve a discharge into Lake Michigan if the applicant
 39 can demonstrate to the commissioner that the mixing zone will not
 40 cause harm to human health or aquatic life.
 41 (b) For mixing zones allowed under subsection (a), surface water
 42 quality standards for bioaccumulative chemicals of concern, **as defined**

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1 in 40 CFR 132.2, shall be applied to the undiluted discharge, rather
2 than at a point outside the mixing zone.

3 SECTION 166[4]. IC 13-18-5-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall
5 may[]adopt rules under IC 4-22-2 to require the following:

6 (1) The construction or installation of secondary containment
7 structures at facilities in which hazardous materials are stored or
8 transferred for the purpose of preventing released hazardous
9 materials from entering surface water or groundwater.

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

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

15 SECTION 167[5]. IC 13-18-9-4 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department
17 shall enforce this chapter under IC 13-30-3 or IC 13-14-2-6.

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

25 SECTION 168[6]. IC 13-18-10-2.1, AS AMENDED BY
26 P.L.199-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2026]: Sec. 2.1. (a) The department:

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

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

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

41 (1) continue to review the application;
42 (2) approve or deny the application as soon as practicable; and

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

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

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1 **(C) accurately reflect differences between dry and liquid**
 2 **manure.**

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

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

7 (A) the United States Department of Agriculture;

8 (B) the Natural Resources Conservation Service of the
 9 United States Department of Agriculture;

10 (C) the Midwest Plan Service; and

11 (D) postsecondary educational institution extension
 12 bulletins; and

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

16 SECTION 1 ~~<70>~~ [68]. IC 13-18-11-1.5, AS AMENDED BY
 17 P.L.133-2012, SECTION 128, IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. The board ~~shall~~
 19 **may** adopt regulations to implement certification programs for
 20 operators of water treatment plants or water distribution systems. The
 21 certification program for the operators shall be classified in accordance
 22 with the complexity, size, and source of the water for the treatment
 23 system and the complexity and size for the distribution system.

24 SECTION 1 ~~<71>~~ [69]. IC 13-18-11-8, AS AMENDED BY
 25 P.L.128-2024, SECTION 24, IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The
 27 commissioner may suspend or revoke the certificate of an operator
 28 issued under this chapter ~~following a hearing under IC 13-15-7-3 and~~
 29 ~~IC 4-21-5~~, if any of the following conditions are found:

30 (1) The operator has practiced fraud or deception in any state or
 31 other jurisdiction.

32 (2) Reasonable care, judgment, or the application of the
 33 operator's knowledge or ability was not used in the performance
 34 of the operator's duties.

35 (3) The operator is incompetent or unable to properly perform
 36 the operator's duties.

37 (4) A certificate of the operator issued:

38 (A) under this chapter; or

39 (B) by any other state or jurisdiction for a purpose
 40 comparable to the purpose for which a certificate is issued
 41 under this chapter;

42 has been revoked.

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1 (5) The operator has been convicted of a crime related to a
2 certificate of the operator issued:

3 (A) under this chapter; or

4 (B) by any other state or jurisdiction for a purpose
5 comparable to the purpose for which a certificate is issued
6 under this chapter.

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

12 SECTION 17-~~2~~**[0]**. IC 13-18-12-2.2, AS AMENDED BY
13 P.L.250-2019, SECTION 23, IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. (a) ~~As used in this~~
15 ~~section:~~

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

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

20 on February 1, 2016.

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

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

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

30 (2) the amount of septage removed from the sewage disposal
31 system;

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

34 SECTION 17-~~3~~**[1]**. IC 13-18-12-2.5, AS AMENDED BY
35 P.L.250-2019, SECTION 24, IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) The department
37 and the board may allow a person to use industrial waste products in a
38 land application operation or as ingredients in a soil amendment or soil
39 substitute to be land applied if:

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

41 (2) the industrial waste products:

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

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

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

22 (b) The department:

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

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

27 on the same basis as other materials under the rules concerning

28 land application and marketing and distribution permits;

29 (2) may not:

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

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1 substitute, or material to be land applied satisfies:
 2 (i) the department's remediation closure guidance; or
 3 (ii) any other standards other than criteria in 327
 4 IAC 6.1;
 5 (3) for any pollutant present in the industrial waste products that
 6 does not have a pollutant limit or concentration in 327 IAC 6.1,
 7 shall consider the benefits of the finished soil amendment, soil
 8 substitute, or material to be land applied as compared to the
 9 measurable risks to human health and the environment based on
 10 the anticipated use of the finished soil amendment, soil
 11 substitute, or material to be land applied; and
 12 (4) shall require an application for a permit for the land
 13 application of industrial waste products to include
 14 characterization of individual industrial waste products at the
 15 point of waste generation before mixing the waste streams.
 16 (e) ~~The board may adopt rules for pollutant limits or~~
 17 ~~concentrations for pollutants for which limits or concentrations do not~~
 18 ~~exist in 327 IAC 6.1 as of July 1, 2011.~~
 19 SECTION 17~~4~~[2]. IC 13-18-12-3, AS AMENDED BY
 20 P.L.192-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The ~~board shall initiate;~~
 22 **department shall administer**, in accordance with IC 13-15, a septage
 23 management permit program for all persons who offer to perform or are
 24 performing septage management services.
 25 (b) A permit from the department may not be required for the
 26 ownership or operation of one (1) or more holding tanks described in
 27 IC 16-41-25-9 in which septage originating from a residential or
 28 commercial source is held until it is removed and transported from the
 29 site of the holding tanks by septage management vehicles. However:
 30 (1) the board may adopt rules under IC 4-22-2 and IC 13-14-9;
 31 or
 32 (2) the department may adopt guidelines;
 33 concerning the reports to be provided to the department by local health
 34 departments under IC 16-41-25-9(h). The rules or guidelines may
 35 specify the content to be included in the reports and the frequency at
 36 which the reports must be provided.
 37 SECTION 17~~5~~[3]. IC 13-18-12-4, AS AMENDED BY
 38 P.L.112-2016, SECTION 19, IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board ~~shall;~~
 40 **may**, in accordance with IC 13-14-9, adopt rules to establish the
 41 following:
 42 (1) Standards for the following:

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- 1 (A) The issuance of permits for:
- 2 (i) septage management under section 3 of this chapter;
- 3 and
- 4 (ii) land application of authorized septage, solid waste,
- 5 and industrial waste products.
- 6 (B) Transportation, storage, treatment, and disposal of
- 7 septage.
- 8 (2) Procedures and standards for approval of sites for land
- 9 application.
- 10 (b) The board may designate a county or city health agency as the
- 11 board's agent to approve land application sites in accordance with rules
- 12 adopted under this section.

13 SECTION 17~~6~~[4]. IC 13-18-16-3 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner
 15 may initiate action under IC 4-21-5-3 to assess a civil penalty against
 16 a permit holder who fails to take action to correct or prevent
 17 contamination of the sanitary or chemical quality of the water supply
 18 after the permit holder knew or should have known that the action
 19 should be taken. The civil penalty assessed under this section may not
 20 exceed one thousand dollars (\$1,000) for each day of violation.

21 SECTION 17~~7~~[5]. IC 13-18-16-8, AS AMENDED BY
 22 P.L.233-2017, SECTION 22, IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The board shall
 24 adopt rules under IC 4-22-2 and IC 13-14-9 establishing requirements
 25 for public water systems, including the following:

- 26 (1) The requirement to obtain a permit for the construction,
- 27 installation, or modification of facilities, equipment, or devices
- 28 for any public water system.
- 29 (2) The requirement to obtain a permit for the operation of
- 30 sources, facilities, equipment, or devices for any public water
- 31 system.

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

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

38 SECTION 17~~8~~[6]. IC 13-18-17-3 IS REPEALED [EFFECTIVE
 39 JULY 1, 2026]. Sec. 3: (a) ~~The department, with the assistance of other~~
 40 ~~state agencies as requested, shall establish and operate a groundwater~~
 41 ~~quality clearinghouse within the department.~~

42 (b) ~~The groundwater quality clearinghouse established under this~~

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1 section shall do all of the following:

- 2 (1) Receive complaints about groundwater contamination.
 3 (2) Screen reports of groundwater pollution.
 4 (3) Ensure that complaints and reports are adequately
 5 investigated.
 6 (4) Provide information to the public about groundwater and
 7 groundwater pollution.
 8 (5) Coordinate the management of groundwater quality data in
 9 Indiana.

10 SECTION 17-~~9~~ [7]. IC 13-18-17-4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department
 12 under IC 13-14-2-2:

13 (1) may investigate allegations of; and
 14 (2) shall investigate confirmed incidents of;
 15 contamination of groundwater that affect private water supply wells.

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

- 17 (1) issue an advisory to the users and owners of a water well
 18 found to be contaminated concerning the hazards to health posed
 19 by the contamination;
 20 (2) take emergency action, including emergency action under
 21 IC 13-14-10, to reduce exposure to well water contaminants that
 22 pose a threat to human health; and
 23 (3) as appropriate to safeguard human health, order
 24 abandonment of contaminated water wells.

25 SECTION ~~180~~ [178]. IC 13-18-17-5, AS AMENDED BY
 26 P.L.56-2023, SECTION 129, IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The board shall
 28 adopt rules under IC 4-22-2 **and IC 13-14-9** establishing groundwater
 29 quality standards that include numeric and narrative criteria, a
 30 groundwater classification plan, and a method of determining where
 31 the groundwater quality standards must apply. The standards
 32 established under this subsection shall be used for the following
 33 purposes:

- 34 (1) To establish minimum compliance levels for groundwater
 35 quality monitoring at regulated facilities.
 36 (2) To ban the discharge of effluents into potable groundwater.
 37 (3) To establish health protection goals for untreated water in
 38 water supply wells.
 39 (4) To establish concentration limits for contaminants in ambient
 40 groundwater.

41 (b) Except as provided in subsection (c) and subject to subsection
 42 (d), the following agencies shall adopt rules under IC 4-22-2 to apply

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1 the groundwater quality standards established under this section to
2 activities regulated by the agencies:

- 3 (1) The department.
- 4 (2) The department of natural resources.
- 5 (3) The Indiana department of health.
- 6 (4) The office of the state chemist.
- 7 (5) The department of homeland security.

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

12 (d) Any rule adopted by the executive board of the Indiana
13 department of health is void to the extent that the rule applies the
14 nitrate and nitrite numeric criteria included in groundwater quality
15 standards established in rules adopted by the board under subsection
16 (a) to onsite sewage systems.

17 SECTION 1 ~~81~~ [79]. IC 13-18-17-6 IS AMENDED TO READ
18 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board
19 shall adopt rules under IC 4-22-2 and IC 13-14-9 to establish
20 protection zones around community water system wells.

21 (b) The state agencies referred to in section 5(b) of this chapter
22 may not permit activities within the zones established under subsection
23 (a) that would violate the rules or interfere with the purposes of the
24 rules.

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

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

- 31 (1) an owner of land;
- 32 (2) a mineral owner; or
- 33 (3) a mineral leaseholder of record;

34 unless the owner or leaseholder is sent written notice of, and has an
35 opportunity to be heard on, the establishment of the zone and the
36 construction of the community public water system that caused the
37 establishment of the zone.

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

41 SECTION 18 ~~2~~ [0]. IC 13-18-17-7 IS REPEALED [EFFECTIVE
42 JULY 1, 2026]. Sec. 7: (a) The board shall adopt rules under IC 4-22-2

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1 for the construction and monitoring of surface impoundments;
 2 including pits, ponds, and lagoons, used for the storage or treatment of
 3 nonhazardous waste and wastewater.

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

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

11 SECTION 18~~4~~[2]. IC 13-18-27-3, AS ADDED BY
 12 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. As used in this
 14 chapter, "construction plan" means a written plan that:

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

24 SECTION 18~~5~~[3]. IC 13-18-27-9, AS ADDED BY
 25 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. As used in this
 27 chapter, "project site owner" means the person required to comply with
 28 ~~327 IAC 15-5~~; the general permit, or the applicable ordinance of an
 29 MS4 community with respect to a construction project. The term
 30 includes the following:

- 31 (1) A developer.
- 32 (2) A person who has financial and operational control of
- 33 construction activities and construction project plans and
- 34 specifications, including the ability to make modifications to
- 35 those plans and specifications.

36 SECTION 18~~6~~[4]. IC 13-18-27-15, AS ADDED BY
 37 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) Except as
 39 provided in subsection (b), an MS4 community may not require erosion
 40 and sediment control measures that are more stringent than the erosion
 41 and sediment control measures required by ~~327 IAC 15-5~~ or the general
 42 permit.

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

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

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

16 SECTION 18~~<~~[5]. IC 13-18-27-16, AS ADDED BY
 17 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) A review
 19 authority to which a construction plan is submitted must make a
 20 preliminary determination whether the construction plan is
 21 substantially complete before the end of:

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

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

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

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

32 (2) notifies the project site owner of its favorable preliminary
 33 determination;

34 before the end of the tenth ~~working~~ **business** day after the day on which
 35 the construction plan is submitted to the review authority, in the case
 36 of a small or very small construction activity site, or the fourteenth~~<~~
 37 ~~working~~ **business** day after the day on which the construction plan is
 38 submitted to the review authority, in the case of a large construction
 39 activity site, the project site owner may submit a notice of intent letter
 40 including the information required by ~~327 IAC 15-5-5~~ or the general
 41 permit and, forty-eight (48) hours after submission of the notice of
 42 intent letter, may begin the construction project, including the land

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1 disturbing activities of the construction project.

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

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

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

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

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

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

40 SECTION 18 ~~8~~ [6]. IC 13-19-1-2, AS AMENDED BY
41 P.L.97-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The goal of the state is to

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1 encourage solid waste source reduction, recycling, and other
2 alternatives to conserve environmental resources.

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

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

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

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

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

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

12 SECTION 18~~<9>~~[\[7\]](#). IC 13-19-3-1, AS AMENDED BY
13 P.L.120-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board shall do the
15 following:

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

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

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

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

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

30 ~~(4) (2) Expediently~~ Adopt by rule all exemptions or exclusions
31 from regulation as waste that are adopted by the United States
32 Environmental Protection Agency. ~~and set forth in 40 CFR 261~~
33 ~~on or after January 1, 2022.~~

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

40 SECTION 1~~<90>~~[\[88\]](#). IC 13-19-3-3, AS AMENDED BY
41 P.L.249-2023, SECTION 68, IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) As used in this

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1 section and section 3.1 of this chapter, "coal combustion residuals"
 2 means fly ash, bottom ash, boiler slag, and flue gas desulfurization
 3 materials generated from burning coal for the purpose of generating
 4 electricity by electric utilities and independent power producers.

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

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

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

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

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

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

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

27 (d) The department shall do the following:

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

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

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

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

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

42 (1) the department shall initiate rulemaking for the establishment

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1 of the state permit program not more than sixty (60) days after
 2 the effective date of the SECTION of Senate Enrolled Act
 3 271-2021 amending this section; and
 4 (2) the board shall adopt a final rule for the establishment of the
 5 state permit program not more than sixteen (16) months after
 6 initiation of the rulemaking under subdivision (1).
 7 (g) The state permit program established under this section must
 8 not establish requirements for any surface impoundment of coal
 9 combustion residuals unless and until the state permit program is
 10 approved by the administrator of the United States Environmental
 11 Protection Agency under 42 U.S.C. 6945(d)(1). The authority of the
 12 department to establish requirements under the state permit program
 13 established under this section is the only authority the department has
 14 to establish requirements for a surface impoundment of coal
 15 combustion residuals located on the grounds of a legacy generation
 16 resource.
 17 (h) The definitions set forth in Section 257.53 of the federal CCR
 18 rule, as in effect January 1, 2021, apply throughout subsection (i).
 19 (i) The department shall charge the following fees under the state
 20 permit program established under this section:
 21 (1) An initial one (1) time permit fee of twenty thousand five
 22 hundred dollars (\$20,500) for each surface impoundment of coal
 23 combustion residuals regulated under the state permit program.
 24 (2) An annual fee of twenty thousand five hundred dollars
 25 (\$20,500) for each surface impoundment of coal combustion
 26 residuals regulated under the state permit program that has not
 27 completed closure in accordance with Section 257.102 of the
 28 federal CCR rule. The duty to pay the fee established by this
 29 subdivision does not apply on an annual basis until three
 30 hundred sixty-five (365) days after the initial one (1) time permit
 31 fee established by subdivision (1) has been assessed.
 32 (3) An annual fee of ten thousand dollars (\$10,000) for each
 33 surface impoundment of coal combustion residuals regulated
 34 under the state permit program that has been closed and for
 35 which post-closure care has been initiated and is still required in
 36 accordance with Section 257.104 of the federal CCR rule. The
 37 duty to pay the fee established by this subdivision does not apply
 38 on an annual basis until three hundred sixty-five (365) days after
 39 the initial one (1) time permit fee established by subdivision (1)
 40 has been assessed.
 41 Fees collected under this subsection shall be deposited in the CCR
 42 program fund established by section 3.2 of this chapter.

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

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

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

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

SECTION ~~491~~[189]. IC 13-19-3-3.1, AS ADDED BY P.L.120-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.1. Except as provided in section 3(c) of this chapter, the rules adopted under ~~section 1(a)(1)~~ **section 1(1)** of this chapter may not regulate the following:

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

- (A) is not included in the definition of hazardous waste or is exempt from regulation as a hazardous waste under 42 U.S.C. 6921; and
- (B) is disposed of at a facility regulated under IC 14-34.

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

- (A) The extraction or recovery of materials and compounds contained within the coal combustion residuals.
- (B) Bottom ash as an antiskid material.
- (C) Raw material for manufacturing another product.
- (D) Mine subsidence, mine fire control, and mine sealing.
- (E) Structural fill when combined with cement, sand, or water to produce a controlled strength fill material.
- (F) A base in road construction.
- (G) Cover for coal processing waste disposal locations to inhibit infiltration at surface and underground mines subject to IC 14-34, so long as a demonstration is made in concurrence with the department of natural resources that the materials and methods to be employed are appropriate for the intended use.
- (H) Providing buffering or enhancing structural integrity for

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1 refuse piles at surface and underground mines subject to
 2 IC 14-34, so long as a demonstration is made in
 3 concurrence with the department of natural resources that
 4 the materials and methods to be employed are appropriate
 5 for the intended use.

6 (I) Agricultural applications, when applied using
 7 appropriate agronomic amounts to improve crop or
 8 vegetative production.

9 SECTION 19-~~0~~⁰. IC 13-19-3-7, AS AMENDED BY
 10 P.L.133-2012, SECTION 133, IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~The department and~~
 12 ~~the board shall allow a person~~ **A permit is not required** to use foundry
 13 sand that meets Type III criteria under 329 IAC 10-9 for the following
 14 activities: ~~in accordance with guidance without requiring the~~
 15 ~~person to obtain any permits from the department:~~

16 (1) As a daily cover for litter and vermin control at a landfill in
 17 accordance with any applicable permits issued for the landfill.

18 (2) As a protective cover for a landfill leachate system in
 19 accordance with any applicable permits issued for the landfill.

20 (3) For use as capped embankments for ground and sight barriers
 21 under ten thousand (10,000) cubic yards or embankments for
 22 airports, bridges, or overpasses.

23 (4) For use:

24 (A) in a land application operation; or

25 (B) as a soil amendment;

26 if the application or amendment does not include the operation
 27 of a landfill.

28 (5) As a structural fill base capped by clay, asphalt, or concrete
 29 for the following:

30 (A) Roads.

31 (B) Road shoulders.

32 (C) Parking lots.

33 (D) Floor slabs.

34 (E) Utility trenches.

35 (F) Bridge abutments.

36 (G) Tanks and vaults.

37 (H) Construction or architectural fill.

38 (I) Other similar uses.

39 (6) As a raw material constituent incorporated into another
 40 product, including the following:

41 (A) Flowable fill.

42 (B) Concrete.

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

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

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

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

26 SECTION 19-~~4~~²[2]. IC 13-19-4-6, AS AMENDED BY
 27 P.L.154-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2026]: Sec. 6. Before making a determination
 29 to deny an application for the issuance, transfer, or major modification
 30 of a permit under section 5 of this chapter, the commissioner ~~shall~~ **may**
 31 consider the following mitigating factors:

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

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1 section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2)
 2 (before its repeal);
 3 (B) a criminal complaint referred to in section 5(a)(3) of
 4 this chapter or IC 13-7-10.2-4(a)(3) (before its repeal); or
 5 (C) a judgment of conviction referred to in section 5(a)(4)
 6 of this chapter or IC 13-7-10.2-4(a)(4);
 7 whether any appeal is pending.
 8 (4) The degree of culpability of the applicant or responsible
 9 party.
 10 (5) The applicant's or responsible party's cooperation with the
 11 state or federal agencies involved in the investigation of the
 12 activities involved in complaints and convictions referred to in
 13 section 5(a)(2) through 5(a)(5) of this chapter or
 14 IC 13-7-10.2-4(a)(2) through IC 13-7-10.2-4(a)(5) (before their
 15 repeal).
 16 (6) The applicant's or responsible party's dissociation from any
 17 other persons or entities convicted of acts referred to in section
 18 5(a)(2) through 5(a)(5) of this chapter or IC 13-7-10.2-4(a)(2)
 19 through IC 13-7-10.2-4(a)(5) (before their repeal).
 20 (7) Prior or subsequent self-policing or internal education
 21 programs established by the applicant to prevent activities
 22 referred to in section 5(a) of this chapter or IC 13-7-10.2-4(a)
 23 (before its repeal).
 24 (8) Whether the best interests of the public will be served by
 25 denial of the permit.
 26 (9) Any demonstration of good citizenship by the applicant or
 27 responsible party.
 28 SECTION 19~~5~~[3]. IC 13-19-4-9 IS REPEALED [EFFECTIVE
 29 JULY 1, 2026]. Sec. 9: IC 4-21-5 governs determinations, notice,
 30 hearings, and appeal of determinations under this chapter.
 31 SECTION 19~~6~~[4]. IC 13-20-1-5 IS REPEALED [EFFECTIVE
 32 JULY 1, 2026]. Sec. 5: The board shall adopt rules under IC 4-22-2 and
 33 IC 13-14-9 to implement this chapter.
 34 SECTION 19~~7~~[5]. IC 13-20-3-5 IS REPEALED [EFFECTIVE
 35 JULY 1, 2026]. Sec. 5: The board shall adopt rules under IC 4-22-2 and
 36 IC 13-14-9 to implement this chapter.
 37 SECTION 19~~8~~[6]. IC 13-20-6-9 IS REPEALED [EFFECTIVE
 38 JULY 1, 2026]. Sec. 9: The board shall adopt rules under IC 4-22-2 to
 39 implement this chapter.
 40 SECTION 19~~9~~[7]. IC 13-20-8-1, AS AMENDED BY
 41 P.L.133-2012, SECTION 139, IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall

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1 adopt rules under IC 4-22-2 and IC 13-14-9 to regulate the construction
2 and operation of incinerators under IC 13-14-8. The **Any rules adopted**
3 **by the board for the construction and operation of incinerators**
4 **under IC 13-14-8** must incorporate by reference pertinent rules
5 adopted by the board concerning air pollution control.

6 SECTION ~~200~~ [198]. IC 13-20-10.5-1, AS ADDED BY
7 P.L.189-2011, SECTION 13, IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A person may not
9 after June 30, 2011, start:

10 (1) construction of:

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

12 (B) a biomass gasification facility; or

13 (2) expansion of:

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

15 (B) a biomass gasification facility;

16 without obtaining prior approval of the department.

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

23 SECTION ~~201~~ [199]. IC 13-20-10.5-2, AS ADDED BY
24 P.L.189-2011, SECTION 13, IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. ~~Except as provided~~
26 ~~in section 3 of this chapter, a biomass~~ **An** anaerobic digestion facility
27 or a ~~biomass~~ gasification facility for which the only input is biomass is
28 not subject to regulation as a solid waste processing facility.

29 SECTION 20~~2~~ [0]. IC 13-20-10.5-3 IS REPEALED
30 [EFFECTIVE JULY 1, 2026]. Sec. 3: ~~The department may determine~~
31 ~~that a biomass anaerobic digestion facility or a biomass gasification~~
32 ~~facility for which the input is a combination of biomass and solid waste~~
33 ~~is subject to regulation as a solid waste processing facility.~~

34 SECTION 20~~3~~ [1]. IC 13-20-10.5-3.5, AS ADDED BY
35 P.L.27-2024, SECTION 7, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2026]: Sec. 3.5. (a) The department shall make
37 a determination under section 1 of this chapter concerning prior
38 approval for the construction or expansion of a ~~biomass an~~ anaerobic
39 digestion facility or ~~biomass~~ gasification facility for which the only
40 ~~input is biomass~~ **inputs are biomass or appropriate feedstock** not
41 later than ninety (90) days after the date on which the department
42 receives the completed application for prior approval, including all

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1 required supplemental information, unless the department and the
2 applicant agree to a longer time.

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

- 5 (1) is consistent with the department's duties under this chapter;
- 6 and
- 7 (2) the department considers necessary;

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

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

14 SECTION 20~~4~~[2]. IC 13-20-13-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The
16 commissioner shall issue a waste tire storage site or waste tire
17 processing operation certificate of registration to a person that owns or
18 operates a waste tire storage site or waste tire processing operation if
19 the person complies with the requirements of this chapter and rules
20 adopted by the board under section 11 of this chapter.

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

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

- 25 (1) this chapter; and
 - 26 (2) rules adopted by the board under this chapter;
- 27 including a compliance schedule.

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

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

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

- 41 (1) Report annually to the department on the following:
 - 42 (A) The number of passenger tire equivalents received at

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

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

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

24 SECTION 20 ~~4-7~~ [5]. IC 13-20-13-11, AS AMENDED BY
 25 P.L.27-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2026]: Sec. 11. ~~(a) The board shall adopt rules~~
 27 ~~under IC 4-22-2 and IC 13-14-8 necessary to implement this chapter.~~

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

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

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

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

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

11 (1) The person's name.

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

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

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

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

21 (B) a negotiable certificate of deposit; or

22 (C) a negotiable letter of credit;

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

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

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

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

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

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

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- 1 available to the department upon request.
- 2 (3) ~~Report annually to the department~~ **Record** the number of
- 3 passenger tire equivalents transported by the waste tire
- 4 transporter **and provide the records to the department upon**
- 5 **request.**
- 6 (4) Maintain financial assurance acceptable to the department in
- 7 accordance with subsection (a)(4).
- 8 (e) The commissioner may include in a certificate of registration
- 9 issued under this chapter conditions that ensure compliance with:
- 10 (1) this chapter; and
- 11 (2) rules adopted by the board under this chapter;
- 12 including a compliance schedule.
- 13 (f) The department may deny an application to register under this
- 14 chapter if:
- 15 (1) the application is incomplete;
- 16 (2) the applicant has failed to comply with the requirements of:
- 17 (A) this chapter;
- 18 (B) IC 13-20-13; or
- 19 (C) a rule adopted by the board under ~~section 6 of this~~
- 20 ~~chapter or under~~ IC 13-20-13-11; or
- 21 (3) an enforcement action is pending against the applicant.
- 22 SECTION ~~210~~ **[208]**. IC 13-20-14-5.6, AS AMENDED BY
- 23 P.L.128-2024, SECTION 27, IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.6. (a) A certificate of
- 25 registration issued by the department under this chapter may be
- 26 revoked or modified by the commissioner, or by a designated staff
- 27 member of the department, after notification in writing is sent in
- 28 accordance with IC 13-14-2-1 to the holder of the certificate, for:
- 29 (1) failure to disclose all relevant facts;
- 30 (2) making a misrepresentation in obtaining the registration; or
- 31 (3) failure to correct, within the time established by the
- 32 department, a violation of:
- 33 (A) a condition of the registration;
- 34 (B) this chapter; or
- 35 (C) a rule adopted by the board. ~~under section 6 of this~~
- 36 ~~chapter.~~
- 37 (b) A person aggrieved by the revocation or modification of a
- 38 certificate of registration may appeal the revocation or modification to
- 39 the office of administrative law proceedings under IC 4-15-10.5.
- 40 Pending the decision resulting from a hearing under IC 4-21.5-3
- 41 concerning the revocation or modification, the registration remains in
- 42 force. However, subsequent to revocation or modification, the

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

3 SECTION 2H[09]. IC 13-20-14-6 IS REPEALED
4 [EFFECTIVE JULY 1, 2026]. ~~Sec. 6: The board shall adopt rules under~~
5 ~~IC 4-22-2 and IC 13-14-9 to implement this chapter.~~

6 SECTION 21E[0]. IC 13-20-14-9.5, AS AMENDED BY
7 P.L.133-2012, SECTION 147, IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9.5. (a) Except as
9 provided in rules adopted under subsection (c), an operator of a transfer
10 station shall remove whole waste tires present in solid waste that is
11 being transferred from a vehicle or container to another vehicle or
12 container at the transfer station.

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

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

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

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

28 SECTION 21E[2]. IC 13-20-15-3 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A person may
30 apply to the commissioner for an exemption certificate on forms
31 provided by the department. The department may require additional
32 information or materials to accompany the application as considered
33 necessary for an accurate evaluation of the application.

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

- 36 (1) manufactured for sale;
 - 37 (2) sold for use; or
 - 38 (3) used by the person;
- 39 in the person's business if the item, product, or material contains
40 incidental concentrations of PCB.

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

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1 only incidental concentrations of PCB.

2 SECTION 21~~<=>~~[3]. IC 13-20-17.7-4, AS ADDED BY
3 P.L.170-2006, SECTION 15, IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The
5 commissioner shall do the following:

6 (1) Not more than thirty (30) days after receiving a plan
7 developed by a motor vehicle manufacturer or a group of motor
8 vehicle manufacturers under section 1 of this chapter, issue a
9 public notice of a period of at least thirty (30) days during which
10 the public may submit written comments on the plan to the
11 commissioner.

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

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

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

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

21 (b) If a plan is approved in its entirety under subsection (a)(2)(A),
22 the motor vehicle manufacturers shall begin implementing the plan not
23 more than thirty (30) days after the date the plan is approved. If an
24 entire plan is rejected under subsection (a)(2)(B), the commissioner
25 shall inform the motor vehicle manufacturers why the plan was
26 rejected, and the manufacturers shall submit a new plan not more than
27 thirty (30) days after the commissioner informs the manufacturers that
28 the entire plan was rejected. If a plan is approved in part and rejected
29 in part under subsection (a)(2)(C), the manufacturers shall immediately
30 implement the approved part of the plan and submit a revision of the
31 rejected part of the plan not more than thirty (30) days after the
32 commissioner informs the manufacturers of the commissioner's partial
33 approval. The commissioner shall make a determination on a revised
34 plan not more than thirty (30) days after receiving the revised plan.

35 (c) Not more than two hundred forty (240) days after receiving a
36 plan developed by motor vehicle manufacturers under section 1 of this
37 chapter, the commissioner shall complete, on behalf of the
38 manufacturer, any part of the plan that has not yet been approved.

39 ~~(d) After a plan has been approved under this section, the~~
40 ~~commissioner shall:~~

41 ~~(1) review the plan three (3) years after the original date of~~
42 ~~approval of the plan and every three (3) years thereafter; and~~

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1 (2) work with the motor vehicle manufacturers to agree with the
 2 manufacturers on appropriate modifications to the plan.
 3 (e) Motor vehicle manufacturers are not required to resubmit a
 4 plan modified under subsection (d) to the commissioner for approval.
 5 SECTION 21<6>[4]. IC 13-20-22-1, AS AMENDED BY
 6 P.L.250-2019, SECTION 31, IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A fee is imposed
 8 on the disposal or incineration of solid waste in a final disposal facility
 9 in Indiana. Except as provided in section 14 of this chapter, the amount
 10 of the fee is as follows:
 11 (1) For solid waste generated in Indiana, fifty cents (\$0.50) a ton.
 12 (2) For solid waste generated outside Indiana:
 13 (A) fifty cents (\$0.50) a ton; and
 14 (B) if the board has adopted rules under subsection (b), an
 15 additional amount imposed under the rules.
 16 (b) The board may adopt rules to establish and impose a fee on the
 17 disposal or incineration of solid waste that is:
 18 (1) generated outside Indiana; and
 19 (2) disposed of or incinerated in a final disposal facility in
 20 Indiana.
 21 If rules are adopted under this subsection, the fee shall be set at an
 22 amount necessary to offset the costs incurred by the state or a county,
 23 municipality, or township that can be attributed to the importation of
 24 the solid waste into Indiana and the presence of the solid waste in
 25 Indiana.
 26 (c) If solid waste has been subject to a fee under this section, the
 27 total amount of the fee paid shall be credited against any other fee to
 28 which the solid waste may later be subject under this section.
 29 (d) A fee may not be imposed upon material used as alternate daily
 30 cover pursuant to ~~under~~ a permit issued by the department ~~under 329~~
 31 ~~IAC 10-20-13. or a rule adopted by the board.~~
 32 SECTION 21<7>[5]. IC 13-20-25-1, AS ADDED BY
 33 P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2026]: Sec. 1. The goal of the state is to recycle
 35 **or divert** at least fifty percent (50%) of its municipal waste.
 36 SECTION 21<8>[6]. IC 13-20-25-9, AS AMENDED BY
 37 P.L.147-2015, SECTION 15, IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) A recycler shall
 39 report the recycler's recycling activities under this section. A recycler
 40 may elect to report the recycler's recycling activities on an annual basis
 41 under subsection (b). ~~or on a quarterly basis under subsection (c):~~
 42 (b) A recycler that elects to report on an annual basis shall, in

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1 2016 and each succeeding calendar year, before March 1, shall submit
 2 to the commissioner a completed recycling activity report concerning
 3 the recycling activities conducted by the recycler during the calendar
 4 year that ended on the most recent December 31.

5 (c) A recycler **may elect to report more frequently than is**
 6 **required under subsection (a).** that elects to report on a quarterly
 7 basis shall, for the July through September quarter of 2014 and each
 8 succeeding quarter, not more than thirty (30) days after the end of the
 9 quarter, submit to the commissioner a completed recycling activity
 10 report concerning the recycling activities conducted by the recycler
 11 during the quarter. A quarterly report submitted under this subsection
 12 must concern the recycling activities conducted by the recycler during
 13 the period of:

- 14 (1) July through September;
- 15 (2) October through December;
- 16 (3) January through March; or
- 17 (4) April through June.

18 (d) A recycler shall submit a separate recycling activity report
 19 under this section for each reporting period; ~~whether annual or~~
 20 ~~quarterly;~~ **period** for each facility:

- 21 (1) that was owned or operated by the recycler; and
 - 22 (2) at which the recycler conducted recycling activities;
- 23 during the reporting period.

24 (e) **A person who operates a composting facility that must be**
 25 **registered under this chapter shall submit an annual report to the**
 26 **commissioner that indicates the volume of material processed by**
 27 **the composting facility during the preceding year.**

28 SECTION 21-~~9~~^[7]. IC 13-20-25-10, AS AMENDED BY
 29 P.L.104-2024, SECTION 34, IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) A person:

- 31 (1) who:
 - 32 (A) is not required to submit a recycling activity report
 - 33 under section 9 of this chapter; but
 - 34 (B) recycled recyclable materials during a calendar year;
- 35 (2) who:
 - 36 (A) meets the definition of "scrap metal processing facility"
 - 37 set forth in IC 8-23-1-36;
 - 38 (B) meets the definition of "automotive salvage recycler" set
 - 39 forth in IC 9-13-2-10;
 - 40 (C) meets the definition of "recycling facility" set forth in
 - 41 IC 9-13-2-150.3;
 - 42 (D) is engaged in business subject to IC 9-22-3;

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- 1 (E) meets the definition of "automotive salvage rebuilder"
- 2 set forth in IC 9-32-2.1-5;
- 3 (F) meets the definition of "scrap metal processor" set forth
- 4 in IC 13-11-2-196.5;
- 5 (G) meets the definition of "core buyer" set forth in
- 6 IC 25-37.5-1-0.2; or
- 7 (H) meets the definition of "valuable metal dealer" set forth
- 8 in IC 25-37.5-1-1(b); or

- 9 (3) who:
 - 10 (A) is not required to submit a recycling activity report
 - 11 under section 9 of this chapter; but
 - 12 (B) took action during a calendar year to recover, from the
 - 13 solid waste stream, for purposes of:
 - 14 (i) use or reuse;
 - 15 (ii) conversion into raw materials; or
 - 16 (iii) use in the production of new products;
 - 17 materials that were not municipal waste;

18 may voluntarily submit a recycling activity report to the commissioner
 19 concerning the person's recycling activity during the calendar year.

20 (b) The commissioner ~~shall~~ **may** include information reported to
 21 the commissioner under this section in the annual reports that the
 22 commissioner is required to submit under IC 4-23-5.5-6.

23 SECTION 2 ~~20~~ **[18]**. IC 13-20-25-11, 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. (a) ~~Except as provided in subsection (b);~~ A
 27 recycling activity report submitted to the commissioner under this
 28 chapter must be submitted ~~on the uniform recycling activity report form~~
 29 **posted in a format required** by the commissioner ~~on~~ **through** the
 30 department's ~~Internet web site~~ **website**. ~~under section 12 of this~~
 31 ~~chapter.~~

32 (b) If a uniform recycling activity report form is not posted on the
 33 department's Internet web site by July 1 in a calendar year in which a
 34 recycler is required to submit a completed recycling activity report
 35 under section 9(a) of this chapter, the recycler may satisfy the recycler's
 36 duties under this chapter by submitting to the commissioner, by a letter
 37 postmarked before August 1 of the calendar year, the types of
 38 information about the recycler's recycling activities during the calendar
 39 year that are set forth in section 12 of this chapter.

40 (b) **The recycling activity report form must be posted on the**
 41 **department's website and must do the following:**

42 (1) **Provide for reporting of the:**

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- 1 (A) name and location of; and
 2 (B) principal business activities conducted at;
 3 the recycler's establishment.
 4 (2) Include:
 5 (A) an appropriate space for; and
 6 (B) instructions requiring the completion of;
 7 an appropriate certification, by signature of the recycler (if
 8 the recycler is an individual) or a senior official with
 9 management responsibility for the recycler (if the recycler is
 10 not an individual), of the accuracy and completeness of the
 11 recycling activity report.
 12 (3) Provide for reporting of the quantity, in tons, of each type
 13 of recyclable material listed in subsection (c) that was in
 14 storage at the reporting recycler's establishment:
 15 (A) at the start of the calendar year; and
 16 (B) at the close of the calendar year.
 17 (4) Provide for reporting of the quantity, in tons, of each type
 18 of recyclable material listed in subsection (c) that was
 19 transported from the reporting recycler's establishment, or
 20 (in the case of a recycler that is a recyclable materials
 21 broker) that was transported or delivered by arrangement of
 22 the recycler, to any of the following:
 23 (A) Other recyclers located in Indiana.
 24 (B) Persons that are located in Indiana but are not
 25 recyclers, including persons that may employ the
 26 recyclable material as a raw material or a new product
 27 without further recycling.
 28 (C) Persons located outside Indiana.
 29 (c) A uniform recycling activity report form posted on the
 30 department's website under subsection (a) must specify that the
 31 information to be reported by a recycler under subsection (b)(3)
 32 and (b)(4) must be reported separately for each of the following
 33 types of recyclable materials:
 34 (1) Glass.
 35 (2) Metal, including white goods (ferrous).
 36 (3) Metal (nonferrous).
 37 (4) Paper and paper products (all grades).
 38 (5) Plastic and plastic products.
 39 (6) Single stream recyclable materials.
 40 (7) Any other distinct type of recyclable material not
 41 specified in subdivisions (1) through (6).
 42 SECTION ~~221~~[219]. IC 13-20-25-12 IS REPEALED

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1 [EFFECTIVE JULY 1, 2026]. Sec. 12: (a) Not later than July 1, 2015;
 2 the commissioner shall post on the department's Internet web site a
 3 uniform recycling activity report form. The form 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 the
 12 recycler is an individual) or a senior official with management
 13 responsibility for the recycler (if the recycler is not an
 14 individual), of the accuracy and completeness of the recycling
 15 activity report.

16 (3) Provide for reporting of the quantity, in tons, of each type of
 17 recyclable material listed in subsection (b) that was in storage at
 18 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 of
 22 recyclable material listed in subsection (b) that was transported
 23 from the reporting recycler's establishment; or (in the case of a
 24 recycler that is a recyclable materials broker) that was
 25 transported or delivered by arrangement of the recycler; to any
 26 of the following:

27 (A) Other recyclers located in Indiana:

28 (B) Persons that are located in Indiana but are not recyclers;
 29 including persons who may employ the recyclable material
 30 as a raw material or a new product without further
 31 recycling;

32 (C) Persons located outside Indiana:

33 (b) The uniform recycling activity report form posted on the
 34 department's Internet web site under subsection (a) must specify that
 35 the information to be reported by a recycler under subsection (a)(3) and
 36 (a)(4) must be reported separately for each of the following types of
 37 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 specified
- 3 in subdivisions (1) through (6):

4 SECTION 22 ~~↔~~ [0]. IC 13-20-26-3, AS ADDED BY
 5 P.L.153-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2026]: Sec. 3. To implement the second round
 7 of grants described in this chapter, the Indiana recycling market
 8 development board ~~shall~~ **may not** award ~~not~~ more than a total of two
 9 million dollars (\$2,000,000) to applicants.

10 SECTION 22 ~~↔~~ [1]. IC 13-20.5-1-4, AS AMENDED BY
 11 P.L.200-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person may not operate as
 13 a collector of covered electronic devices from covered entities unless
 14 the person:

- 15 (1) has submitted to the department a completed registration
- 16 form; ~~as required by 329 IAC 16-5-1;~~ and
- 17 (2) otherwise complies with ~~329 IAC 16-~~ **rules established by**
- 18 **the board.**
- 19 (b) A registration submitted under this section:
- 20 (1) is effective upon receipt by the department; and
- 21 (2) must be submitted for a program year not later than March 1
- 22 of the program year.

23 SECTION 22 ~~↔~~ [2]. IC 13-20.5-1-5, AS AMENDED BY
 24 P.L.200-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person may not recycle
 26 covered electronic devices generated by covered entities unless the
 27 person:

- 28 (1) has submitted to the department a completed registration
- 29 form; ~~as required by 329 IAC 16-5-1;~~ and
- 30 (2) otherwise complies with ~~329 IAC 16-~~ **rules established by**
- 31 **the board.**
- 32 (b) A registered recycler may conduct recycling activities that are
- 33 consistent with this article.
- 34 (c) A registration submitted under this section:
- 35 (1) is effective upon receipt by the department; and
- 36 (2) must be submitted for a program year not later than March 1
- 37 of the program year.

38 SECTION 22 ~~↔~~ [3]. IC 13-20.5-1-6, AS ADDED BY
 39 P.L.178-2009, SECTION 27, IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. The department may
 41 revoke the registration of a collector or recycler that violates either or
 42 both of the following:

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1 (1) This article.
 2 (2) ~~329 IAC 46. Rules established by the board.~~
 3 SECTION 22~~6~~[4]. IC 13-20.5-3-1, AS AMENDED BY
 4 P.L.200-2017, SECTION 10, IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than
 6 March 1 of each year, a manufacturer shall report to the department the
 7 total weight in pounds of covered electronic devices that the
 8 manufacturer:
 9 (1) collected from eligible entities and recycled; or
 10 (2) arranged to have collected from eligible entities and
 11 recycled;
 12 during the program year that ended on the immediately preceding
 13 December 31.
 14 (b) Not later than March 1 of each year, a manufacturer shall
 15 report the following to the department:
 16 (1) The number of recycling credits the manufacturer purchased
 17 and sold during the program year that ended on the immediately
 18 preceding December 31.
 19 (2) The number of recycling credits possessed by the
 20 manufacturer that the manufacturer intends to use in the
 21 calculation of its variable recycling fee under IC 13-20.5-2-1.
 22 (3) The number of recycling credits the manufacturer retained at
 23 the beginning of the program year that began on the immediately
 24 preceding January 1.
 25 (4) The ~~amount~~ **weight** in pounds of covered electronic devices
 26 that the manufacturer arranged for a recycler to collect and
 27 recycle during the program year that ended on the immediately
 28 preceding December 31 and that were not converted to recycling
 29 credits.
 30 SECTION 22~~7~~[5]. IC 13-20.5-3-2, AS AMENDED BY
 31 P.L.200-2017, SECTION 11, IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. Not later than each
 33 March 1, a recycler of covered electronic devices shall do the
 34 following:
 35 (1) Report to the department separately the total weight in
 36 pounds of covered electronic devices that were:
 37 (A) recycled by the recycler; and
 38 (B) taken by the recycler for final disposal;
 39 during the program year that ended on the immediately
 40 preceding December 31.
 41 (2) Submit to the department a list of all collectors from whom
 42 the recycler received covered electronic devices during the

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1 program year that ended on the immediately preceding
 2 December 31.

3 (3) Certify that the recycler has complied with IC 13-20.5-5 and
 4 ~~IC 13-29-1-1~~ **any applicable regulations** during the program
 5 year that ended on the immediately preceding December 31.

6 SECTION 22~~-8~~ **[6]**. IC 13-20.5-4-1, AS AMENDED BY
 7 P.L.200-2017, SECTION 13, IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A manufacturer shall
 9 **do the following:**

10 (1) In each of the manufacturer's program years recycle or
 11 arrange for the collection and recycling from covered entities of
 12 an amount of covered electronic devices equal to at least sixty
 13 percent (60%) of the total weight of the manufacturer's video
 14 display devices sold to households as reported in the
 15 manufacturer's registration for the program year under
 16 IC 13-20.5-1-1(c)(4).

17 (2) **Conduct and document due diligence assessments of**
 18 **collectors and recyclers with which the manufacturer**
 19 **contracts to allow the manufacturer to comply with this**
 20 **chapter.**

21 (3) **Maintain for three (3) years documentation showing that**
 22 **all covered electronic devices:**

- 23 (A) recycled;
- 24 (B) partially recycled; or
- 25 (C) sent to downstream recycling operations by the
- 26 manufacturer;

27 **are recycled in compliance with this article.**

28 (4) **Provide the department with contact information for an**
 29 **individual who can be contacted regarding the**
 30 **manufacturer's activities under this article.**

31 SECTION 22~~-9~~ **[7]**. IC 13-20.5-4-2 IS REPEALED [EFFECTIVE
 32 JULY 1, 2026]. Sec. 2: (a) A manufacturer shall conduct and document
 33 due diligence assessments of collectors and recyclers with which the
 34 manufacturer contracts to allow the manufacturer to comply with this
 35 chapter.

36 (b) A manufacturer shall maintain for three (3) years
 37 documentation showing that all covered electronic devices recycled,
 38 partially recycled, or sent to downstream recycling operations by the
 39 manufacturer are recycled in compliance with this article.

40 SECTION 2~~-30~~ **[28]**. IC 13-20.5-4-3 IS REPEALED
 41 [EFFECTIVE JULY 1, 2026]. Sec. 3: A manufacturer shall provide the
 42 department with contact information for an individual who can be

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1 contacted regarding the manufacturer's activities under this article.

2 SECTION 2~~31~~[29]. IC 13-20.5-7-3, AS ADDED BY
3 P.L.178-2009, SECTION 27, IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. If the revenues in the
5 electronic waste fund established by IC 13-20.5-2-3 exceed the amount
6 that the department determines is necessary for efficient and effective
7 administration of this article, the department shall **recomm**end to the
8 **general assembly in a report submitted in an electronic format under**
9 **IC 5-14-6 that:**

10 (1) the registration fee under IC 13-20.5-2-1(a); or

11 (2) the proportion of sales of video display devices required to be
12 recycled under IC 13-20.5-4-1;

13 be lowered to reduce revenues collected in the subsequent state fiscal
14 year by the estimated amount of the excess. **report to the standing**
15 **committees with subject matter jurisdiction over environmental**
16 **affairs for both the house of representatives and the senate.**

17 SECTION 23~~2~~[0]. IC 13-20.5-7-10 IS REPEALED
18 [EFFECTIVE JULY 1, 2026]. Sec. 10. (a) Solid waste management
19 districts shall conduct educational programs to provide information to
20 the public concerning:

21 (1) reuse and recycling of electronic waste;

22 (2) collection programs available to the public for the disposal
23 of electronic waste; and

24 (3) proper disposal of electronic waste.

25 (b) The department, with assistance from solid waste management
26 districts and other appropriate persons, shall provide solid waste
27 management districts with a curriculum model that includes
28 educational core principles concerning the reuse, recycling, collection,
29 and proper disposal of solid waste. Solid waste management districts
30 shall implement educational programs that meet the minimum
31 standards established by the department in the curriculum model.

32 SECTION 23~~3~~[1]. IC 13-21-1-1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The commissioner: <
34 >[] shall do the following:

35 (1) **shall** adopt the state plan in final form; **and**

36 (2) **may** adopt rules under IC 4-22-2 to provide for the plan's
37 implementation.

38 SECTION 23~~4~~[2]. IC 13-21-1-2 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The state plan must
40 provide for solid waste management in Indiana for the twenty (20)
41 years following the adoption of the state plan. The state plan **must may**
42 include the following, in order of priority:

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- 1 (1) The establishment of voluntary statewide goals for source
2 reduction.
- 3 (2) The establishment of criteria for alternatives to final disposal,
4 including the following:
- 5 (A) Recycling.
- 6 (B) Composting.
- 7 (C) The availability of markets.
- 8 (3) The establishment of general criteria for the siting,
9 construction, operation, closing, and monitoring of final disposal
10 facilities.
- 11 (4) Criteria and other elements to be considered in the adoption
12 of district solid waste management plans.

13 SECTION 23 ~~↔~~ [3]. IC 13-21-1-3 IS REPEALED [EFFECTIVE
14 JULY 1, 2026]. ~~Sec. 3. Revisions of the state plan must be
15 implemented using the procedures set forth in section 1 of this chapter.~~

16 SECTION 23 ~~↔~~ [4]. IC 13-21-1-4, AS ADDED BY P.L.37-2012,
17 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2026]: Sec. 4. (a) ~~In 2015 and every fifth year thereafter,~~ The
19 legislative council ~~shall~~ **may** require an interim study committee or a
20 statutory study committee to:

- 21 (1) assess solid waste management districts; and
- 22 (2) determine whether any changes should be made to the
23 statutes governing solid waste management districts.

24 (b) An interim study committee or a statutory study committee that
25 assesses solid waste management districts under subsection (a) shall
26 issue a final report, in an electronic format under IC 5-14-6, to the
27 legislative council containing the committee's findings and
28 recommendations, including any recommended legislation, not later
29 than November 1 of the year in which an assessment is conducted.

30 SECTION 23 ~~↔~~ [5]. IC 13-21-13-1, AS AMENDED BY
31 P.L.104-2022, SECTION 90, IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A board may
33 impose fees on the disposal of solid waste in a final disposal facility
34 located within the district. A fee imposed by a board in a county with
35 a population of more than one hundred twelve thousand (112,000) and
36 less than one hundred twenty thousand (120,000) under this section
37 may not exceed two dollars and fifty cents (\$2.50) a ton. A fee imposed
38 by a board in other counties under this section may not exceed:

- 39 (1) two dollars and fifty cents (\$2.50) a ton; or
- 40 (2) the amount of a fee imposed by the board;
- 41 (A) under this section; and
- 42 (B) in effect on January 1, 1993;

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- 1 whichever is greater.
- 2 (b) The board shall do the following:
- 3 (1) Set the amount of fees imposed under this section after a
- 4 public hearing.
- 5 (2) Give public notice of the hearing.
- 6 (c) If solid waste has been subject to a district fee under this
- 7 section, the total amount of the fee that was paid shall be credited
- 8 against a district fee to which the solid waste may later be subject
- 9 under this section.
- 10 (d) Except as provided in section 4 of this chapter, fees imposed
- 11 under this chapter shall be imposed uniformly on public facilities and
- 12 on privately owned or operated facilities throughout the district.
- 13 (e) A resolution adopted by a board that establishes fees under this
- 14 chapter may contain a provision that authorizes the board to impose a
- 15 penalty of not more than five hundred dollars (\$500) per day because
- 16 of:
- 17 (1) nonpayment of fees; or
- 18 (2) noncompliance with a condition in the resolution.
- 19 (f) A board may not impose fees for material used as alternate
- 20 daily cover pursuant to a permit issued by the department under ~~329~~
- 21 ~~IC 10-20-13: the rules adopted by the board.~~
- 22 SECTION 23~~<8>~~[6]. IC 13-22-2-2 IS REPEALED [EFFECTIVE
- 23 JULY 1, 2026]. ~~Sec. 2: The board shall adopt rules under IC 4-22-2 and~~
- 24 ~~IC 13-14-9 to implement this chapter through IC 13-22-8,~~
- 25 ~~IC 13-22-11.5, and IC 13-22-13 through IC 13-22-14.~~
- 26 SECTION 23~~<9>~~[7]. IC 13-22-2-3, AS AMENDED BY
- 27 P.L.93-2024, SECTION 118, IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The board ~~shall~~
- 29 ~~adopt rules under IC 4-22-2 and IC 13-14-8 to~~ **may** develop criteria for
- 30 determining hazardous waste. In developing ~~those~~ **criteria for**
- 31 **determining hazardous waste**, the board shall determine whether any
- 32 waste to be or being disposed of meets any of the following conditions:
- 33 (1) Presents immediate or persistent hazards to humans or
- 34 wildlife.
- 35 (2) Is resistant to natural degradation or detoxification.
- 36 (3) Is bioconcentrative, flammable, reactive, toxic, corrosive, or
- 37 infectious in addition to any other harmful characteristics.
- 38 (b) The board shall do the following:
- 39 (1) Compile and maintain a listing of wastes that have been
- 40 determined to be hazardous:
- 41 (A) under the criteria described in subsection (a); or
- 42 (B) by regulation of the United States Environmental

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

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1 (2) Include in the rules a requirement for prior notice of closure
2 and a time limit for completion of closure.

3 SECTION 24 ~~↔~~ [0]. IC 13-22-2-7, AS AMENDED BY
4 P.L.133-2012, SECTION 151, IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The board ~~shall~~
6 ~~adopt rules under IC 4-22-2 and IC 13-14-9 setting~~ **may set** standards
7 for corrective action for all releases of hazardous waste or constituents
8 from any solid waste management unit at a hazardous waste facility.
9 ~~The~~ **Any standards adopted by the board** must require that corrective
10 action be taken beyond the facility boundary where necessary to protect
11 human health and the environment, unless the owner or operator of the
12 facility concerned demonstrates to the satisfaction of the commissioner
13 that, despite the best efforts of the owner or operator, the owner or
14 operator is unable to obtain the necessary permission to undertake that
15 action. The rules adopted under this section apply to the following:

- 16 (1) All facilities operating under permits issued under
17 IC 13-22-3. ~~↔~~ [1] ~~or IC 13-7-8.5 (before its repeal):~~
18 (2) All landfills, surface impoundments, and waste piles,
19 including any new units, replacements of existing units, and
20 lateral expansions of existing units, that receive hazardous waste
21 after July 26, 1982.

22 SECTION 24 ~~↔~~ [1]. IC 13-22-3-3 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Before allowing
24 the operation of a landfill for the disposal of hazardous waste, the
25 commissioner and all the owners of the land upon which the landfill is
26 located must execute and record a restrictive covenant upon the land
27 involved. The department shall file the instrument imposing the
28 restrictive covenant for record in the recorder's office in the county in
29 which the landfill is located.

- 30 (b) The covenant must state that:
31 (1) the land has been or may be used as a landfill for disposal of
32 hazardous waste; and
33 (2) neither the property owners, agents, or employees, nor any of
34 their heirs, successors, lessees, or assignees, may engage in
35 filling, grading, excavating, building, drilling, or mining on the
36 property following the completion and closure of the landfill
37 without authorization of the commissioner.

38 (c) Before the commissioner grants an authorization for the
39 activities prohibited in the covenant, the commissioner shall ~~review~~
40 **consider** the following:

- 41 (1) The original design of the landfill.
42 (2) The type of operation.

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- 1 (3) The hazardous waste deposited there.
- 2 (4) The state of decomposition of the hazardous wastes.
- 3 SECTION 24~~4~~[2]. IC 13-22-7.5-1, AS ADDED BY
- 4 P.L.172-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter applies to a person
- 6 that transports:
- 7 (1) a chemical munition referred to in 329 IAC 3-1-6-3, as in
- 8 effect on January 1, 2005; as defined in IC 13-11-2-25; or
- 9 (2) hazardous waste derived from the bulk neutralization and
- 10 destruction of the agent VX referred to in IC 13-11-2-25(6).
- 11 SECTION 24~~5~~[3]. IC 13-22-8-1, AS AMENDED BY
- 12 P.L.133-2012, SECTION 152, IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board shall
- 14 may adopt rules under IC 4-22-2 and IC 13-14-9 on standards of
- 15 financial responsibility for the following:
- 16 (1) Closure.
- 17 (2) Postclosure monitoring at hazardous waste facilities.
- 18 (3) Any required corrective action at those facilities.
- 19 (b) ~~The~~ Any rules adopted under this section must reflect the
- 20 provisions for financial responsibility prescribed by section 2 of this
- 21 chapter.
- 22 SECTION 24~~6~~[4]. IC 13-22-11-1 IS REPEALED [EFFECTIVE
- 23 JULY 1, 2026]. Sec. 1. (a) The office shall do the following:
- 24 (1) Continuously gather information on secondary material
- 25 utilization or waste reduction practices and technology from
- 26 sources within and outside Indiana.
- 27 (2) Provide information and advice on secondary material
- 28 utilization or waste reduction in response to a request from a
- 29 business or business organization that is active in Indiana.
- 30 (b) In the absence of a request, the office may, at the direction of
- 31 the commissioner, present advice on secondary material utilization or
- 32 waste reduction to a business that:
- 33 (1) is active in Indiana; and
- 34 (2) in the judgment of the commissioner, could:
- 35 (A) significantly reduce;
- 36 (B) eliminate; or
- 37 (C) avoid;
- 38 the generation and disposal of hazardous waste through waste
- 39 reduction or secondary material utilization under IC 13-22-11-5.
- 40 The office shall study the information to be presented with advice
- 41 under this subsection.
- 42 SECTION 24~~7~~[5]. IC 13-22-11-2 IS REPEALED [EFFECTIVE

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1 JULY 1, 2026]. Sec. 2: In directing the office to present advice to
 2 businesses under section 1(b) of this chapter, the commissioner shall
 3 establish a priority among types of businesses according to the
 4 following:

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

8 (2) The financial and technical feasibility of the waste reduction
 9 practices and technologies available to various types of
 10 businesses.

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

14 (4) Any other factors that, in the judgment of the commissioner,
 15 may affect the overall effectiveness of the office in promoting
 16 waste reduction in Indiana.

17 SECTION 24~~8~~[6]. IC 13-23-1-2, AS AMENDED BY
 18 P.L.38-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board shall adopt rules
 20 under IC 4-22-2, IC 13-14-8, and IC 13-14-9 for the establishment and
 21 operation of the program established under section 1 of this chapter.

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

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

30 (1) Requirements for maintaining:

31 (A) a leak detection system;

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

33 or

34 (C) a comparable system or method;

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

37 (2) Requirements for maintaining records of any:

38 (A) monitoring;

39 (B) leak detection system;

40 (C) inventory control system or tank testing; or

41 (D) comparable system.

42 (3) Requirements for reporting of:

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

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- 1 (1) installation or retrofitting;
 2 (2) testing;
 3 (3) cathodic protection procedures; or
 4 (4) decommissioning.
- 5 (b) A person may be certified by the department if the person
 6 submits evidence to the department that the person has successfully
 7 completed:
- 8 (1) the International Fire Code ~~Institute~~ **Council** examination; or
 9 (2) another appropriate examination approved by the department.
- 10 (c) The department may create a supplemental educational library
 11 concerning proper installation and closure of underground storage
 12 tanks or aboveground storage tanks, which includes the American
 13 Petroleum Institute's series, "An Education and Certification Program
 14 for Underground Storage Tank Professionals" and "API 653
 15 Aboveground Storage Tank Inspector Certification Program".
- 16 SECTION 2~~50~~[48]. IC 13-23-3-2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) To obtain a
 18 certificate under section 1 of this chapter, a person must:
- 19 (1) take an examination that is approved;
 20 (2) achieve a passing score on the examination that is
 21 established; and
 22 (3) pay any reasonable fees necessary to offset the costs incurred
 23 by the ~~state fire marshal department~~ in administering the
 24 examination and certification procedures that are established;
 25 under rules adopted by the ~~fire prevention and building safety~~
 26 ~~commission board~~.
- 27 (b) An examination described under subsection (a) must cover the
 28 following subjects:
- 29 (1) Relevant rules adopted by the
 30 ~~(A) board and~~
 31 ~~(B) fire prevention and building safety commission;~~
 32 concerning underground storage tanks.
- 33 (2) Any other subjects approved under rules adopted by the fire
 34 prevention and building safety commission.
- 35 (c) The ~~fire prevention and building safety commission board~~
 36 shall adopt rules establishing the following:
- 37 (1) The number of times a person who fails an examination
 38 described under this section may take the examination again.
 39 (2) The period of time a person who fails an examination
 40 described under this section must wait before taking the
 41 examination again.
- 42 (d) The ~~state fire marshal department~~ may, under rules adopted

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1 by the ~~fire prevention and building safety commission, board~~, certify
2 a person:

- 3 (1) under section 1 of this chapter; and
 - 4 (2) by ~~reciprocity~~, **equivalency**;
- 5 if the person is licensed or certified by another state that has
6 certification requirements that are substantially similar to the
7 requirements established under this section.

8 SECTION 2~~51~~[49]. IC 13-23-4-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The rules adopted
10 under ~~IC 13-23-1-2(c)(6)~~ **IC 13-23-1-2(b)(6)** may allow evidence
11 of financial responsibility in one (1) or a combination of the following
12 forms:

- 13 (1) Insurance.
- 14 (2) Guarantee.
- 15 (3) Surety bond.
- 16 (4) Letter of credit.
- 17 (5) Qualification as a self-insurer.
- 18 (6) Any other method satisfactory to the commissioner and the
19 Administrator of the United States Environmental Protection
20 Agency.

21 SECTION 25~~2~~[0]. IC 13-23-4-2 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The rules adopted
23 under ~~IC 13-23-1-2(c)(6)~~ **IC 13-23-1-2(b)(6)** may require the use
24 of certain policy provisions or contract terms, including provisions or
25 terms concerning the following:

- 26 (1) The minimum amount of coverage required for various
27 classes and categories of underground storage tanks established
28 under section 4 of this chapter.
- 29 (2) Conditions or defenses that are necessary or unacceptable in
30 establishing evidence of financial responsibility.

31 SECTION 25~~3~~[1]. IC 13-23-4-4 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The rules adopted
33 under ~~IC 13-23-1-2(c)(6)~~ **IC 13-23-1-2(b)(6)** may require a
34 minimum amount of coverage for particular classes or categories of
35 underground storage tanks containing petroleum. Minimum coverage
36 amounts established under this subsection must be at least one million
37 dollars (\$1,000,000) for each occurrence, with an appropriate aggregate
38 amount.

39 (b) The board may by rule set minimum coverage amounts lower
40 than the amount set forth in subsection (a) for underground storage
41 tanks containing petroleum that are:

- 42 (1) not located at facilities engaged in the production, refining,

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- 1 or marketing of petroleum; and
 2 (2) not used to handle substantial quantities of petroleum.
 3 (c) In adopting rules establishing classes and categories of
 4 underground storage tanks containing petroleum for purposes of this
 5 section, the board may consider the following factors:
 6 (1) The:
 7 (A) size, type, location, storage, and handling capacity of
 8 underground storage tanks in the class or category; and
 9 (B) volume of petroleum handled by those tanks.
 10 (2) The:
 11 (A) likelihood of release; and
 12 (B) potential extent of damage from any release;
 13 from underground storage tanks in the class or category.
 14 (3) The economic impact of the limits on the owners and
 15 operators of each class or category, particularly relating to the
 16 small business segment of the petroleum marketing industry.
 17 (4) The availability of methods of financial responsibility in
 18 amounts greater than the amount established by this section.
 19 (5) Any other factors that the board considers pertinent.
 20 SECTION 25 ~~4~~ [2]. IC 13-23-7-5, AS AMENDED BY
 21 P.L.96-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2026]: Sec. 5. The treasurer of state shall invest
 23 the money in the ELTF not currently needed to meet the obligations of
 24 the ELTF in the same manner as other public money may be invested.
 25 Interest that accrues from these investments shall be deposited in the
 26 ELTF. ~~At least one (1) time each year, the treasurer of state shall~~
 27 ~~provide the financial assurance board a report detailing the investments~~
 28 ~~made under this section.~~
 29 SECTION 25 ~~5~~ [3]. IC 13-23-8-4, AS AMENDED BY
 30 P.L.9-2024, SECTION 344, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The administrator shall pay
 32 ELTF claims that are:
 33 (1) for costs related to eligible releases;
 34 (2) submitted by eligible parties; and
 35 (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.
 36 (b) **The administrator, if appropriate, may allow** an eligible
 37 party ~~may~~ **may** to assign the **eligible party's** right to receive payment
 38 of an ELTF claim to another person.
 39 (c) Not more than forty-five (45) business days after an ELTF
 40 claim is submitted, the administrator shall do one (1) of the following:
 41 (1) Approve the ELTF claim and, under IC 13-23-9-2(c),
 42 forward the ELTF claim to the state comptroller for payment.

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- 1 (2) Send to the claimant a written notice that:
- 2 (A) states that a correction, a clarification, or additional
- 3 information is needed before the ELTF claim can be
- 4 approved; and
- 5 (B) provides a clear explanation:
- 6 (i) of the correction, clarification, or additional
- 7 information that is needed; and
- 8 (ii) of why it is needed.
- 9 (3) Deny the claim and provide the claimant with a statement of
- 10 the reasons for the denial under IC 13-23-9-2(b).

11 SECTION 25~~6~~⁴. IC 13-23-9-1.7, AS AMENDED BY
 12 P.L.149-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2026]: Sec. 1.7. (a) The administrator may pay
 14 an ELTF claim for fifty percent (50%) of the costs of decommissioning
 15 or replacing an underground petroleum storage tank, provided that:

- 16 (1) the applicant is the owner of the tank;
- 17 (2) such decommissioning or replacement is necessary, in the
- 18 judgment of the administrator, to protect human health and the
- 19 environment considering the age, obsolescence, and level of
- 20 deterioration of the tank; and

- 21 (3) the costs:
- 22 (A) are reasonable and cost effective; and
- 23 (B) result from or reimburse the claimant for work
- 24 performed decommissioning the tank or replacing the tank
- 25 with a new aboveground storage tank as defined in
- 26 IC 13-11-2-0.4 or underground storage tank as defined in
- 27 IC 13-11-2-241.

28 (b) **Subject to subsection (c)**, the expenses described in
 29 subsection (a) that are paid from the ELTF in a state fiscal year may not
 30 exceed:

- 31 (1) ten million dollars (\$10,000,000) each year for claims
- 32 submitted by applicants owning not more than twelve (12)
- 33 underground petroleum storage tanks;
- 34 (2) seven million five hundred thousand dollars (\$7,500,000)
- 35 each year for claims submitted by applicants owning more than
- 36 twelve (12) but not more than one hundred (100) underground
- 37 petroleum storage tanks; and
- 38 (3) two million five hundred thousand dollars (\$2,500,000) each
- 39 year for claims submitted by applicants owning more than one
- 40 hundred (100) underground petroleum storage tanks.

41 (c) At the end of each state fiscal year, any funds that were
 42 allocated for the decommissioning or replacement of underground

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1 petroleum storage tanks, as described in subsection (b), but that were
 2 not spent shall roll over to the next state fiscal year and be used to
 3 decommission or replace underground petroleum storage tanks within
 4 the same category as allocated in the prior state fiscal year pursuant to
 5 subsection (b)(1), (b)(2), and (b)(3).

6 SECTION 25 ~~<8>~~ [5]. IC 13-23-9-4 IS REPEALED [EFFECTIVE
 7 JULY 1, 2026]. Sec. 4. If the administrator denies an ELTF claim
 8 under this chapter, the claimant may appeal the denial under IC 4-21.5
 9 to the office of administrative law proceedings under IC 4-15-10.5.

10 SECTION 25 ~~<8>~~ [6]. IC 13-23-11-2, AS AMENDED BY
 11 P.L.176-2023, SECTION 46, IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board
 13 consists of the following ~~nine (9)~~ **ten (10)** members:

- 14 (1) The administrator or the administrator's designee.
- 15 (2) One (1) member nominated by the treasurer of state in
 16 consultation with the commissioner of the department of state
 17 revenue.
- 18 (3) One (1) member representing the independent petroleum
 19 wholesale distributor-marketer industry. ~~In making this~~
 20 ~~appointment, the governor may consider the recommendation of~~
 21 ~~the Indiana petroleum marketers and convenience store~~
 22 ~~association.~~
- 23 (4) One (1) member representing the petroleum refiner-supplier
 24 industry. ~~In making this appointment, the governor may consider~~
 25 ~~the recommendation of the Indiana petroleum council.~~
- 26 (5) One (1) member of the financial lending community who has
 27 experience with loan guaranty programs.
- 28 (6) One (1) member representing the convenience store operator
 29 industry or independent petroleum retail distributor-marketer
 30 industry. ~~In making this appointment, the governor may consider~~
 31 ~~the recommendation of the Indiana petroleum marketers and~~
 32 ~~convenience store association.~~
- 33 (7) One (1) member representing environmental interests.
- 34 (8) One (1) member representing an environmental consulting
 35 firm that performs work involving underground storage tank or
 36 aboveground storage tank corrective actions.
- 37 (9) One (1) member representing the property and casualty
 38 insurance industry.
- 39 **(10) One (1) member representing airports.**

40 (b) The governor shall appoint the members specified in
 41 subsection (a)(2) through ~~(a)(9)~~ **(a)(10)** for terms of ~~two (2)~~ **four (4)**
 42 years.

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1 (c) The governor may consider nomination and
2 recommendations for members appointed under subsection (a)(2)
3 through (a)(10) from representative constituencies.

4 SECTION 259[7]. IC 13-23-11-4 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) If an appointed
6 member of the board is not able to serve the member's full term, the
7 governor shall appoint an individual to serve for the remainder of the
8 unexpired term.

9 (b) The term of an appointed member of the board continues until
10 the member's successor has been appointed. ~~and qualified.~~

11 (c) No member may serve more than two (2) consecutive
12 terms.

13 SECTION 260[58]. IC 13-23-11-5 IS AMENDED TO READ
14 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. ~~The board, at the~~
15 ~~board's first meeting of each year, shall elect~~ The governor may
16 designate from among the board's members a chairperson and other
17 officers necessary to transact business.

18 SECTION 261[59]. IC 13-23-11-6, AS AMENDED BY
19 P.L.113-2014, SECTION 79, IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board must
21 have a quorum to transact business. Five (5) members constitute a
22 quorum.

23 (b) An affirmative vote of the majority of members present is
24 required for the board to take action.

25 (c) ~~The board shall meet upon:~~

26 (1) ~~the request of the chairperson; or~~

27 (2) ~~the written request of three (3) of the board's members.~~

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

30 SECTION 262[0]. IC 13-23-11-7, AS AMENDED BY
31 P.L.176-2023, SECTION 47, IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) The board shall
33 do the following:

34 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to do
35 the following:

36 (A) Carry out the duties of the board under this article.

37 (B) Establish standards and procedures under which:

38 (i) eligible parties may submit ELTF claims; and

39 (ii) the administrator of the ELTF may pay ELTF
40 claims.

41 (C) Establish standards for determining the reasonableness
42 and cost effectiveness of corrective action for purposes of

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1 reimbursement from the ELTF under IC 13-23-9-1.5(a)(1).
 2 (D) Establish standards for priorities in the payment of
 3 ELTF claims, including a priority for claims associated with
 4 releases from USTs and ASTs that pose an immediate and
 5 significant threat to the environment.

6 (E) Provide reimbursement from the petroleum storage tank
 7 excess liability trust fund for fifty percent (50%) of costs of
 8 decommissioning or replacing underground petroleum
 9 storage tanks that meet the criteria under IC 13-23-9-1.7.

10 (F) Establish procedures to reopen ELTF eligibility and
 11 funding for a release previously granted "no further action"
 12 (NFA) status by the department should either the
 13 department or the owner of the underground petroleum
 14 storage tank or aboveground petroleum storage tank
 15 subsequently decide to permanently decommission the use
 16 of the site as a ~~petroleum facility~~ **UST facility or AST**
 17 **facility** and undertake the investigation and remediation of
 18 any residual contamination arising from the site's former
 19 use as a ~~petroleum facility~~ **UST facility or AST facility**.
 20 Before reopening ELTF eligibility and funding, the
 21 administrator may require that the applicant provide
 22 information regarding the planned future use of the site.

23 (2) ~~Take testimony and~~ Receive a **written** report at every meeting
 24 of the board from the administrator or the administrator's
 25 designee regarding the financial condition and operation of the
 26 ELTF, including:

27 (A) a ~~detailed~~ breakdown of contractual and administrative
 28 expenses the department is claiming from the ELTF under
 29 IC 13-23-7-1(a)(4); and

30 (B) a claims statistics report consisting of:

- 31 (i) the status and amounts of claims submitted to the
 32 ELTF; and
 33 (ii) ELTF claims payments made.

34 ~~Testimony shall be taken and a written report shall be received~~
 35 ~~under this subdivision at every meeting of the board. However,~~
 36 ~~the testimony and written report are not required more than one~~
 37 ~~(1) time during any thirty (30) day period.~~

38 (3) Consult with the department on administration of the ELTF
 39 in developing uniform policies and procedures for revenue
 40 collection and claims administration of the ELTF.

41 (b) The department shall consult with the board on administration
 42 of the ELTF. The consultation must include evaluation of alternative

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1 means of administering the ELTF in a cost effective and efficient
 2 manner.

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

6 SECTION 26~~3~~[1]. IC 13-23-11-9 IS ADDED TO THE
 7 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2026]: **Sec. 9. This chapter expires July 1,**
 9 **2031.**

10 SECTION 26~~4~~[2]. IC 13-23-13-1, AS AMENDED BY
 11 P.L.176-2023, SECTION 50, IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Subject to
 13 subsections (b)(1) and (d), the commissioner may, under rules adopted
 14 under IC 13-23-1-2:

- 15 (1) issue an order under IC 13-14-2-7 or IC 4-21.5-4; or
 - 16 (2) proceed under IC 13-14-2-6;
- 17 to require the owner or operator of an underground storage tank or
 18 aboveground storage tank to undertake corrective action with respect
 19 to any release of a regulated substance.

20 (b) Except as provided in subsection (d), the commissioner may
 21 not, with respect to a release of petroleum from an underground storage
 22 tank or aboveground storage tank:

- 23 (1) take action under subsection (a); or
- 24 (2) if a reportable quantity of the released petroleum remains or
 25 may remain underground at the site of the underground storage
 26 tank or aboveground storage tank:
 - 27 (A) request that the owner or operator of the underground
 28 storage tank or aboveground storage tank execute a
 29 restrictive covenant (as defined in IC 13-11-2-193.5)
 30 applying to the site of the underground storage tank or
 31 aboveground storage tank;
 - 32 (B) make a determination of no further action being
 33 required at the site of the underground storage tank or
 34 aboveground storage tank; or
 - 35 (C) approve closure, or its equivalent, of the site of the
 36 underground storage tank or aboveground storage tank;

37 unless the commissioner has received and reviewed the initial site
 38 characterization of the site of the release or an alternative evaluation is
 39 prepared for submittal to the commissioner in accordance with
 40 subsection (c) **and an evaluation of potential remedial activities to**
 41 **achieve remedial objectives including closure options,**
 42 **environmental deed restrictions, and remediation methods to**

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1 **achieve a no further action determination, including estimated**
2 **costs and time frames sufficient for the commissioner to evaluate**
3 **the adequacy of the proposed response.**

4 (c) When necessary and feasible as determined by a qualified
5 environmental professional, an initial site characterization shall
6 include:

- 7 (1) site-specific geologic information obtained from a minimum
- 8 of three (3) continuously sampled soil borings; and
- 9 (2) hydrogeologic information, including depth to ground water
- 10 and ground water flow directions and gradients, obtained from
- 11 a minimum of three (3) monitoring wells screened across the
- 12 water table.

13 A qualified environmental professional, on behalf of the owner or
14 operator of an underground storage tank or an aboveground storage
15 tank from which there has been a release of petroleum, may submit for
16 approval by the commissioner an alternative procedure for initial site
17 characterization and request a waiver of the requirements in this
18 subsection. The commissioner may approve the request for a waiver
19 and alternative procedure only if the alternative procedure provides
20 substantially equal protection for human health and the environment.
21 If an initial site characterization does not define the nature and extent
22 of the contaminant plume, additional investigation shall be performed
23 when necessary and feasible as determined by a qualified
24 environmental professional.

25 (d) The commissioner may take action under subsection (a)
26 without having received and reviewed the initial site characterization
27 if the commissioner reasonably believes that the release from the
28 underground storage tank or aboveground storage tank creates a threat
29 to human health or the environment sufficient to necessitate action
30 under subsection (a) before the initial site characterization is submitted
31 to the department.

32 (e) If the commissioner:

- 33 (1) requires corrective action under subsection (a); and
- 34 (2) determines that the corrective action will be done properly
- 35 and promptly by the owner or operator of the underground
- 36 storage tank or aboveground storage tank from which the release
- 37 occurs;

38 the commissioner may enter into an agreed order with the owner or
39 operator to implement necessary corrective action.

40 SECTION 26<5>[3]. IC 13-23-13-2, AS AMENDED BY
41 P.L.176-2023, SECTION 51, IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner,

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1 under rules adopted under IC 13-23-1-2, may undertake corrective
 2 action with respect to any release of a regulated substance into the
 3 environment from an underground storage tank or aboveground storage
 4 tank if:

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

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

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

- 12 (i) an owner or operator of the underground storage
- 13 tank or aboveground storage tank;
- 14 (ii) subject to the rules concerning corrective action;
- 15 and
- 16 (iii) capable of properly carrying out corrective action
- 17 with respect to the release.

18 (B) An existing situation requires prompt action by the
 19 commissioner under this section to protect human health
 20 and the environment.

21 (C) The cost of corrective action at the site of an
 22 underground storage tank exceeds the amount of financial
 23 responsibility required under ~~IC 13-23-1-2(c)(6)~~;
 24 **IC 13-23-1-2(b)(6)**, IC 13-23-4-4, and IC 13-23-4-5 and,
 25 considering the class or category of underground storage
 26 tank from which the release occurred, expenditures by the
 27 state are necessary to ensure an effective corrective action.

28 (D) The owner or operator of the underground storage tank
 29 or aboveground storage tank has failed or refused to comply
 30 with an order of the commissioner or a judgment of a court
 31 of competent jurisdiction under section 1 of this chapter to
 32 take corrective action with respect to the release.

33 SECTION 26~~6~~^[4]. IC 13-23-13-9 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. In determining the
 35 equities for seeking the recovery of costs under section 8 of this
 36 chapter, the commissioner may consider the following:

37 (1) The amount of financial responsibility required to be
 38 maintained under ~~IC 13-23-1-2(c)(6)~~. ~~IC 13-23-1-2(b)(6)~~.

39 (2) The factors considered in establishing that amount for
 40 underground storage tanks containing petroleum under
 41 IC 13-23-4-4.

42 SECTION 26~~7~~^[5]. IC 13-23-16-2, AS AMENDED BY

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1 P.L.176-2023, SECTION 65, IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. If the department
 3 receives a report concerning:

4 (1) the discovery of released regulated substances at an
 5 underground storage tank or aboveground storage tank site or in
 6 the surrounding area under ~~329 IAC 9-4-1(1)~~; **40 CFR 280.50**;
 7 or

8 (2) a spill or overfill under ~~329 IAC 9-4-4(a)~~; **40 CFR 280.53**;
 9 the department shall, not more than seven (7) days after receiving the
 10 report, provide notice of the release, spill, or overfill to the county
 11 health officer of each county in which the release, spill, or overfill
 12 occurred.

13 SECTION 26 ~~6~~ [6]. IC 13-23-16-3, AS ADDED BY
 14 P.L.221-2007, SECTION 16, IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Not more than seven
 16 (7) days after receiving a notice from the department under section 2
 17 of this chapter, a county health officer shall **make a reasonable effort**
 18 **to** do the following:

19 (1) Publish notice of the release, spill, or overfill in a newspaper
 20 **or other media** of general circulation in the county health
 21 officer's county.

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

24 SECTION 26 ~~7~~ [7]. IC 13-23-16-4, AS ADDED BY
 25 P.L.221-2007, SECTION 16, IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. Notice provided by
 27 a county health officer under section 3 of this chapter must include:

28 (1) the same information reported to the department under ~~329~~
 29 ~~IAC 9-4-1(1)~~ or ~~329 IAC 9-4-4(a)~~; **40 CFR 280.50 or 40 CFR**
 30 **280.53**; and

31 (2) any other information the county health officer considers
 32 necessary or appropriate.

33 SECTION 2 ~~70~~ [68]. IC 13-24-1-1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The
 35 commissioner may issue an order under:

36 (1) IC 13-14-2-7;

37 (2) IC 4-21.5-4; or

38 (3) IC 4-21.5-3-6;

39 to require an owner or operator or a responsible person to undertake
 40 removal or remedial action with respect to a release of petroleum at a
 41 petroleum facility.

42 (b) If the commissioner determines that the removal or remedial

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1 action will be done properly and promptly by the owner, operator, or
2 responsible person, the commissioner may enter into an agreed order
3 with the owner, operator, or responsible person to implement necessary
4 removal or remedial action.

5 (c) If the commissioner and the owner or operator or the
6 responsible party fail to agree on the appropriate and necessary
7 removal or remedial action to be taken, the dispute shall be resolved
8 under IC 4-21-5.

9 SECTION 271[69]. IC 13-24-1-8 IS REPEALED [EFFECTIVE
10 JULY 1, 2026]. Sec. 8: IC 4-21-5 applies to:

- 11 (1) determinations;
- 12 (2) notices;
- 13 (3) hearings; and
- 14 (4) appeal determinations;

15 under this chapter:

16 SECTION 2728[0]. IC 13-25-2-6.5 IS AMENDED TO READ
17 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) The
18 department shall work with interested stakeholders, including the
19 federal government, the general public, members of the general
20 assembly, and businesses, to evaluate the feasibility of simplifying and
21 expediting notification under IC 13-25-2-6. Options to be evaluated
22 include:

- 23 (1) connecting persons required to provide notice under
24 IC 13-25-2-6 with the National Response Center; and
- 25 (2) recommending any appropriate changes in federal law.

26 (b) The department shall implement an option evaluated under
27 subsection (a) if the option:

- 28 (1) is practical to implement;
- 29 (2) is technically feasible;
- 30 (3) is economically feasible;
- 31 (4) is protective of human health and the environment; and
- 32 (5) would adequately serve persons required to provide notice
33 under IC 13-25-2-6.

34 (c) The department shall provide a toll free long distance
35 telephone line through which a person required to provide notice under
36 IC 13-25-2-6 may contact ~~the office described in IC 13-13-3-1 of this~~
37 **chapter: the department.**

38 SECTION 2728[1]. IC 13-25-4-7, AS AMENDED BY
39 P.L.133-2012, SECTION 154, IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The board ~~shall~~**may**
41 adopt rules establishing criteria for determining the commissioner's
42 priorities in selecting hazardous substance response sites. ~~Until these~~

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1 rules have been adopted; the commissioner shall give priority to those
 2 sites presenting a significant threat to public health and environment.

3 SECTION 27~~4~~[2]. IC 13-25-4-11 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) After a response
 5 is initiated under:

- 6 (1) section 9 of this chapter; or
- 7 (2) IC 13-24-1;

8 the **state department** may impose a lien on the property on which the
 9 response is undertaken **or impose a restrictive covenant on a facility**
 10 **or site where remediation objectives set forth in IC 13-25-5-8.5**
 11 **have not been met.** The lien may secure the payment to the state of an
 12 amount of money equal to the amount expended from the fund under
 13 section 1(a)(3) of this chapter to finance the response.

14 (b) **The board may adopt rules under IC 4-22-2 and IC 13-14-9**
 15 **to set forth procedures to allow the department to impose:**

- 16 (1) a lien; or
- 17 (2) a restrictive covenant;

18 **as described in this section.**

19 SECTION 27~~5~~[3]. IC 13-25-4-12 IS REPEALED [EFFECTIVE
 20 JULY 1, 2026]. Sec. 12: For a lien arising under section 11 of this
 21 chapter to be perfected; notice of the lien must be filed in the office of
 22 the county recorder of the county in which the real property subject to
 23 the lien is located. Before notice of a lien may be filed in the office of
 24 the county recorder; the department shall provide notice of the
 25 intention to file the lien as provided by section 19 of this chapter.

26 SECTION 27~~6~~[4]. IC 13-25-4-13 IS REPEALED [EFFECTIVE
 27 JULY 1, 2026]. Sec. 13: The department shall provide notice of the
 28 filing of a lien to the owner of the property if the owner can be
 29 identified. If the owner of record cannot be identified; the department
 30 shall notify the tenant or other person having control of the property.

31 SECTION 27~~7~~[5]. IC 13-25-4-14 IS REPEALED [EFFECTIVE
 32 JULY 1, 2026]. Sec. 14: When a notice of a lien arising under section
 33 11 of this chapter is presented to the county recorder for filing; the
 34 county recorder shall enter the lien appropriately in the entry book and
 35 in the miscellaneous record. The entries made under this section must
 36 show the following:

- 37 (1) The date of filing;
- 38 (2) The book and page number or instrument number;
- 39 (3) The name of the person named in the notice;
- 40 (4) A legal description of the property if appropriate;
- 41 (5) A serial number or other identifying number given in the
- 42 notice.

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1 SECTION 27~~<8>~~[6]. IC 13-25-4-15 IS REPEALED [EFFECTIVE
2 JULY 1, 2026]. Sec. 15: (a) Subject to subsection (b), when a
3 certificate of discharge of a lien arising under section 11 of this chapter
4 or IC 13-7-8.7-10.7 (before its repeal) is:

- 5 (1) issued by an employee or a designated agent of the
6 department; and
 - 7 (2) presented for filing in the office of the county recorder of the
8 county where the notice of lien was filed;
- 9 the county recorder shall record the certificate of discharge as a release
10 of the lien.

11 (b) To be recorded under this section, the certificate must refer to
12 the county recorder's book and page number or instrument number
13 under which the lien was recorded.

14 SECTION 27~~<9>~~[7]. IC 13-25-4-16 IS REPEALED [EFFECTIVE
15 JULY 1, 2026]. Sec. 16: When recording a release of a lien under
16 section 15 of this chapter, the county recorder shall inscribe, in the
17 margin of each entry made to record the lien under section 14 of this
18 chapter, a reference to the place where the release is recorded.

19 SECTION ~~<280>~~[278]. IC 13-25-4-17 IS REPEALED
20 [EFFECTIVE JULY 1, 2026]. Sec. 17: Upon:

- 21 (1) the recording of the certificate of discharge as a release under
22 section 15 of this chapter; and
- 23 (2) the inscribing of the references to the release under section
24 16 of this chapter;

25 a certificate of discharge of a lien arising under section 11 of this
26 chapter operates as a full discharge and satisfaction of the lien unless
27 the references to the release inscribed under section 15 of this chapter
28 specifically note the release as a partial lien release.

29 SECTION 2~~<81>~~[79]. IC 13-25-4-18 IS REPEALED
30 [EFFECTIVE JULY 1, 2026]. Sec. 18: A lien created under section 11
31 of this chapter or IC 13-7-8.7-10.7 (before its repeal) continues until
32 the earlier of the following:

- 33 (1) The full discharge and satisfaction of the lien.
- 34 (2) The expiration of a ten (10) year period from the date of the
35 creation of the lien unless an action to foreclose the lien is
36 pending.

37 SECTION 28~~<2>~~[0]. IC 13-25-4-19 IS REPEALED [EFFECTIVE
38 JULY 1, 2026]. Sec. 19: (a) At least thirty (30) days before notice of a
39 lien arising under this chapter may be filed under section 12 of this
40 chapter, the department must send a written notice:

- 41 (1) to the owner of the real property that would be subject to the
42 lien; or

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1 (2) if the owner of record cannot be identified, to the tenant or
2 other person having control of the real property;
3 of the date on which the state intends to impose a lien under section 11
4 of this chapter.

5 (b) The department shall provide the county recorder of the county
6 in which the real property that would be subject to the lien is located
7 with a copy of the written notice described in subsection (a):

8 SECTION 28<3>[1]. IC 13-25-4-20 IS REPEALED [EFFECTIVE
9 JULY 1, 2026]. Sec. 20: (a) Before the date on which the state intends
10 to impose a lien on real property under section 11 of this chapter, the
11 owner of the real property may request that a hearing be conducted
12 under IC 4-21.5. A hearing conducted under this section and IC 4-21.5
13 shall be limited to determining if there is probable cause to believe
14 that:

15 (1) a removal or a remedial action was conducted on the real
16 property under:

- 17 (A) this chapter; or
- 18 (B) IC 13-24-1; and

19 (2) if the removal or the remedial action was conducted under
20 this chapter, the owner of the real property would be subject to
21 liability under 42 U.S.C. 9607 (Section 107 of the federal
22 Comprehensive Environmental Response, Compensation, and
23 Liability Act):

24 (b) For the purposes of a hearing conducted under this section and
25 IC 4-21.5, an administrative law judge is the ultimate authority:

26 SECTION 28<4>[2]. IC 13-25-4-21 IS REPEALED [EFFECTIVE
27 JULY 1, 2026]. Sec. 21: If an owner requests a hearing under section
28 20 of this chapter, the state may not impose a lien on the owner's real
29 property under section 11 of this chapter until the commissioner
30 determines after the hearing that there is probable cause to believe that:

31 (1) a removal or a remedial action was conducted on the real
32 property under this chapter or IC 13-24-1; and

33 (2) if the removal or the remedial action was conducted under
34 this chapter, the owner of the real property would be subject to
35 liability under 42 U.S.C. 9607 (Section 107 of the federal
36 Comprehensive Environmental Response, Compensation, and
37 Liability Act):

38 SECTION 28<5>[3]. IC 13-25-4-22 IS REPEALED [EFFECTIVE
39 JULY 1, 2026]. Sec. 22: If the department provides a county recorder
40 with a copy of a written notice under section 19(b) of this chapter, the
41 department shall retrieve the copy of the written notice from the county
42 recorder on the date a lien is imposed on the real property described in

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1 the written notice. However:

2 (1) if:

3 (A) a hearing is not held under section 20 of this chapter
4 and IC 4-21.5; and

5 (B) a lien is not imposed:

6 (i) on the real property described in the notice; and

7 (ii) by the date indicated in the notice;

8 the department shall retrieve the copy of the notice on the day
9 after the date the lien was to be imposed on the real property; or

10 (2) if:

11 (A) a hearing is held under section 20 of this chapter and
12 IC 4-21.5; and

13 (B) a lien is not imposed on the real property described in
14 the notice;

15 the department shall retrieve the copy of the notice on the day
16 after the date the commissioner determines that a lien may not be
17 imposed on the real property.

18 SECTION 28~~6~~[4]. IC 13-25-5-6 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If an applicant's
20 application is rejected under section 5 of this chapter **because the**
21 **application is incomplete**, the applicant may do the following:

22 (1) Appeal the department's decision under IC 4-21.5.

23 (2) If the application is rejected because the application is not
24 complete, submit a completed application without submitting an
25 additional application fee.

26 (b) If an applicant's application is rejected and the applicant:

27 (1) does not appeal the rejection; or

28 (2) loses an appeal concerning the rejection;

29 the department shall refund the unexpended part of the applicant's
30 application fee.

31 SECTION 28~~7~~[5]. IC 13-25-5-8 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Before the
33 department evaluates a proposed voluntary remediation work plan, the
34 applicant who submitted the work plan and the commissioner must
35 enter into a voluntary remediation agreement that sets forth the terms
36 and conditions of the evaluation and the implementation of the work
37 plan. A voluntary remediation agreement must include the following:

38 (1) Provisions for the following:

39 (A) A requirement that the department provide the applicant
40 with an itemized list of estimated costs the department may
41 incur under this chapter.

42 (B) The recovery of all reasonable costs that:

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

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1 applicant's application fee.
 2 SECTION 28~~8~~[6]. IC 13-25-5-11 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Before the
 4 commissioner approves or rejects a proposed voluntary remediation
 5 work plan under section 10 of this chapter, the commissioner must:
 6 (1) notify local government units located in a county affected by
 7 the proposed voluntary remediation work plan of the work plan;
 8 (2) provide that a copy of the proposed voluntary remediation
 9 work plan be placed in at least one (1) public library in a county
 10 affected by the work plan; **published electronically on the**
 11 **department's website;** and
 12 (3) publish a notice requesting comments concerning the
 13 proposed voluntary remediation work plan.
 14 (b) A comment period of at least thirty (30) days must follow
 15 publication of a notice under this section. During a comment period,
 16 interested persons may do the following:
 17 (1) Submit written comments to the commissioner concerning
 18 the proposed voluntary remediation work plan.
 19 (2) Request a public hearing concerning the proposed voluntary
 20 remediation work plan.
 21 (c) If the commissioner receives at least one (1) written request,
 22 the commissioner may hold a public hearing in the geographical area
 23 affected by the proposed voluntary remediation work plan on the
 24 question of whether to approve or reject the work plan. The
 25 commissioner shall consider all written comments and public
 26 testimony.
 27 SECTION 28~~9~~[7]. IC 13-25-5-15 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant
 29 who submitted an approved voluntary remediation work plan proceeds
 30 with the work plan, the department or a person under contract with the
 31 department shall do the following:
 32 (1) Oversee and review the implementation of the voluntary
 33 remediation work plan.
 34 (2) Make regular reports to the commissioner concerning the
 35 remediation.
 36 (b) **Upon submission of a report to the commissioner, the**
 37 **commissioner may evaluate the remedial action to verify the action**
 38 **is achieving project goals. If project goals are not met, the**
 39 **commissioner may require modification of the voluntary**
 40 **remediation work plan.**
 41 (c) **If the parties are unable to agree to a modification as**
 42 **provided for in subsection (b) within one hundred eighty (180)**

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1 **days, the commissioner or applicant may withdraw the project**
 2 **from the voluntary remediation work program. Projects**
 3 **withdrawn from the voluntary remediation work program may be**
 4 **referred to the state clean-up program.**

5 SECTION 2~~90~~[88]. IC 13-25-5-16 IS AMENDED TO READ
 6 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If the
 7 commissioner determines that an applicant has successfully completed
 8 a voluntary remediation work plan approved under this chapter, the
 9 commissioner shall certify that the work plan has been completed by
 10 issuing the applicant a certificate of completion.

11 (b) The issuance of a certificate of completion under this section
 12 is a final agency action for purposes of IC 4-21.5.

13 (c) A person who receives a certificate under this section shall
 14 attach a copy of the certificate to the recorded deed that concerns the
 15 property on which the remediation took place.

16 **(d) If the commissioner determines that an applicant has not**
 17 **successfully completed a voluntary remediation work plan**
 18 **approved under this chapter, the commissioner shall notify the**
 19 **applicant of this determination under IC 4-21.5.**

20 SECTION ~~291~~[289]. IC 13-25-5-17 IS REPEALED
 21 [EFFECTIVE JULY 1, 2026]. Sec. 17. If the commissioner determines
 22 that an applicant has not successfully completed a voluntary
 23 remediation work plan approved under this chapter, the commissioner
 24 shall notify the applicant of this determination under IC 4-21.5.

25 SECTION 29~~2~~[0]. IC 13-26-2-5 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Upon the
 27 determination of the department that a sufficient petition has been filed
 28 in accordance with this chapter, the commissioner shall appoint a
 29 hearing officer. ~~who does not have to be a state employee. If the~~
 30 ~~hearing officer is not a full-time state employee, the hearing officer is~~
 31 ~~entitled to be paid reasonable:~~

- 32 (1) expenses; and
- 33 (2) per diem;

34 for each day or part of a day in actual attendance at a meeting or
 35 hearing or in performance of duties. The reasonable per diem and
 36 expenses are valid claims against the department.

37 SECTION 29~~3~~[1]. IC 13-26-8-4, AS AMENDED BY
 38 P.L.165-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This section applies to the
 40 addition of territory to a regional sewage or solid waste district other
 41 than at the request of an eligible entity described in section 1 of this
 42 chapter. This section does not apply to a regional water district.

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1 (b) To add territory to a district already established, the board of
 2 the district must file with the department a motion adopted by the board
 3 requesting the addition of territory to the district. If the motion is for
 4 the addition of territory to a regional sewage district, the board, not
 5 later than ten (10) days after filing the motion with the department,
 6 must also file a copy of the motion in the office of:

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

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

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

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

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

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

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

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

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

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

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

31 (e) For purposes of subsection (c):

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

34 (2) the board shall:

35 (A) provide the notice of; and

36 (B) conduct;

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

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

41 (A) notice was provided; and

42 (B) hearing was conducted;

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1 by the board as required under subdivision (2).
 2 SECTION 29~~4~~[2]. IC 13-27-2-2 IS REPEALED [EFFECTIVE
 3 JULY 1, 2026]. Sec. 2: The commissioner shall appoint an assistant
 4 commissioner to head the division:
 5 SECTION 29~~5~~[3]. IC 13-27-2-3 IS REPEALED [EFFECTIVE
 6 JULY 1, 2026]. Sec. 3: The commissioner shall hire employees of the
 7 division:
 8 SECTION 29~~6~~[4]. IC 13-27-2-4 IS REPEALED [EFFECTIVE
 9 JULY 1, 2026]. Sec. 4: (a) The commissioner may appoint liaison
 10 advisory panels to assist the division in the functions of the division:
 11 Individual panels must include members representing different areas
 12 of interest in and potential support of pollution prevention and
 13 environmentally-related technical assistance, including the following:
 14 (1) Industry:
 15 (2) Education:
 16 (3) Environmental and public interest groups:
 17 (4) State government:
 18 (5) Local government officials associated with state programs for
 19 pollution prevention:
 20 (6) Organized labor:
 21 (b) A member of a liaison advisory panel is not entitled to the
 22 minimum salary per diem provided by IC 4-10-11-2.1(b). The member
 23 is, however, entitled to reimbursement for traveling expenses as
 24 provided under IC 4-13-1-4 and other expenses actually incurred in
 25 connection with the member's duties as provided in the state policies
 26 and procedures established by the Indiana department of administration
 27 and approved by the budget agency.
 28 SECTION 29~~7~~[5]. IC 13-27-2-5 IS REPEALED [EFFECTIVE
 29 JULY 1, 2026]. Sec. 5: The commissioner and the assistant
 30 commissioner, through coordinated effort, shall do the following:
 31 (1) Periodically review state environmental programs and
 32 projects for their ability and progress in promoting multimedia
 33 industrial pollution prevention:
 34 (2) Assist the division of air, the division of water, and the
 35 division of solid and hazardous waste management in
 36 identifying, within planned and existing regulatory programs of
 37 the department, obstacles to pollution prevention and
 38 opportunities to promote and assist in pollution prevention;
 39 including the following:
 40 (A) Encouraging regulatory flexibility to afford businesses
 41 the opportunity to develop or implement pollution
 42 prevention technologies and practices.

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- 1 (B) Performing pollution prevention impact analyses of
- 2 administrative rules before proposed rules are published
- 3 and before final adoption.
- 4 (C) Exploring permanent funding for the program.
- 5 (3) Promote increased coordination between the divisions of the
- 6 department and between the department and other governmental
- 7 regulatory programs with responsibilities and duties relating to
- 8 toxic materials and environmental wastes; including, to the
- 9 fullest extent possible, the following:
- 10 (A) Joint planning processes.
- 11 (B) Joint research and studies.
- 12 (C) Joint public hearings.
- 13 (D) Joint hazard assessments.
- 14 (E) Joint environmental and workplace impact statements.
- 15 (F) Joint pollution prevention impact analyses for existing
- 16 and proposed administrative rules.
- 17 (4) Develop policies and programs to reduce the following by
- 18 means of industrial pollution prevention:
- 19 (A) Generation of municipal wastes.
- 20 (B) Generation of household hazardous wastes and
- 21 pollutants.
- 22 (C) Use of toxic materials in consumer products.
- 23 (5) Provide general information about, and actively publicize the
- 24 advantages of and developments in, pollution prevention and the
- 25 requirements of this article.
- 26 (6) Assist businesses that seek information, guidance, planning
- 27 assistance, or recommendations for pollution prevention by
- 28 providing technical information to those businesses at
- 29 production or commercial locations.
- 30 (7) Work with existing environmental regulatory programs to
- 31 make use of existing information gathering systems that may
- 32 assist the division in assessing the progress of pollution
- 33 prevention statewide.
- 34 (8) Grant or deny applications for pollution prevention grants
- 35 under section 10 of this chapter.
- 36 (9) Provide source reduction and recycling technical assistance
- 37 and administer the Indiana recycling grants program established
- 38 under IC 13-20-22-2.
- 39 SECTION 29-~~8~~[6]. IC 13-27-2-5.1 IS ADDED TO THE
- 40 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
- 41 [EFFECTIVE JULY 1, 2026]: **Sec. 5.1. The department may do the**
- 42 **following:**

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- 1 (1) Periodically review state environmental programs and
 2 projects for their ability and progress in promoting
 3 multimedia industrial pollution prevention.
 4 (2) Remove obstacles to pollution prevention.
 5 (3) Develop and implement pollution prevention and
 6 environmental recognition programs to incentivize:
 7 (A) communities;
 8 (B) salvage facilities;
 9 (C) marinas;
 10 (D) companies; and
 11 (E) other entities;
 12 that exceed environmental regulatory requirements.
 13 (4) Assist businesses that seek:
 14 (A) information;
 15 (B) guidance;
 16 (C) planning assistance; or
 17 (D) recommendations;
 18 for pollution prevention by providing technical information
 19 to those businesses.
 20 (5) Work with existing environmental regulatory programs
 21 to make use of existing information gathering systems that
 22 may assist the department in assessing the progress of
 23 pollution prevention.
 24 (6) Provide source reduction and recycling technical
 25 assistance and administer the Indiana recycling grants
 26 program established under IC 13-20-22-2.
 27 SECTION 29~~9~~[7]. IC 13-27-2-6 IS REPEALED [EFFECTIVE
 28 JULY 1, 2026]. Sec. 6. The division shall assist other governmental
 29 regulatory programs in devising:
 30 (1) standards;
 31 (2) administrative rules; and
 32 (3) permits;
 33 based on goals and principles of pollution prevention.
 34 SECTION ~~300~~[298]. IC 13-27-2-7 IS REPEALED
 35 [EFFECTIVE JULY 1, 2026]. Sec. 7. To facilitate the use and
 36 coordination of reporting requirements, the commissioner may seek
 37 unified reporting and permitting authority from the United States
 38 Environmental Protection Agency with respect to federal toxic
 39 material, waste management, and pollution control laws and
 40 regulations in effect on January 1, 1990, including the following:
 41 (1) The federal Clean Air Act (42 U.S.C. 7401 et seq.);
 42 (2) The Federal Water Pollution Control Act (33 U.S.C. 1251 et

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1 seq.:

2 (3) The federal Toxic or Hazardous Substance Control Act (15

3 U.S.C. 2601 et seq.);

4 (4) The federal Solid Waste Disposal Act (42 U.S.C. 6901 et

5 seq.);

6 (5) The federal Comprehensive Environmental Response;

7 Compensation, and Liability Act (42 U.S.C. 9601 et seq.);

8 SECTION ~~301~~[299]. IC 13-27-2-9 IS AMENDED TO READ

9 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) To:

10 (1) promote pollution prevention statewide by all industries and

11 companies; and

12 (2) assist in obtaining information on the progress of multimedia

13 reduction of environmental wastes and related environmental

14 policies and programs;

15 the commissioner ~~shall~~ **may** establish and operate a state information

16 clearinghouse for pollution prevention.

17 (b) The commissioner ~~shall~~ **may** use the clearinghouse established

18 under this section to do the following:

19 (1) Collect and compile the following:

20 (A) Information from organizations receiving grants under

21 this article.

22 (B) Information from the published technical literature.

23 (2) Mount active outreach and educational programs to further

24 the development and adoption of principles and techniques of

25 pollution prevention.

26 (c) The clearinghouse established under this section must include

27 data on the operation and effectiveness of industry pollution prevention

28 programs. The ~~division~~ **department** shall permit and facilitate free use

29 of this data by businesses, governmental agencies, and the general

30 public. A business may not be required to submit information of a

31 proprietary nature to the clearinghouse or to a governmental program

32 funded under this article.

33 (d) The ~~division~~ shall provide information for the clearinghouse

34 established under this section:

35 SECTION 30~~1~~[0]. IC 13-27-2-11 IS REPEALED [EFFECTIVE

36 JULY 1, 2026]. Sec. ~~11~~. The ~~division~~ shall sponsor pilot projects to

37 develop—and demonstrate innovative techniques for clean

38 manufacturing. The results of pilot projects sponsored under this

39 section shall be made available for use by the public. However,

40 information about a pilot project that is considered proprietary by a

41 manufacturer involved in the pilot project may not be disclosed to the

42 public.

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1 SECTION 30~~3~~[1]. IC 13-27-2-13 IS REPEALED [EFFECTIVE
2 JULY 1, 2026]. Sec. 13. The commissioner may:

3 (1) order all hearings and investigations necessary for the
4 administration of this article; and

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

8 SECTION 30~~4~~[2]. IC 13-27-7-3 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Programs
10 implemented by the ~~division~~: **department**:

11 (1) must encourage pollution prevention; and

12 (2) may not discourage the use of recycling or treatment
13 techniques determined to be acceptable for pollution that has not
14 been prevented.

15 SECTION 30~~5~~[3]. IC 13-28-3-2, AS AMENDED BY
16 P.L.53-2014, SECTION 128, IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The assistance
18 program established under this chapter shall do the following:

19 (1) ~~Designate an individual to serve as a liaison and ombudsman~~
20 ~~to the regulated community to~~ Assist the regulated community
21 with specific regulatory or permit matters pending with the
22 department.

23 (2) Provide assistance to new and existing businesses and small
24 municipalities in identifying:

25 (A) applicable environmental rules and regulations; and

26 (B) permit requirements;

27 that apply to new and existing businesses and small
28 municipalities.

29 (3) Develop and distribute educational materials regarding:

30 (A) environmental requirements;

31 (B) compliance methods;

32 (C) voluntary environmental audits;

33 (D) pollution control technologies; and

34 (E) other compliance issues;

35 including standardized forms and procedures for completing
36 permit applications.

37 (4) Provide public outreach and training sessions in cooperation
38 with representatives of the business and municipal communities
39 regarding existing and future state and federal environmental
40 requirements.

41 (5) Develop and operate a clearinghouse to respond to inquiries
42 from businesses and municipalities concerning applicable

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- 1 environmental rules, regulations, and requirements.
- 2 (6) Provide technical assistance concerning pollution control
- 3 techniques to local and state governmental entities and
- 4 businesses and distribute educational materials regarding
- 5 pollution prevention developed by the ~~pollution prevention~~
- 6 ~~division established by IC 13-27-2-1.~~ **department.**
- 7 (7) Provide administrative and technical support for the
- 8 compliance advisory panel established by IC 13-13-7.1-1.
- 9 (8) Conduct other activities as required to:
 - 10 (A) improve regulatory compliance; and
 - 11 (B) promote cooperation and assistance in meeting
 - 12 environmental requirements.
- 13 (b) The assistance program may ~~establish~~ **provide** limited onsite
- 14 assistance to provide compliance information **and technical assistance**
- 15 to a small business or small municipality, subject to the confidentiality
- 16 provisions of section 4 of this chapter. The assistance program may use
- 17 money from the environmental management special fund to implement
- 18 this subsection. The assistance program may limit the number of
- 19 inspections per year and restrict onsite assistance to specific programs.
- 20 SECTION 30~~6~~^[4]. IC 13-28-3-7 IS ADDED TO THE
- 21 INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 22 **[EFFECTIVE JULY 1, 2026]: Sec. 7. As part of the technical and**
- 23 **compliance assistance program, the department shall establish a**
- 24 **small business stationary source technical assistance program as**
- 25 **required under Section 507 of the federal Clean Air Act (42 U.S.C.**
- 26 **7661f).**
- 27 SECTION 30~~7~~^[5]. IC 13-28-4-11, AS AMENDED BY
- 28 P.L.130-2018, SECTION 74, IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The department
- 30 shall maintain statistics on the use of environmental audit reports in
- 31 department compliance and enforcement activities, including statistics
- 32 on:
 - 33 (1) ~~the number of times the reports are disclosed to the~~
 - 34 ~~department;~~
 - 35 (2) ~~the number and types of violations disclosed to the~~
 - 36 ~~department through the reports; and~~
 - 37 (3) ~~the civil penalties collected for the violations. and~~
 - 38 (4) ~~the time necessary for the violations to be corrected.~~
- 39 ~~The department shall report annually to the interim study committee on~~
- 40 ~~environmental affairs established by IC 2-5-1.3-4 in an electronic~~
- 41 ~~format under IC 5-14-6 on the use of environmental audit reports.~~
- 42 (b) The department shall propose an enforcement policy, pursuant

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1 to IC 13-14-1-11.5, that provides relief from civil penalties for a
 2 voluntary disclosure that results from an internal environmental audit.
 3 In developing this enforcement policy, the department shall consider
 4 similar policies implemented by:

- 5 (1) the United States Environmental Protection Agency; and
- 6 (2) states contiguous to Indiana.

7 SECTION 30~~8~~[6]. IC 13-28-5-2 IS REPEALED [EFFECTIVE
 8 JULY 1, 2026]. Sec. 2: The program must provide the following:

- 9 (1) Education, training, and information on permit and
 10 compliance requirements of the federal Clean Air Act (42 U.S.C.
 11 7401 et seq.);
- 12 (2) Standardized forms and procedures for completing permit
 13 applications;
- 14 (3) An ombudsman for small businesses.

15 SECTION 30~~9~~[7]. IC 13-28-5-3 IS REPEALED [EFFECTIVE
 16 JULY 1, 2026]. Sec. 3: The ombudsman described in section 2 of this
 17 chapter shall assist as necessary each small business that applies for
 18 assistance with the following:

- 19 (1) Specific regulatory matters pending before the department.
- 20 (2) Permit applications.

21 SECTION ~~310~~[308]. IC 13-28-5-4 IS REPEALED
 22 [EFFECTIVE JULY 1, 2026]. Sec. 4: The department may establish the
 23 technical and environmental compliance assistance program required
 24 by this chapter as part of the technical and compliance assistance
 25 program established under IC 13-28-3.

26 SECTION 3~~11~~[09]. IC 13-29-1-13 IS REPEALED
 27 [EFFECTIVE JULY 1, 2026]. Sec. 13: The board shall adopt under
 28 IC 4-22-2 and IC 13-14-9 the rules necessary to implement this chapter.

29 SECTION 31~~2~~[0]. IC 13-30-1-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A citizen, a
 31 partnership, a corporation, a limited liability company, an association,
 32 or a public officer or agency, as a condition precedent to maintaining
 33 an action, must give notice in writing by registered or certified mail to:

- 34 (1) the department of natural resources;
- 35 (2) (1) the department; and
- 36 (3) (2) the attorney general.

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

41 SECTION 31~~3~~[1]. IC 13-30-2-1, AS AMENDED BY
 42 P.L.133-2012, SECTION 158, IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not do
 2 any of the following:

3 (1) Discharge, emit, cause, allow, or threaten to discharge, emit,
 4 cause, or allow any contaminant or waste, including any noxious
 5 odor, either alone or in combination with contaminants from
 6 other sources, into:

7 (A) the environment; or
 8 (B) any publicly owned treatment works;
 9 in any form that causes or would cause pollution that violates or
 10 would violate rules, standards, or discharge or emission
 11 requirements adopted by the board under the environmental
 12 management laws.

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

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

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

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

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

30 (A) in proper containers provided for sanitary storage of the
 31 solid waste; or
 32 (B) as a part of a sanitary landfill operation or other land
 33 disposal method approved by the department.

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

37 (A) cause or contribute to pollution; or
 38 (B) be designed to prevent pollution.

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

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- 1 (8) Conduct any salvage operation or open dump by open
- 2 burning or burn, cause, or allow the burning of any solid waste
- 3 in a manner that violates either:
- 4 (A) the air pollution control laws; or
- 5 (B) the rules adopted by the board.
- 6 (9) Commence construction of a proposed hazardous waste
- 7 facility without having first:
- 8 (A) filed an application for; and
- 9 (B) received;
- 10 a permit from the department.
- 11 (10) Commence or engage in the operation of a hazardous waste
- 12 facility without having first obtained a permit from the
- 13 department.
- 14 (11) Deliver any hazardous waste to a hazardous waste facility
- 15 that:
- 16 (A) is not approved; or
- 17 (B) does not hold a permit from the department.
- 18 (12) Cause or allow the transportation of a hazardous waste
- 19 without a manifest if a manifest is required by law.
- 20 (13) Violate any:
- 21 (A) condition;
- 22 (B) limitation; or
- 23 (C) stipulation;
- 24 placed upon a certificate of environmental compatibility by the
- 25 hazardous waste facility site approval authority or any other
- 26 provision of IC 13-22-10.
- 27 (14) Apply or allow the application of used oil to any ground
- 28 surface, except for purposes of treatment in accordance with a
- 29 permit issued by the department under any of the following:
- 30 (A) IC 13-15. ~~except IC 13-15-9.~~
- 31 (B) IC 13-17-11.
- 32 (C) IC 13-18-18.
- 33 (D) IC 13-20-1.
- 34 (15) Commence construction of a solid waste incinerator without
- 35 first obtaining a permit from the department under IC 13-20-8.
- 36 (16) Commence operation of a solid waste incinerator without
- 37 first obtaining the approval of the department under IC 13-20-8.
- 38 SECTION 31 ~~←~~ [\[2\]](#). IC 13-30-10-1.5, AS AMENDED BY
- 39 P.L.181-2018, SECTION 14, IS AMENDED TO READ AS
- 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as
- 41 provided in subsection (b), a person regulated under IC 13-22 who
- 42 knowingly:

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1 (1) transports hazardous waste to an unpermitted facility;
 2 (2) treats, stores, or disposes of hazardous waste without a
 3 permit issued by the department under IC 13-22; or
 4 (3) transports, treats, stores, disposes, recycles, or causes to be
 5 transported used oil regulated under rules adopted by the board
 6 without a manifest or in violation of the standards established by
 7 the department for the management of used oil;
 8 commits a Class B misdemeanor.

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

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

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

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

21 (3) any fee or filing requirement in IC 13-17, including the
 22 requirement to file an application for a permit under IC 13-17;
 23 commits a Class C misdemeanor.

24 (d) Notwithstanding the maximum fine provisions of IC 35-50-3-4,
 25 criminal fines for a person convicted of an offense described in
 26 subsection (c) shall be assessable in a maximum amount of not less
 27 than ten thousand dollars (\$10,000) per day per violation.

28 (e) Except as provided in subsection (f), a person who willfully or
 29 negligently violates:

30 (1) any applicable standards or limitations of IC 13-18-3-2.4,
 31 IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or
 32 IC 13-18-16 or of rules of the board implementing the chapters
 33 referred to in this subdivision;

34 (2) any condition of a National Pollutant Discharge Elimination
 35 System permit issued by the department under IC 13-18-19 or
 36 rules adopted by the board under IC 13-18-19;

37 (3) any National Pollutant Discharge Elimination System Permit
 38 filing requirement under IC 13-18-19; or

39 (4) any condition of a permit issued by the department in
 40 accordance with the requirements of 33 U.S.C. 1344;

41 commits a Class A misdemeanor.

42 (f) Notwithstanding the maximum fine provisions of IC 35-50-3-2,

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1 criminal fines for a person convicted of an offense described in
 2 subsection (e) shall be assessable in a maximum amount of not less
 3 than ten thousand dollars (\$10,000) per day per violation.
 4 (g) A person who willfully or recklessly violates any applicable
 5 standards or limitations of IC 13-18-8 commits a Class B misdemeanor.
 6 (h) A person who willfully or recklessly violates any applicable
 7 standards or limitations of IC 13-18-9, IC 13-18-10, or IC 13-18-10.5
 8 commits a Class C misdemeanor.
 9 (i) A person who:
 10 (1) knowingly commits any act described in subsection (a), (c),
 11 or (e); and
 12 (2) knows that commission of the act places another person in
 13 imminent danger of death or serious bodily injury;
 14 commits a Level 4 felony. However, the offense is a Level 3 felony if
 15 it results in serious bodily injury to any person, and a Level 2 felony if
 16 it results in the death of any person.
 17 (j) It shall be a defense to an offense described in subsection (i)
 18 that the person charged:
 19 (1) did not know; or
 20 (2) could not reasonably have been expected to know;
 21 that the violation would place another person in imminent danger or
 22 threat of serious bodily injury. For the purposes of subsection (i), a
 23 person is responsible only for the person's own actual awareness or
 24 actual belief, and knowledge by another person may not be attributed
 25 to the person.
 26 (k) The penalties under this section apply regardless of whether a
 27 person uses electronic submissions or paper documents to accomplish
 28 the actions described in this section.
 29 SECTION 313. [EFFECTIVE UPON PASSAGE] (a) The
 30 legislative services agency shall prepare legislation for introduction
 31 in the 2027 regular session of the general assembly to make any
 32 necessary amendments to the Indiana Code to conform to the
 33 amendments made by this act.
 34 (b) This SECTION expires July 1, 2027.
 35 SECTION 314. emergency is declared for this act.
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