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SENATE BILL No. 277

Proposed Changes to January 29, 2026 printing by AM027720

DIGEST OF PROPOSED AMENDMENT

Environmental matters. Removes a provision concerning agency actions subject to administrative review. Requires the commissioner of the department of environmental management to bring a lawsuit under certain circumstances. (The bill currently gives the commissioner discretion to bring a lawsuit). Requires the environmental rules board to adopt rules related to permitting. Restores a provision concerning the construction of water pollution control laws. Restores a provision requiring the environmental rules board to adopt rules regarding the underground storage tank program.

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)

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

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

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

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

23 ~~(3) (2) if applicable, a statement of~~

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

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

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

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

42 (1) Any requirements imposed by the rule, including any

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

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

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

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

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

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

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

- 23 (1) IC 13-17-3-15.
- 24 ~~(2) IC 13-17-7.~~
- 25 ~~(3) (2) IC 13-17-8-10.~~
- 26 ~~(4) (3) IC 13-17-9.~~
- 27 ~~(5) (4) IC 13-17-10.~~
- 28 ~~(6) (5) IC 13-17-11.~~
- 29 ~~(7) (6) IC 13-17-13.~~

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

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

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

- 41 **(1) means a facility that incorporates equipment that**
 42 **promotes the decomposition of biomass, appropriate**

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1 feedstock, or both to simple organics and biogas products in
 2 the oxygen free environment of a closed, sealed chamber;
 3 and

4 (2) includes a methane recovery system.

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

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

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

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

34 SECTION 9. IC 13-11-2-16.7 IS REPEALED [EFFECTIVE JULY
 35 1, 2026]. ~~Sec. 16.7. "Biomass anaerobic digestion facility", for~~
 36 ~~purposes of IC 13-20-10.5:~~

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

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

42 SECTION 10. IC 13-11-2-16.8 IS REPEALED [EFFECTIVE

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1 JULY 1, 2026]. Sec. 16.8. "Biomass gasification facility", for purposes
 2 of IC 13-20-10.5, means a facility that incorporates equipment to carry
 3 out a thermochemical process that, with little or no oxygen present,
 4 converts biomass into a synthesis gas.

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

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

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

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

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

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

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

40 A determination by the department under this subdivision is appealable
 41 under IC 4-21.5.

42 SECTION 16. IC 13-11-2-60 IS REPEALED [EFFECTIVE JULY

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1 1, 2026]. ~~Sec. 60: "Division", for purposes of IC 13-27, refers to the~~
 2 ~~division of pollution prevention.~~

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

9 (1) A hazardous waste facility.

10 (2) An incinerator.

11 (3) A solid waste landfill.

12 (4) A transfer station.

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

15 ~~(1) emits; or~~

16 ~~(2) has the potential to emit;~~

17 ~~a regulated air pollutant.~~

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

20 (1) a single site; or

21 (2) contiguous or adjacent sites that are owned by, operated by,
 22 or under common control of the same person.

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

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

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

35 (1) located on a single site or on contiguous or adjacent sites;
 36 and

37 (2) owned or operated by:

38 (A) the same person; or

39 (B) any person that controls, is controlled by, or is under
 40 common control with the same person.

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

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

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

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

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

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

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

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

33 **> SECTION 2 <[1] [0]. IC 13-11-2-109 IS AMENDED TO READ AS**
34 **FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 109. "Industrial**
35 **pretreatment permit", for purposes of IC 13-18-20, refers to a permit**
36 **issued by the state to an industry discharging to a publicly owned**
37 **treatment works that:**

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

40 (2) has been approved by the commissioner in accordance with <
41 **> [327 IAC 5-13-4. the applicable rules or regulations.**

42 SECTION 2 <[1] [1]. IC 13-11-2-114, AS AMENDED BY

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1 P.L.112-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2026]: Sec. 114. "Land application", for
3 purposes of **section 205 of this chapter and IC 13-18-12**, means the
4 disposal of:

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

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

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

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

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

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

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

- 37 (1) IC 13-12-4 and IC 13-12-5.
- 38 (2) IC 13-17, except for the following:
 - 39 (A) IC 13-17-3-15.
 - 40 ~~(B) IC 13-17-7.~~
 - 41 ~~(C) (B) IC 13-17-8-10.~~
 - 42 ~~(D) (C) IC 13-17-10.~~

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1 ~~(E)~~ **(D)** IC 13-17-11.
2 ~~(F)~~ **(E)** IC 13-17-13.
3 (3) IC 13-18, except for the following:
4 (A) IC 13-18-12 and IC 5-1.2-10.
5 (B) IC 13-18-15 through IC 13-18-20.
6 (4) IC 13-19-3.
7 (5) IC 13-20-16 and IC 13-20-17.
8 SECTION 2~~<8>~~**[7]**. IC 13-11-2-168 IS REPEALED [EFFECTIVE
9 JULY 1, 2026]. Sec. ~~168~~. "Potential emissions"; for purposes of
10 IC ~~13-17-7~~, means emissions calculated:
11 (1) before:
12 (A) the installation of air pollution control equipment; and
13 (B) the application of any applicable state or federal:
14 (i) rule;
15 (ii) regulation; or
16 (iii) statute;
17 that establishes emission limitations or standards; and
18 (2) after consideration of any physical or operational limitation
19 on the capacity of a facility or source.
20 SECTION 2~~<9>~~**[8]**. IC 13-11-2-177.5 IS AMENDED TO READ
21 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 177.5. **(a)** "Publicly
22 owned treatment works", for purposes of IC 13-18-3, has the meaning
23 set forth in ~~327 IAC 5-1.5-48~~~~<>~~ means a treatment works (as
24 defined in Section 212(2) of the Clean Water Act) owned by the
25 state or a municipality (as defined in Section 502(4) of the Clean
26 Water Act).
27 **(b) The term includes:**
28 (1) devices and systems used in the storage, treatment,
29 recycling, and reclamation of municipal sewage or
30 compatible industrial wastes; and
31 (2) a municipality (as defined in Section 502(4) of the Clean
32 Water Act) that has jurisdiction over the indirect discharges
33 to and the discharges from a treatment works.
34 **(c) The term does not include:**
35 (1) pipes;
36 (2) sewers; or
37 (3) other conveyances;
38 not connected to a facility providing treatment.
39 SECTION ~~<30>~~**[29]**. IC 13-11-2-199.4 IS REPEALED
40 [EFFECTIVE JULY 1, 2026]. Sec. ~~199.4~~. "Septage management
41 vehicle"; for purposes of IC 13-18-12-2.2, has the meaning set forth in
42 IC ~~13-18-12-2.2(b)~~.

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1 SECTION 3 ~~3~~ [0]. IC 13-11-2-201, AS AMENDED BY
2 P.L.107-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: Sec. 201. ~~(a)~~ "Sewage disposal system",
4 for purposes of this chapter, IC 13-18-12 ~~(except as provided in~~
5 ~~subsection (b))~~; and IC 13-20-17.5, means septic tanks, septic tank soil
6 absorption systems, septage holding tanks, seepage pits, cesspools,
7 privies, composting toilets, interceptors or grease traps, portable
8 sanitary units, and other equipment, facilities, or devices used to:

- 9 (1) store;
- 10 (2) treat;
- 11 (3) make inoffensive; or
- 12 (4) dispose of;

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

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

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

- 21 (1) The business is independently owned and operated.
- 22 (2) The principal office of the business is located in Indiana.
- 23 (3) The business satisfies either of the following:
 - 24 (A) The business has not more than:
 - 25 (i) one hundred (100) employees; and
 - 26 (ii) average annual gross receipts of ten million dollars
 - 27 (\$10,000,000).
 - 28 (B) If the business is a manufacturing business, the business
 - 29 does not have more than one hundred (100) employees.

30 (b) "Small business" does not include a business subject to
31 electronic waste regulation under ~~329 IAC 16-~~2~~ [1]~~ IC 13-20.5.

32 SECTION 3 ~~1~~ [2]. IC 13-11-2-205, AS AMENDED BY
33 P.L.54-2023, SECTION 12, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2026]: Sec. 205. (a) "Solid waste", for purposes
35 of IC 13-18-12, IC 13-19, IC 13-21, IC 13-20-22, and environmental
36 management laws, except as provided in subsection (b), and subject to
37 subsection (d), means any garbage, refuse, sludge from a waste
38 treatment plant, sludge from a water supply treatment plant, sludge
39 from an air pollution control facility, or other discarded material,
40 including solid, liquid, semisolid, or contained gaseous material
41 resulting from industrial, commercial, mining, or agricultural
42 operations or from community activities. The term does not include:

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- 1 (1) solid or dissolved material in:
- 2 (A) domestic sewage; or
- 3 (B) irrigation return flows or industrial discharges;
- 4 that are point sources subject to permits under Section 402 of the
- 5 Federal Water Pollution Control Act Amendments (33 U.S.C.
- 6 1342);
- 7 (2) source, special nuclear, or byproduct material (as defined by
- 8 the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.));
- 9 (3) manures or crop residues returned to the soil as fertilizers or
- 10 soil conditioners as part of a total farm operation;
- 11 (4) vegetative matter at composting facilities registered under
- 12 IC 13-20-10; or
- 13 (5) material that is discarded if:
- 14 (A) the material is not:
- 15 (i) spent lead acid batteries regulated under
- 16 IC 13-20-16; ~~and 329 IAC 3-1-11.1;~~
- 17 (ii) salvaged from mobile homes regulated under 329
- 18 IAC 11.6;
- 19 (iii) alternative fuels regulated under 329 IAC 11.7;
- 20 (iv) used oil regulated under 329 IAC 13;
- 21 (v) waste tires regulated under IC 13-20-14; ~~and 329~~
- 22 ~~IAC 15;~~
- 23 (vi) electronic waste regulated under 329 IAC 16;
- 24 (vii) legitimate use of iron and steelmaking slags, as
- 25 described in 329 IAC 11-3-1(11);
- 26 (viii) legitimate use of foundry sand, as described in
- 27 329 IAC 11-3-1(12); ~~or~~
- 28 (ix) engineered wood waste burned as a fuel, as
- 29 described in 329 IAC 11-3-1(20);
- 30 **(x) treated in order to be appropriate for land**
- 31 **application; or**
- 32 **(xi) biomass or appropriate feedstock regulated**
- 33 **under IC 13-20-10.5;**
- 34 (B) the material is otherwise:
- 35 (i) determined under 40 CFR 262.11 to be
- 36 nonhazardous; or
- 37 (ii) exempted or excluded from regulation as a
- 38 hazardous waste under 40 CFR 261; and
- 39 (C) the material is used:
- 40 (i) by a manufacturer as an ingredient in or a
- 41 component of a product; or
- 42 (ii) as a commodity in a process that results in a

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

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

7 SECTION 3 ~~4~~ [4]. IC 13-11-2-213 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 213. "Source", for
 9 purposes of IC 13-17-3, and ~~IC 13-17-7~~, means an aggregation of one
 10 (1) or more facilities that are:

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

15 SECTION 3 ~~6~~ [5]. IC 13-11-2-214 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 214. "Source
 17 reduction", for purposes of ~~IC 13-17-7~~ and IC 13-21, means a reduction
 18 in the amount of solid waste generated that is achieved through actions
 19 affecting the source of the solid waste.

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

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

27 SECTION 3 ~~9~~ [8]. IC 13-11-2-245, AS AMENDED BY
 28 P.L.198-2016, SECTION 636, IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 245. (a) "Vehicle", for
 30 purposes of IC 13-17-5, refers to a vehicle required to be registered
 31 with the bureau of motor vehicles and required to have brakes. The
 32 term does not include the following:

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

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

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

8 SECTION ~~40~~[39]. IC 13-12-4-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The general
10 assembly recognizes the following:

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

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

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

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

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

25 SECTION 4~~40~~[0]. IC 13-12-4-4 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. To carry out the
27 policy set forth in this chapter, it is the continuing responsibility of the
28 state to use all practicable means, consistent with other essential
29 considerations of state policy, to improve and coordinate state plans,
30 functions, programs, and resources to the end that the state may do the
31 following:

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

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

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

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

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

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

21 SECTION 4-~~2~~²[2]. IC 13-12-4-6 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. All state agencies
 23 shall review their:

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

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

30 SECTION 4-~~3~~³[3]. IC 13-12-4-8 IS REPEALED [EFFECTIVE
 31 JULY 1, 2026]. Sec. 8: This chapter may not be construed to require an
 32 environmental impact statement for the issuance of a license or permit
 33 by any state agency.

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

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

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

6 SECTION 47[6]. IC 13-12-5-2 IS REPEALED [EFFECTIVE
7 JULY 1, 2026]. Sec. 2: Clean manufacturing consists of economically
8 feasible practices that reduce, avoid, or eliminate the unnecessary use
9 of harmful industrial materials and the generation of industrial wastes,
10 pollutants, emissions, and discharges at the point of production. Clean
11 manufacturing practices are limited to the following:

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

16 SECTION 48[7]. IC 13-12-5-3 IS REPEALED [EFFECTIVE
17 JULY 1, 2026]. Sec. 3: Waste management or pollution control consists
18 of environmental protection practices employed after industrial wastes,
19 pollutants, discharges, and emissions have been generated. Waste
20 management or pollution control practices include the following:

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

31 SECTION 49[8]. IC 13-13-2-2 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner<
33 >[]shall may appoint individuals to the other positions in the
34 department.

35 SECTION 50[49]. IC 13-13-2-3 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner
37 may establish an ad hoc group to study and make recommendations
38 regarding critical environmental issues. The ad hoc group may include
39 the following:

- 40 (1) University representatives.
- 41 (2) Scientific research organizations.
- 42 (3) Public policy and research advisory organizations.

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1 (4) Individuals from the private sector with experience in related
2 disciplines.

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

4 SECTION 5 ~~↔~~ [0]. IC 13-13-3-1 IS REPEALED [EFFECTIVE
5 JULY 1, 2026]. Sec. 1. The department must include the following
6 offices:

7 (1) An office dealing with environmental emergencies.

8 (2) An office for communications with the public.

9 (3) A hearings office, including the department's hearing
10 officers.

11 (4) An office to conduct investigations.

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

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

17 (2) ~~A water pollution control division.~~ **An office of water
18 quality.**

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

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

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

25 SECTION 5 ~~↔~~ [2]. IC 13-13-5-1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. Except as provided
27 in IC 14-37, the department is designated as the following:

28 (1) The water pollution agency for Indiana for all purposes of the
29 Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in
30 effect January 1, 1988, and the federal Safe Drinking Water Act
31 (42 U.S.C. 300f through 300j) in effect January 1, 1988.

32 (2) The solid waste agency for Indiana for all purposes of the
33 federal Resource Conservation and Recovery Act (42 U.S.C.
34 6901 et seq.) in effect January 1, 1988.

35 (3) The air pollution control agency for Indiana for all purposes
36 of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as
37 amended. ~~↔~~ [] by the federal Clean Air Act Amendments of
38 1990 (P.L.101-549).

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

42 (5) The state agency with responsibility concerning the federal

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

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

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

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

23 SECTION 5~~5~~[4]. IC 13-13-7.1-1, AS ADDED BY P.L.53-2014,
24 SECTION 119, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2026]: Sec. 1. The compliance advisory panel
26 is established **to carry out the duties required by 42 U.S.C. 7661f.**

27 SECTION 5~~6~~[5]. IC 13-13-7.1-2, AS AMENDED BY
28 P.L.42-2024, SECTION 97, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2026]: Sec. 2. The panel consists of the
30 following members:

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

39 (2) ~~Two (2)~~ members appointed by the speaker of the house of
40 representatives who are members of the house of representatives
41 and who are owners of, or who have an interest in, a small
42 business stationary source. Not more than one (1) of the

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1 members appointed under this subdivision may be affiliated with
 2 the same political party. **A member, appointed by the minority
 3 leader of the senate, who is an owner of, or who represents
 4 owners of, a small business stationary source.**

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

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

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

19 (A) are not owners of, or representatives of owners of, a
 20 small business stationary source; and

21 (B) will represent the general public.

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

25 (4) (6) The commissioner of the department of environmental
 26 management or the commissioner's designee.

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

30 SECTION 5 ~~5~~ [6]. IC 13-13-7.1-3, AS AMENDED BY
 31 P.L.42-2024, SECTION 98, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The term of a member
 33 appointed to the panel under section 2(1) or 2(2) of this chapter is two
 34 (2) years and expires June 30 of each odd-numbered year.

35 (b) (a) The term of a member appointed to the panel under section
 36 2(3) **section 2(1) through 2(5)** of this chapter is four (4) years. The
 37 term expires June 30, 2025, and each fourth year thereafter.

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

42 (c) **Notwithstanding section 2 of this chapter or this section, a**

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1 member:

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

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

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

7 SECTION 5~~8~~[7]. IC 13-13-7.1-5, AS ADDED BY P.L.53-2014,
8 SECTION 119, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2026]: Sec. 5. The individual serving on the
10 panel under ~~section 2(4)~~ **section 2(6)** of this chapter is a nonvoting
11 member.

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

20 SECTION ~~60~~[59]. IC 13-13-7.1-11 IS REPEALED
21 [EFFECTIVE JULY 1, 2026]. ~~Sec. 11. The panel shall carry out the~~
22 ~~duties required of a compliance advisory panel under Section 507 of~~
23 ~~the federal Clean Air Act (42 U.S.C. 7661f).~~

24 SECTION 6~~1~~[0]. IC 13-13-7.1-12, AS AMENDED BY
25 P.L.42-2024, SECTION 102, IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. The department of
27 ~~environmental management~~ shall **may** provide administrative and
28 technical support to the panel, as ~~provided in IC 13-28-3-2~~, including
29 duties related to the development and dissemination of reports and
30 advisory opinions.

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

36 SECTION 6~~3~~[2]. IC 13-13-7.1-14 IS REPEALED [EFFECTIVE
37 JULY 1, 2026]. ~~Sec. 14. The panel shall submit an annual report to the~~
38 ~~legislative council in an electronic format under IC 5-14-6.~~

39 SECTION 6~~4~~[3]. IC 13-13-8-2, AS ADDED BY P.L.133-2012,
40 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2026]: Sec. 2. (a) The following entities are abolished on
42 January 1, 2013:

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

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

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1 chapter, an ex officio member of the board may designate in writing a
 2 technical representative to serve as a voting member of the board when
 3 the ex-officio member is unable to attend a board meeting.

4 SECTION 6<7>[6]. IC 13-13-8-6 IS REPEALED [EFFECTIVE
 5 JULY 1, 2026]. Sec. 6: Not more than six (6) of the appointed members
 6 of the board may be members of the same political party.

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

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

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

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

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

31 (1) one (1) of the appointed members of the board to serve as
 32 chairperson; and

33 (2) another of the appointed members to serve as vice
 34 chairperson.

35 SECTION <70>[69]. IC 13-13-8-11, AS ADDED BY
 36 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. Each member of the
 38 board shall fully disclose any potential conflicts of interest ~~relating to~~
 39 ~~permits or enforcement orders and recuse themselves as appropriate~~
 40 ~~for particular matters before the board~~ under the:

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

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- 1 (2) federal Resource Conservation and Recovery Act (42 U.S.C.
- 2 6901 et seq.);
- 3 (3) federal Comprehensive Environmental Response,
- 4 Compensation, and Liability Act of 1980, as amended by the
- 5 federal Superfund Amendments and Reauthorization Act of
- 6 1986 (42 U.S.C. 9601 through 9675);
- 7 (4) federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
- 8 and
- 9 (5) federal Safe Drinking Water Act (42 U.S.C. 300f through
- 10 300j).

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

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

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

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

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

41 SECTION 7↔[3]. IC 13-14-1-7, AS AMENDED BY
 42 P.L.133-2012, SECTION 75, IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The commissioner
 2 shall prepare the proposed budget of the department and, **if necessary**,
 3 the board.

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

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

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

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

20 SECTION 7 ~~↔~~ [5]. IC 13-14-1-10 IS REPEALED [EFFECTIVE
 21 JULY 1, 2026]. Sec. ~~10~~: The department shall encourage and assist
 22 units of local government in developing programs and facilities for the
 23 following:

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

28 SECTION 7 ~~↔~~ [6]. IC 13-14-1-11.5, AS AMENDED BY THE
 29 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
 30 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2026]: Sec. 11.5. (a) If the department proposes to utilize a
 32 policy or statement that:

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

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

40 (b) The department shall present the proposed policy or statement
 41 under subsection (a) to the appropriate board. At least forty-five (45)
 42 days before the presentation, the department shall make available to the

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

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1 (6) A brief description of the subject matter of the policy or
2 statement.

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

6 (1) The publisher of the Indiana Register.

7 (2) The Indiana library and historical department.

8 **(g) A policy or statement put into effect by this section after**
9 **July 1, 2026, expires January 1 of the fifth year after the year in**
10 **which the policy or statement takes effect, unless the policy or**
11 **statement expires or is repealed on an earlier date or is**
12 **reauthorized under this section.**

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

17 (1) any administrative rule that has been:

18 (A) proposed by the department; or

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

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

22 ~~(3) (2) any nonrule policy or statement that has been proposed or~~
23 ~~put into effect under section 11.5 of this chapter;~~

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

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

33 SECTION 7~~9~~[8]. IC 13-14-1-13 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) The
35 commissioner shall establish and administer monitoring and reporting
36 requirements as necessary to carry out the duties and to exercise the
37 powers provided in the following:

38 (1) Air pollution control laws.

39 (2) Water pollution control laws.

40 (3) Environmental management laws.

41 **(b) The department may require an affidavit of the responsible**
42 **officer or person in charge of the operation to accompany any**



1 **report required under this section.**

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

5 (1) Develop and maintain an information clearinghouse on the
6 following subjects:

- 7 (A) Source separation.
- 8 (B) Recycling.
- 9 (C) Composting.
- 10 (D) Solid waste minimization.
- 11 (E) Solid waste reduction.
- 12 (F) Hazardous waste minimization.
- 13 (G) Hazardous waste reduction.

14 (2) Assist in the development and implementation of public
15 education programs on:

- 16 (A) source separation;
- 17 (B) recycling;
- 18 (C) composting;
- 19 (D) solid waste reduction;
- 20 (E) solid waste minimization;
- 21 (F) hazardous waste minimization;
- 22 (G) hazardous waste reduction; and
- 23 (H) other alternatives to final disposal in landfills.

24 (3) Take action in any other matter involving:

- 25 (A) solid waste minimization;
- 26 (B) solid waste reduction;
- 27 (C) hazardous waste minimization; or
- 28 (D) hazardous waste reduction;

29 as directed by the commissioner.

30 SECTION 8 ~~4~~ [0]. IC 13-14-1-17 IS REPEALED [EFFECTIVE
31 JULY 1, 2026]. Sec. 17. (a) Before November 1 of each year, the
32 department shall submit an annual report to the governor and to the
33 legislative council in an electronic format under IC 5-14-6.

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

35 (1) A summary of the:

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

38 in the preceding state fiscal year under IC 13-17-13.

39 (2) Information on the following:

- 40 (A) Waste tire management as required by IC 13-20-13.
- 41 (B) The status of the waste tire management fund and the
42 programs funded by the fund.

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

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

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- 1 IC 13-20-17.7-2(a)(5):
- 2 (10) Information concerning the implementation of IC 13-20.5;
- 3 including the following:
- 4 (A) The total weight of covered electronic devices recycled
- 5 in the state program year and a summary of information in
- 6 the reports submitted by manufacturers and recyclers under
- 7 IC 13-20.5-3;
- 8 (B) The various collection programs used by manufacturers
- 9 to collect covered electronic devices; information regarding
- 10 covered electronic devices that are being collected by
- 11 persons other than registered manufacturers; collectors; and
- 12 recyclers; and information about covered electronic devices;
- 13 if any; being disposed of in landfills in Indiana.
- 14 (C) A description of enforcement actions under IC 13-20.5
- 15 during the state fiscal year.
- 16 (D) Other information received by the department regarding
- 17 the implementation of IC 13-20.5.

18 ~~<— SECTION 82. IC 13-14-2-1, AS AMENDED BY P.L.263-2013,~~

19 ~~SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~

20 ~~JULY 1, 2026]: Sec. 1. (a) This section applies to any:~~

21 ~~— (1) determination made by the commissioner;~~

22 ~~— (2) order issued by the commissioner; and~~

23 ~~— (3) notice issued by the department;~~

24 ~~under this title:~~

25 ~~— (b) The commissioner may issue orders and make determinations:~~

26 ~~— (c) An order issued under this section may address multiple sites~~

27 ~~for the purpose of arranging for site investigations and the~~

28 ~~establishment of priority of sites:~~

29 ~~— (d) Notice of a determination made or an order issued by the~~

30 ~~commissioner must be given under IC 4-21.5-3-1, unless a person~~

31 ~~provides a written request to the department for a different method of~~

32 ~~notice that is reasonably available to the department:~~

33 ~~— (e) The department:~~

34 ~~— (1) shall make a good faith effort to provide notice of an order or~~

35 ~~a determination according to subsection (d); and~~

36 ~~— (2) bears the burden of persuasion that the notice has been~~

37 ~~provided:~~

38 ~~— (f) Failure to receive notice does not invalidate an order or a~~

39 ~~determination, unless the person required to receive notice of an order~~

40 ~~or a determination is substantially prejudiced by the lack of notice. The~~

41 ~~burden of persuasion as to substantial prejudice is on the person~~

42 ~~claiming the lack of notice.~~

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1 ~~— (g) The following agency actions taken under this title are~~
 2 ~~subject to review under IC 4-21.5:~~

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

5 ~~— (2) Orders, including those related to enforcement:~~

6 ~~— (3) Notices provided under IC 13-17-6-10 and IC 13-25:~~

7 ~~— (4) Decisions made under IC 13-14-8-11 and IC 13-25-5-6:~~

8 ~~— (5) Emergency orders:~~

9 ~~— (6) Approval, denial, revocations, modification, or renewal~~
 10 ~~of permits.~~

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

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

16 > SECTION 8 <3> [1]. IC 13-14-2-9, AS ADDED BY P.L.220-2014,
 17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2026]: Sec. 9. (a) This section applies to a restrictive covenant
 19 created in connection with a remediation project conducted under:

20 (1) IC 13-23;

21 (2) IC 13-24;

22 (3) IC 13-25-4; or

23 (4) IC 13-25-5.

24 (b) If:

25 (1) a change of conditions or an advancement in science or
 26 technology permits a modification of the conditions and
 27 restrictions imposed by a restrictive covenant; and

28 (2) the modification of the conditions and restrictions imposed
 29 by the restrictive covenant would not increase the potential
 30 hazards to human health or the environment;

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

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

39 (1) a written request for the modification of the covenant;

40 (2) a copy of the proposed modification of the restrictive
 41 covenant; and

42 (3) information indicating why the covenant should be modified.

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

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

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

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

20 SECTION 8~~5~~^[3]. IC 13-14-4 IS REPEALED [EFFECTIVE
21 JULY 1, 2026]. (Notice to Department of Plans and Programs
22 Affecting the Environment).

23 SECTION 8~~6~~^[4]. IC 13-14-5-2 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. **(a) Except as**
25 **provided in section 3 of this chapter,** The designated agent of the
26 department conducting the inspection must provide the property owner
27 **or representative of the property owner** with the following:

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

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

42 SECTION 8~~7~~^[5]. IC 13-14-5-3 IS REPEALED [EFFECTIVE

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

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

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

- 13 (1) An oral report provided under section 2 of this chapter.
- 14 (2) A written summary provided under section 2 or 3 of this
 15 chapter.
- 16 (3) Questions raised during the inspection visit.

17 (b) The department shall review and consider any information
 18 presented by the property owner under subsection (a). The department
 19 shall append any written information provided under subsection (a) to
 20 the inspection report and include the written information **provided**
 21 **under subsection (a)** in the public file.

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

- 25 (1) adopt;
- 26 (2) repeal;
- 27 (3) rescind; or
- 28 (4) amend;

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

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

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

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

- 40 (1) make different provisions as required by varying
 41 circumstances and conditions for different contaminant sources
 42 and for different geographical areas;

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- 1 (2) ~~be made applicable to sources outside Indiana that:~~
- 2 **appropriately consider:**
- 3 (A) ~~are causing;~~ **background;**
- 4 (B) ~~are contributing to;~~ **interstate;** or
- 5 (C) ~~could cause or contribute to;~~ **international sources of;**
- 6 ~~environmental pollution; in Indiana;~~ and
- 7 (3) make provision for abatement standards and procedures:
- 8 (A) concerning occurrences, emergencies, or pollution; or
- 9 (B) on other short term conditions constituting an acute
- 10 danger to health or to the environment.

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

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

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

- 36 (1) supported by a statement of reasons; ~~and~~
- 37 (2) accompanied by a petition signed by at least two hundred
- 38 (200) persons **who reside in Indiana; and**
- 39 **(3) include suggested text for the rule.**
- 40 (b) If **a majority of the voting members of** the board finds that
- 41 the proposal
- 42 ~~(1) is not plainly devoid of merit;~~ **meritorious and authorized**

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1 **under this title, and**
 2 (2) does not deal with a subject on which a hearing was held
 3 within the previous six (6) months of the submission of the
 4 proposal;

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

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

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

17 (c) A person who:

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

19 (2) requests notice;

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

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

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

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

32 (A) the discharge of any contaminants;

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

34 (i) facility;

35 (ii) equipment; or

36 (iii) device;

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

38 (C) the operation of any:

39 (i) facility;

40 (ii) equipment; or

41 (iii) device;

42 to control or to prevent pollution.

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

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

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

6 SECTION 95[5]. IC 13-14-8-11, AS AMENDED BY
7 P.L.128-2024, SECTION 17, IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) A person
9 affected by a decision of the commissioner under sections 8 and 9 of
10 this chapter may, within fifteen (15) days after receipt of notice of the
11 decision, appeal the decision to the office of administrative law
12 proceedings. ~~All proceedings under this section to appeal the~~
13 ~~commissioner's decision are governed by IC 4-21.5.~~

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

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

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

36 (c) The final determination on a site-specific limitation will be part
37 of the NPDES permit decision under ~~327 IAC 5-11~~ **IC 13-15**.

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

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

3 SECTION ~~9-9~~[7]. IC 13-14-8-11.6, AS AMENDED BY
4 P.L.113-2014, SECTION 63, IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.6. (a) A discharger
6 is not required to obtain a state permit for the modification or
7 construction of a water pollution treatment or control facility if the
8 discharger has an effective:

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

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

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

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

22 SECTION ~~<100>~~[98]. IC 13-14-9-0.1 IS REPEALED
23 [EFFECTIVE JULY 1, 2026]. ~~Sec. 0-1. The amendments made to~~
24 ~~sections 3 and 4 of this chapter by P.L.100-2006 apply only to proposed~~
25 ~~rules for which the department of environmental management provides~~
26 ~~notice under section 3 of this chapter, as amended by P.L.100-2006,~~
27 ~~after June 30, 2006.~~

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

35 (1) Identify the authority under which the proposed rule is to be
36 adopted.

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

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

41 (B) state whether each alternative listed under clause (A)
42 creates:

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

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

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

- (1) adopting provisional rules under IC 4-22-2-37.1;
- (2) taking emergency action under IC 13-14-10; or
- (3) temporarily:

(A) altering ordinary operating policies or procedures; or

(B) implementing new policies or procedures;

in response to an emergency situation.

~~SECTION 103. IC 13-14-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) Upon receipt of evidence that a pollution source or combination of sources, including an industrial user of a publicly owned treatment plant, is presenting an imminent and substantial endangerment to:~~

~~— (1) the health of persons; or~~

~~— (2) the welfare of persons whose livelihood is endangered;~~

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

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

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

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

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

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

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

> SECTION 10<4>^[1]. IC 13-14-11-5, AS AMENDED BY P.L.133-2012, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The ~~board shall~~ **department may execute confidentiality agreements** with persons employed, contracted, or subcontracted by the department that is enforceable by:

(1) the state; and

(2) the submitter of the information.

SECTION 10<5>^[2]. IC 13-14-12-4, AS AMENDED BY P.L.9-2024, SECTION 341, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) **Upon request by:**

(1) the commissioner;

(2) the standing committees of the house of representatives

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1 **or the senate concerned with the environment; or**
 2 **(3) the board;**
 3 the state comptroller shall issue a report on the fund not later than ten
 4 (10) **working business** days following the last day of each four (4)
 5 **month period: after receiving the request.**
 6 (b) The report must:
 7 (1) include the beginning and ending balance, disbursements,
 8 and receipts, including accrued interest or other investment
 9 earnings of the fund;
 10 (2) comply with accounting standards under IC 4-13-2-7(a)(1);
 11 and
 12 (3) be available to the public.
 13 (c) ~~The state comptroller shall forward copies of the report to the~~
 14 ~~following:~~
 15 (1) ~~The commissioner.~~
 16 (2) ~~The standing committees of the house of representatives and~~
 17 ~~the senate concerned with the environment.~~
 18 (3) ~~The board.~~
 19 SECTION 10~~6~~[3]. IC 13-15-1-1, AS AMENDED BY
 20 P.L.133-2012, SECTION 95, IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall
 22 establish requirements for the issuance of permits to control air
 23 pollution, ~~noise, and atomic radiation~~, including the following:
 24 (1) Permits to control or limit the emission of any contaminants
 25 into the atmosphere.
 26 (2) Permits for the construction, installation, or modification of
 27 facilities, equipment, or devices to control or limit any discharge,
 28 emission, or disposal of contaminants into the air.
 29 (3) Permits for the operation of facilities, equipment, or devices
 30 to control or limit the discharge, emission, or disposal of any
 31 contaminants into the environment.
 32 SECTION 10~~7~~[4]. IC 13-15-1-2, AS AMENDED BY
 33 P.L.133-2012, SECTION 96, IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The board shall
 35 establish requirements for the issuance of permits to control water
 36 pollution, ~~and atomic radiation~~, including the following:
 37 (1) Permits to control or limit the discharge of any contaminants
 38 into state waters or into a publicly owned treatment works.
 39 (2) Permits for the construction, installation, or modification of
 40 facilities, equipment, or devices to control or limit any discharge,
 41 emission, or disposal of contaminants into the waters of Indiana
 42 or into a publicly owned treatment works.

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

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

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

- 14 (1) Permits to control or limit the disposal of any contaminants
15 onto or into the land.
- 16 (2) Permits for the construction, installation, or modification of
17 facilities, equipment, or devices:
 - 18 (A) to control or limit any discharge, emission, or disposal
19 of contaminants into the land; or
 - 20 (B) for the storage, treatment, processing, transferring, or
21 disposal of solid waste or hazardous waste.
- 22 (3) Permits for the operation of facilities, equipment, or devices:
 - 23 (A) to control or limit the discharge, emission, transfer, or
24 disposal of any contaminants into the land; or
 - 25 (B) for the storage, transportation, treatment, processing,
26 transferring, or disposal of solid waste or hazardous waste.
- 27 (4) Permits for the disposal of coal combustion residuals in
28 landfills and surface impoundments.

29 SECTION 10~~9~~[6]. IC 13-15-1-3.2, AS ADDED BY
30 P.L.120-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2026]: Sec. 3.2. (a) A transfer station or any
32 facility that holds a valid permit or authorization to haul, treat, store,
33 dispose of, or ship hazardous waste may haul, transfer, consolidate,
34 process, ship, or otherwise manage solid waste without also holding a
35 permit to haul, transfer, process, or ship solid waste.

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

- 41 (c) Solid waste that is managed:
 - 42 (1) at a transfer station; or

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1 (2) at any facility that holds a valid permit to haul, treat, store,
2 dispose of, or ship hazardous waste;
3 shall not be stored, treated, or disposed of in direct contact with
4 hazardous waste.

5 (d) If any portion of a quantity of solid waste that is managed:
6 (1) at a transfer station; or
7 (2) at any facility that holds a valid permit to haul, treat, store,
8 dispose of, or ship hazardous waste;
9 comes into direct contact with a hazardous waste, the solid waste
10 becomes subject to 40 CFR 261.3(a)(2)(iv) and shall then be managed
11 as a hazardous waste.

12 (e) ~~The board shall amend 329 IAC 11 to conform to this section:~~
13 ~~<— SECTION 110. IC 13-15-2-1, AS AMENDED BY P.L.133-2012,~~
14 ~~SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
15 ~~JULY 1, 2026]: Sec. 1. (a) The board shall may adopt rules under~~
16 ~~IC 4-22-2 and IC 13-14-9 to establish requirements and procedures for~~
17 ~~the issuance of permits.~~

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

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

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

25 > SECTION 1<H>[\[07\]](#). IC 13-15-2-2, AS AMENDED BY
26 P.L.133-2012, SECTION 99, IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board may
28 adopt rules under IC 4-22-2 and IC 13-14-9 to allow the department to
29 issue permits that do the following:

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

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

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

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

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

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- 1 of facilities and the department on administrative tasks that do
 2 not benefit the environment.
- 3 (6) Provide owners and operators of facilities with as much
 4 operational flexibility as can reasonably be provided while being
 5 consistent with enforcement of permit requirements.
- 6 (b) The rules adopted under this section may provide for permits
 7 that contain the following:
- 8 (1) Authorization of emission trading.
 9 (2) Consolidated reporting mechanisms.
 10 (3) Third party certifications.
 11 (4) Multimedia regulation.
 12 (5) Other conditions consistent with subsection (a).
- 13 (c) The rules adopted under this section must provide that a permit
 14 issued under the rules adopted under this section meets the following
 15 criteria:
- 16 (1) Activities conducted under the permit must result in greater
 17 overall environmental protection than would otherwise be
 18 achieved under applicable law.
 19 (2) Upon issuance of a permit, all limits, conditions, and
 20 standards contained in the permit are enforceable under
 21 IC 13-30-3.
 22 (3) The permit applicant must give notice in accordance with
 23 IC 13-15-8, and the commissioner ~~shall~~ **may** give notice to the
 24 public and provide an opportunity to comment on the proposed
 25 permit in accordance with IC 13-15-5.
- 26 (d) ~~The rules adopted under this section must allow~~ The
 27 department **shall strive** to give priority to applications involving
 28 permits that are issued as described in this section based on:
- 29 (1) the degree of environmental benefit that may be obtained
 30 under the permit;
 31 (2) the potential application of any innovative control
 32 technologies or regulatory procedures that may be made
 33 available to other permit applicants and permit holders; and
 34 (3) other criteria that the board may establish.
- 35 (e) The rules adopted under this section must be consistent with
 36 federal law for federally authorized or delegated permit programs.
- 37 SECTION 1 ~~<12>~~ [08]. IC 13-15-3-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A permit issued
 39 under:
- 40 (1) this article; (~~except IC 13-15-9~~);
 41 (2) IC 13-17-11;
 42 (3) IC 13-18-18; or

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- 1 (4) IC 13-20-1;
- 2 may be issued for any period determined by the department to be
- 3 appropriate but not to exceed five (5) years.
- 4 (b) Except as provided in federal law, a valid permit that has been
- 5 issued under this chapter that concerns an activity of a continuing
- 6 nature may be renewed for a period of not more than ten (10) years as
- 7 determined by the department. The board shall adopt rules
- 8 implementing this subsection.
- 9 (c) The commissioner may delegate authority to issue or deny
- 10 permits to a designated staff member.

11 SECTION 1~~13~~[09]. IC 13-15-3-3 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A public hearing
 13 shall be held on the question of:

- 14 (1) the issuance of an original or renewal permit for a hazardous
- 15 waste disposal facility under IC 13-22-3; or
- 16 (2) the issuance of an original permit for a solid waste disposal
- 17 facility or a solid waste incinerator regulated under IC 13-20-8;
- 18 as provided in subsection (b).

- 19 (b) A public hearing shall be held under subsection (a) upon:
- 20 (1) the request of the applicant;
- 21 (2) the filing of a petition requesting a public hearing that is
- 22 signed by one hundred (100) adult individuals who:
- 23 (A) reside in the county where the proposed or existing
- 24 facility is or is to be located; or
- 25 (B) own real property within one (1) mile of the site of the
- 26 proposed or existing facility; or
- 27 (3) the ~~motion~~ **determination** of the commissioner.

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

30 SECTION 11~~4~~[0]. IC 13-15-3-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. If the petition under
 32 section 3(b)(2) of this chapter requests that the public hearing be
 33 conducted at a location within a county affected by a proposed permit,
 34 the department shall **attempt to** conduct the public hearing at that
 35 location.

36 SECTION 11~~5~~[1]. IC 13-15-4-1, AS AMENDED BY
 37 P.L.113-2014, SECTION 64, IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as
 39 provided in sections 2, 3, and 6 of this chapter, the commissioner shall
 40 approve or deny an application filed with the department after July 1,
 41 1995, within the following number of days:

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

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

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

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1 section 1 of this chapter within which the commissioner must approve
2 or deny an application:

3 (1) 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 imposes a new requirement concerning a class of
9 applications that makes it infeasible for the commissioner to
10 approve or deny the application within the period;

11 (2) if:

12 (A) the general assembly enacts a statute;

13 (B) ~~a~~ **the** board adopts a rule; or

14 (C) the federal government enacts a statute or adopts a
15 regulation;

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

18 (3) if some other significant factor concerning a class of
19 applications makes it infeasible for the commissioner to approve
20 or deny the application within the period.

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

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

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

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

30 SECTION 11 ~~<8>~~ [4]. IC 13-15-4-4 IS REPEALED [EFFECTIVE
31 JULY 1, 2026]. ~~Sec. 4. An application for a permit renewal that~~
32 ~~includes a modification shall be reviewed within the period applicable~~
33 ~~to the modification.~~

34 SECTION 11 ~~<9>~~ [5]. IC 13-15-4-5 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Sections 1 through ~~<~~
36 ~~[14] 3~~ and ~~section~~ 6 of this chapter do not alter the procedures and
37 time frames set forth in the hazardous waste permit modification rules
38 adopted by the department, except to the extent that sections 1
39 through ~~<~~ [14] 3 and 6 of this chapter establish specific calendar day
40 time frames where no time frame exists under the rules.

41 SECTION 1 ~~<20>~~ [16]. IC 13-15-4-6, AS AMENDED BY
42 P.L.133-2012, SECTION 102, IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Notwithstanding
2 the periods specified in sections 1 through 4 3 of this chapter and this
3 section, a person proposing to construct, modify, or operate any
4 equipment, facility, or pollution control device that is demonstrated to
5 achieve pollution control or pollution prevention in excess of
6 applicable federal, state, or local requirements may apply to the
7 commissioner for an interim permit to construct, modify, or operate the
8 equipment, facility, or pollution control device.

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

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

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

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

18 SECTION ~~<+2+>~~[117]. IC 13-15-4-10, AS AMENDED BY
19 P.L.27-2024, SECTION 3, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2026]: Sec. 10. The commissioner may suspend
21 the processing of an application, and the period described under
22 sections 1 through 6 of this chapter is suspended, if one (1) of the
23 following occurs:

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

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

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

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1 response. The commissioner shall resume processing the
2 application, and the period described under sections 1 through
3 6 of this chapter resumes on the earliest of the date the
4 department receives and stamps as received the applicant's
5 complete information, the date marked by the department on a
6 certified mail return receipt accompanying the applicant's
7 complete information, or the date a notice is sent by the
8 department to the applicant confirming that the department has
9 received the applicant's complete information.

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

- 12 (A) withdraw; or
- 13 (B) defer processing of;

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

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

- 26 (A) the department receives the administrator's concurrence
27 or objection to the issuance of the proposed permit; or
- 28 (B) the period established in federal law by which the
29 administrator is required to make objections expires without
30 the administrator having filed an objection.

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

34 SECTION 1 ~~18~~ [18]. IC 13-15-4-11 IS AMENDED TO READ
35 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) If an
36 applicant is operating pursuant to a continuation of an existing permit
37 pending determination of an application for a new or renewed permit
38 under IC 13-15-3-6, the applicant may proceed under this section after
39 notifying the commissioner in writing of its intent to do so.

40 (b) If the commissioner does not issue or deny a permit within the
41 time specified under sections 1 through 6 of this chapter, the applicant
42 may proceed under this section. After reaching an agreement with the

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1 commissioner or after consulting with the commissioner for thirty (30)
2 days and failing to reach an agreement, the applicant may choose to
3 proceed under ~~one (1)~~ **either** of the following alternatives:

4 (1) The:

5 (A) applicant may, except as provided in section 12.1 of this
6 chapter, request and receive a refund of a permit application
7 fee paid by the applicant; and

8 (B) commissioner shall do the following:

9 (i) Continue to review the application.

10 (ii) Approve or deny the application as soon as
11 practicable.

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

16 ~~(2)~~ The:

17 (A) ~~applicant may:~~

18 ~~(i) except as provided in section 12.1 of this chapter,~~
19 ~~request and receive a refund of a permit application fee~~
20 ~~paid by the applicant; and~~

21 ~~(ii) submit to the department a draft permit and any~~
22 ~~required supporting technical justification for the~~
23 ~~permit; and~~

24 ~~(B) commissioner shall do the following:~~

25 ~~(i) Review the draft permit.~~

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

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

32 ~~(3)~~ **(2)** The:

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

36 (B) commissioner shall:

37 (i) review the draft permit; and

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

40 SECTION 1 ~~23~~ **[19]**. IC 13-15-4-15 IS AMENDED TO READ
41 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an
42 applicant chooses to proceed under section ~~11(b)(3)~~ **11(b)(2)** of this

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1 chapter, the department and the applicant shall jointly:

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

4 (2) authorize the consultant to begin work;

5 not later than fifteen (15) **working business** days after the department
6 receives notice that the applicant has chosen to proceed under section ~~11(b)(3)~~
7 **11(b)(2)** of this chapter.

8 (b) The commissioner may:

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

11 (2) document the communications.

12 SECTION 12~~4~~**0**. IC 13-15-4-16 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If an applicant
14 chooses to proceed under section 11(b)(2) ~~or 11(b)(3)~~ of this chapter,
15 the applicant or a consultant shall prepare and submit to the
16 commissioner the draft permit and any required supporting technical
17 justification for the permit not later than thirty-five (35) **working**
18 **business** days after

19 ~~(1) the applicant has notified the commissioner that the applicant~~
20 ~~has chosen to proceed under section 11(b)(2) of this chapter; or~~
21 ~~(2) the department and the applicant have authorized a~~
22 ~~consultant to begin work under section 11(b)(3) 11(b)(2) of this~~
23 ~~chapter.~~

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

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

26 (2) deny;

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

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

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

34 (2) deny;

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

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

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

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

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

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

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

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

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

22 SECTION 12~~6~~[2]. IC 13-15-6-1, AS AMENDED BY
23 P.L.128-2024, SECTION 18, IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than
25 fifteen (15) days after being served the notice provided by the
26 commissioner under IC 13-15-5-3:

27 (1) the permit applicant; or

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

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

39 SECTION 12~~6~~[3]. IC 13-15-7-3, AS AMENDED BY
40 P.L.128-2024, SECTION 20, IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A person aggrieved
42 by the revocation or modification of a permit may appeal the revocation

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1 or modification to the office of administrative law proceedings for an
 2 administrative review under IC 4-21.5-3. Pending the decision resulting
 3 from the hearing under IC 4-21.5-3 concerning the permit revocation,
 4 ~~or modification~~, the permit remains in force. However, the
 5 commissioner may seek injunctive relief with regard to the activity
 6 described in the permit while the decision resulting from the hearing
 7 is pending.

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

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

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

16 (b) The board ~~shall~~ **may** adopt rules under IC 4-22-2 and
 17 IC 13-14-9 as part of the operating permit program established under
 18 42 U.S.C. 7661 through 7661f providing that a facility may make
 19 changes without a permit revision if the following conditions exist:

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

24 (2) The changes do not exceed emissions:

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

26 (B) expressed as total emissions;

27 allowable under the permit.

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

33 SECTION 12~~9~~[5]. IC 13-15-9-1 IS REPEALED [EFFECTIVE
 34 JULY 1, 2026]. ~~Sec. 1. A person may not:~~

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

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

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

39 SECTION 1~~30~~[26]. IC 13-15-9-2 IS REPEALED [EFFECTIVE
 40 JULY 1, 2026]. ~~Sec. 2. (a) The board may adopt rules under IC 4-22-2~~
 41 ~~and IC 13-14-9 establishing:~~

42 ~~(1) conditions for the issuance of a permit under this chapter;~~

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- 1 and
- 2 (2) requirements for the operation of nuclear facilities;
- 3 (b) Rules adopted by the board may relate to:
- 4 (1) air pollution from nuclear facilities;
- 5 (2) water pollution from nuclear facilities; or
- 6 (3) other environmental problems associated with nuclear
- 7 facilities.

8 SECTION 1~~31~~[27]. IC 13-15-9-3, AS AMENDED BY
 9 P.L.133-2012, SECTION 105, IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A person proposing
 11 to construct:

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

14 shall file with the ~~board~~ **department** an environmental feasibility
 15 report ~~on a form prescribed by the board~~; concurrently with the filing
 16 of the ~~preliminary safety analysis documents~~ required to be filed with
 17 the United States Atomic Energy ~~Commission~~. **Nuclear Regulatory**
 18 **Commission.**

19 SECTION ~~132~~[128]. IC 13-15-9-4 IS REPEALED
 20 [EFFECTIVE JULY 1, 2026]. Sec. 4: (a) ~~The commissioner, on behalf~~
 21 ~~of the board, may conduct a public hearing at a time and place to be~~
 22 ~~determined by the department on the environmental effects of the~~
 23 ~~proposed operation.~~

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

26 SECTION 1~~33~~[29]. IC 13-15-9-5 IS REPEALED [EFFECTIVE
 27 JULY 1, 2026]. Sec. 5: (a) ~~The board shall adopt rules and standards~~
 28 ~~under section 2 of this chapter to protect the citizens of Indiana from~~
 29 ~~the hazards of radiation.~~

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

33 (c) Each permit issued must include a requirement for:
 34 (1) ~~appropriate procedures of monitoring any discharge; and~~
 35 (2) ~~a report of each discharge to the department.~~

36 SECTION 13~~4~~[0]. IC 13-15-10-1, AS AMENDED BY
 37 P.L.133-2012, SECTION 108, IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board ~~shall~~ **may**
 39 adopt rules to establish a department operated training and certification
 40 program for the following:

- 41 (1) Operators of solid waste incinerators and waste to energy
- 42 facilities.

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

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

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

19 SECTION 13~~6~~[2]. IC 13-17-3-1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall
 21 provide assistance on air pollution matters to towns, cities, and
 22 counties. **The commissioner shall make the commissioner's best**
 23 **efforts to assist and cooperate with other groups interested in and**
 24 **affected by air pollution.**

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

- 29 (1) consistent with the general intent and purposes declared in
- 30 IC 13-17-1 and section 1 of this chapter; and
- 31 (2) necessary to the implementation of the federal Clean Air Act
- 32 (42 U.S.C. 7401 et seq.), as amended. ~~by the Clean Air Act~~
 33 ~~Amendments of 1990 (P.L.101-549);~~

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

- 40 (1) environmental significance of;
- 41 (2) federal requirements for federally delegated or approved
- 42 programs concerning; and

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

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

11 (1) emissions; and

12 (2) impacts.

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

16 SECTION 13 ~~8~~ **[4]**. IC 13-17-3-8 IS REPEALED [EFFECTIVE
17 JULY 1, 2026]. Sec. 8: The board shall carry out other duties imposed
18 by law.

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

22 (b) The commissioner may do the following:

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

24 (A) other state agencies;

25 (B) towns, cities, and counties;

26 (C) industries;

27 (D) other states;

28 (E) the federal government; and

29 (F) affected groups;

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

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

34 (A) Air pollution.

35 (B) The causes, effects, prevention, control, and abatement
36 of air pollution.

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

39 (A) Air pollution.

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

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

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1 a reasonable degree of purity of air within Indiana:

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

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

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

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

14 SECTION 1~~40~~^[36]. IC 13-17-5-9, AS AMENDED BY
15 P.L.104-2022, SECTION 81, IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) After December
17 31, 2006, The board may not adopt a rule under air pollution control
18 laws that requires motor vehicles to undergo a periodic test of emission
19 characteristics in the following counties:

20 (1) A county having a population of more than eighty thousand
21 four hundred (80,400) and less than eighty-two thousand
22 (82,000):

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

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

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

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

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

5 **(1) in attainment of the national ambient air quality**
 6 **standards; or**

7 **(2) classified below moderate nonattainment for ozone**
 8 **national ambient air quality standards.**

9 SECTION 141[37]. IC 13-17-5-10, AS ADDED BY
 10 P.L.187-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2026]: Sec. 10. Not later than December 31,
 12 2025, the department shall do the following:

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

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

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

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

23 (C) Meet emissions goals.

24 (D) Appropriately address air pollution contributions to
 25 nonattainment areas in Indiana from sources that cannot be
 26 addressed by state or local controls, including contributions
 27 from international, natural or background, interstate,
 28 mobile, and stationary sources as well as exceptional events
 29 that are unlikely to recur.

30 (E) Result in the withdrawal of Lake County and Porter
 31 County from the Metropolitan Chicago Interstate Air
 32 Quality Control Region.

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

35 SECTION 142[38]. IC 13-17-6-10, AS AMENDED BY
 36 P.L.128-2024, SECTION 22, IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) If the
 38 commissioner finds that an asbestos project is not being performed in
 39 accordance with air pollution control laws or rules adopted under air
 40 pollution control laws, the commissioner may enjoin further work on
 41 the asbestos project without prior notice or hearing by delivering a
 42 notice to:

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- 1 (1) the asbestos contractor engaged in the asbestos project; or
- 2 (2) the agent or representative of the asbestos contractor.
- 3 (b) A notice issued under this section must:
- 4 (1) specifically enumerate the violations of law that are
- 5 occurring on the asbestos project; and
- 6 (2) prohibit further work on the asbestos project until the
- 7 violations enumerated under subdivision (1) cease and the notice
- 8 is rescinded by the commissioner.
- 9 (c) Not later than ten (10) days after receiving written notification
- 10 from a contractor that violations enumerated in a notice issued under
- 11 this section have been corrected, the commissioner shall issue a
- 12 determination whether or not to rescind the notice.

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

17 SECTION ~~143~~ [139]. IC 13-17-6-11 IS AMENDED TO READ
 18 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The
 19 commissioner may ~~under IC 4-21.5~~ reprimand an asbestos contractor
 20 or asbestos worker or suspend or revoke the license of an asbestos
 21 contractor or the accreditation of an asbestos worker for the following
 22 reasons:

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

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

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

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

39 SECTION 14 ~~4~~ [0]. IC 13-17-7 IS REPEALED [EFFECTIVE
 40 JULY 1, 2026]. (Clean Air Act Permit Compliance Program).

41 SECTION 14 ~~5~~ [1]. IC 13-17-10-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not

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1 incinerate PCB in an incinerator unless the person
 2 (1) holds a permit issued by the commissioner specifically
 3 authorizing the incineration of PCB in the incinerator. and
 4 (2) has received the recommendation of the local plan
 5 commission that has jurisdiction over the area in which the
 6 incinerator is located and the county executive of the county in
 7 which the incinerator is located has approved the incineration of
 8 the PCB or; if an appropriate local plan commission does not
 9 exist, the county executive of the county in which the incinerator
 10 is located has approved the incineration of the PCB:

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

13 (1) issue; or

14 (2) consider an application for;

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

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

25 (1) Alternative technologies such as the following:

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

27 (B) The low temperature thermal disorption process.

28 (C) Disorption and vaporization extraction.

29 (D) Plasma torch technology.

30 (E) Bacterial remediation.

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

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

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

38 (1) present the report to:

39 (A) the governor; and

40 (B) the general assembly; and

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

42 SECTION 14~~9~~[5]. IC 13-17-12-4 IS REPEALED [EFFECTIVE



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1 JULY 1, 2026]. Sec. 4: An air pollution control agency shall submit
2 annual reports as requested by the department:

3 SECTION 1~~50~~[46]. IC 13-17-15-6 IS REPEALED
4 [EFFECTIVE JULY 1, 2026]. Sec. 6: A unit described in section 4 of
5 this chapter is not required to have a separate approval under
6 IC 13-17-7 if the unit:

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

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

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

12 SECTION 1~~51~~[47]. IC 13-18-2-3, AS AMENDED BY THE
13 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
14 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2026]: Sec. 3. (a) The department shall prepare a list of
16 impaired waters for the purpose of complying with federal regulations
17 implementing Section 303(d) of the federal Clean Water Act (33
18 U.S.C. 1313(d)). In determining whether a water body is impaired, the
19 department shall consider all existing and readily available water
20 quality data and related information. The department, before submitting
21 the list to the United States Environmental Protection Agency, shall:

22 (1) post the list to the department's ~~Internet web site;~~ **website;**

23 (2) publish in the Indiana Register a link to the list posted to the
24 department's ~~Internet web site;~~ **website;**

25 (3) make the list available for public comment for at least
26 forty-five (45) days; and

27 (4) provide information about the list to the board.

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

29 (1) establishes the methodology to be used in identifying waters
30 as impaired; and

31 (2) specifies the methodology and criteria for including and
32 removing waters from the list of impaired waters.

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

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

42 (1) The department:

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1 (A) is unable, in identifying the surface water as described
2 in subsection (c), to identify the pollutant or pollutants
3 under consideration for the establishment of the total
4 maximum daily load; and
5 (B) determines, after identifying the surface water as
6 described in subsection (c), that one (1) or more pollutants
7 should be under consideration for establishment of the total
8 maximum daily load.

9 (2) The department:
10 (A) in identifying the surface water as described in
11 subsection (c), identifies the pollutant or pollutants under
12 consideration for the establishment of the total maximum
13 daily load; and
14 (B) determines, after identifying the pollutant or pollutants
15 as described in clause (A), that one (1) or more other
16 pollutants should be under consideration for establishment
17 of the total maximum daily load.

18 (e) The department complies with subsection (d) if the department
19 does the following before making a pollutant or pollutants the subject
20 of consideration for the establishment of the total maximum daily load:
21 (1) Determines and demonstrates that either or both of the
22 following apply:
23 (A) The surface water does not attain water quality
24 standards (as established in ~~327 IAC 2-1 and 327~~
25 ~~IAC 2-1.5) by rule~~) due to an individual pollutant, multiple
26 pollutants, pollution, or an unknown cause of impairment.
27 (B) The surface water:
28 (i) receives a thermal discharge from one (1) or more
29 point sources; and
30 (ii) does not have or maintain a balanced indigenous
31 population of shellfish, fish, and wildlife.

32 (2) Posts on the department's ~~Internet web site~~ **website** the
33 determination referred to in subdivision (1).
34 (3) Makes the determination referred to in subdivision (1)
35 available for public comment for at least forty-five (45) days.
36 (4) Presents the determination referred to in subdivision (1) to
37 the commissioner for final approval after the comment period
38 under subdivision (3).

39 SECTION 1 ~~52~~ **[48]**. IC 13-18-3-1, AS AMENDED BY
40 P.L.133-2012, SECTION 125, IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall
42 adopt rules for the control and prevention of pollution in waters of

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1 Indiana. with any substance:
 2 (1) that is deleterious to:
 3 (A) the public health; or
 4 (B) the prosecution of any industry or lawful occupation; or
 5 (2) by which:
 6 (A) any fish life or any beneficial animal or vegetable life
 7 may be destroyed; or
 8 (B) the growth or propagation of fish life or beneficial
 9 animal or vegetable life is prevented or injuriously affected.
 10 SECTION 1 ~~53~~ [49]. IC 13-18-3-2, AS AMENDED BY
 11 P.L.112-2016, SECTION 17, IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board may
 13 adopt rules under IC 4-22-2 that are necessary to the implementation
 14 of:
 15 (1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et
 16 seq.), as in effect January 1, 1988; and
 17 (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through
 18 300j), as in effect January 1, 1988;
 19 except as provided in IC 14-37.
 20 (b) "Degradation" has the meaning set forth in IC 13-11-2-50.5.
 21 (c) "Outstanding national resource water" has the meaning set
 22 forth in IC 13-11-2-149.5.
 23 (d) "Outstanding state resource water" has the meaning set forth
 24 in IC 13-11-2-149.6.
 25 (e) "Watershed" has the meaning set forth in IC 14-8-2-310.
 26 (f) The board may designate a water body as an outstanding state
 27 resource water by rule if the board determines that the water body has
 28 a unique or special ecological, recreational, or aesthetic significance.
 29 (g) Before the board may adopt a rule designating a water body as
 30 an outstanding state resource water, the board must consider the
 31 following:
 32 (1) Economic impact analyses, presented by any interested party,
 33 taking into account future population and economic development
 34 growth.
 35 (2) The biological criteria scores for the water body, using
 36 factors that consider fish communities, macro invertebrate
 37 communities, and chemical quality criteria using representative
 38 biological data from the water body under consideration.
 39 (3) The level of current urban and agricultural development in
 40 the watershed.
 41 (4) Whether the designation of the water body as an outstanding
 42 state resource water will have a significant adverse effect on

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1 future population, development, and economic growth in the
 2 watershed, if the water body is in a watershed that has more than
 3 three percent (3%) of its land in urban land uses or serves a
 4 municipality with a population greater than five thousand
 5 (5,000).

6 (5) Whether the designation of the water body as an outstanding
 7 state resource water is necessary to protect the unique or special
 8 ecological, recreational, or aesthetic significance of the water
 9 body.

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

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

23 (j) Notwithstanding any other provision of this section, the
 24 designation of an outstanding state resource water in effect on January
 25 1, 2000, remains in effect.

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

28 (1) prevent degradation; and

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

31 (A) there will be an overall improvement in water quality
 32 for the outstanding state resource water as described in this
 33 section; and

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

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

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

40 (A) for which a new or increased permit limit is required;
 41 and

42 (B) below which antidegradation implementation

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- 1 procedures do not apply.
- 2 (2) Provisions allowing the permittee to choose application of
- 3 one (1) of the following for each activity undertaken by the
- 4 permittee that will result in a significant lowering of water
- 5 quality in the outstanding state resource water:
- 6 (A) Implementation of a water quality project in the
- 7 watershed of the outstanding state resource water that will
- 8 result in an overall improvement of the water quality of the
- 9 outstanding state resource water.
- 10 (B) Payment of a fee, not to exceed five hundred thousand
- 11 dollars (\$500,000), based on the type and quantity of
- 12 increased pollutant loadings, to the department for deposit
- 13 in the outstanding state resource water improvement fund
- 14 established under section 14 of this chapter for use as
- 15 permitted under that section.
- 16 (3) Criteria for the submission and timely approval of projects
- 17 described in subdivision (2)(A).
- 18 (4) A process for public input in the approval process.
- 19 (5) Use of water quality data that is less than seven (7) years old
- 20 and specific to the outstanding state resource water.
- 21 (6) Criteria for using the watershed improvement fees to fund
- 22 projects in the watershed that result in improvement in water
- 23 quality in the outstanding state resource water.
- 24 (m) For a water body designated as an outstanding state resource
- 25 water after June 30, 2000, the board shall provide by rule
- 26 antidegradation implementation procedures before the water body is
- 27 designated in accordance with this section.
- 28 (n) A water body may be designated as an outstanding national
- 29 resource water only by the general assembly after recommendations for
- 30 designation are made by the board and the interim study committee on
- 31 environmental affairs established by IC 2-5-1.3-4.
- 32 (o) Before recommending the designation of an outstanding
- 33 national resource water, the department shall provide for an adequate
- 34 public notice and comment period regarding the designation. The
- 35 commissioner shall present a summary of the comments and
- 36 information received during the comment period and the department's
- 37 recommendation concerning designation to the ~~interim study~~
- 38 ~~committee on environmental affairs established by IC 2-5-1.3-4~~ **house**
- 39 **of representatives or senate committees on environmental affairs**
- 40 in an electronic format under IC 5-14-6 not later than ninety (90) days
- 41 after the end of the comment period. The committee shall consider the
- 42 comments, information, and recommendation received from the

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1 department, and shall convey its recommendation concerning
2 designation to the general assembly within six (6) months after receipt.

3 (p) This subsection applies to all surface waters of the state. The
4 department shall complete an antidegradation review of all NPDES
5 general permits. The department may modify the general permits for
6 purposes of antidegradation compliance. After an antidegradation
7 review of a permit is conducted under this subsection, activities
8 covered by an NPDES general permit are not required to undergo an
9 additional antidegradation review. An NPDES general permit may not
10 be used to authorize a discharge into an outstanding national resource
11 water or an outstanding state resource water, except that a short term,
12 temporary storm water discharge to an outstanding national resource
13 water or to an outstanding state resource water may be permitted under
14 an NPDES general permit if the commissioner determines that the
15 discharge will not significantly lower the water quality downstream of
16 the discharge.

17 (q) Subsection (r) applies to:

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

21 (2) an application for a modification or renewal of an NPDES
22 permit;

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

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

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

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

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

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

39 (2) The unemployment rate.

40 (3) The median household income.

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

42 (5) Community housing needs.

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

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- 1 implementation procedures, the commissioner:
- 2 (1) must give substantial weight to any applicable determinations
- 3 by governmental entities; and
- 4 (2) may rely on consideration of any one (1) or a combination of
- 5 the factors listed in subsection (s).
- 6 (u) Each exceptional use water (as defined in IC 13-11-2-72.5,
- 7 before its repeal) designated by the board before June 1, 2009, becomes
- 8 an outstanding state resource water on June 1, 2009, by operation of
- 9 law.
- 10 (v) Beginning June 1, 2009, all waters of the state are classified in
- 11 the following categories:
- 12 (1) Outstanding national resource waters.
- 13 (2) Outstanding state resource waters.
- 14 (3) Waters of the state as ~~described in 327 IAC 2-1-2(1); as in~~
- 15 ~~effect on January 1, 2009.~~ **defined in IC 13-11-2-265.**
- 16 (4) High quality waters as described in 327 IAC 2-1-2(2); as in
- 17 ~~effect on January 1, 2009.~~ **40 CFR 131.12(a)(2).**
- 18 (5) ~~Waters of the state as described in 327 IAC 2-1.5-4(a); as in~~
- 19 ~~effect on January 1, 2009.~~
- 20 (6) ~~High quality waters as described in 327 IAC 2-1.5-4(b); as in~~
- 21 ~~effect on January 1, 2009.~~
- 22 **(w) The board may adopt rules under IC 4-22-2 to establish a**
- 23 **process to designate a water body as a limited use water as**
- 24 **described in 40 CFR 131.12.**
- 25 SECTION 15-4-01. IC 13-18-3-2.5, AS AMENDED BY
- 26 P.L.54-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) A CSO wet weather limited
- 28 use subcategory is established for waters affected by receiving
- 29 combined sewer overflows, as specified in an approved long term
- 30 control plan. The CSO wet weather limited use subcategory applies to
- 31 a specific water body after implementation of an approved long term
- 32 control plan for the combined sewer system whose overflow discharges
- 33 affect those waters is implemented and the conditions of subsection (b)
- 34 are satisfied. The following requirements apply to the CSO wet weather
- 35 limited use subcategory:
- 36 (1) The water quality based requirements associated with the
- 37 CSO wet weather limited use subcategory that apply to waters
- 38 affected by wet weather combined sewer overflows are
- 39 determined by an approved long term control plan for the
- 40 combined sewer system. The water quality based requirements
- 41 remain in effect during the time and to the physical extent that
- 42 the recreational use designation that applied to the waters

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- 1 immediately before the application to the waters of the CSO wet
 2 weather limited use subcategory is not attained, but for not more
 3 than four (4) days after the date the overflow discharge ends.
 4 (2) At all times other than those described in subdivision (1), the
 5 water quality criteria associated with the appropriate recreational
 6 use designation that applied to the waters immediately before the
 7 application to the waters of the CSO wet weather limited use
 8 subcategory apply unless there is a change in the use designation
 9 as a result of a use attainability analysis.
- 10 (b) The CSO wet weather limited use subcategory applies if:
- 11 (1) the department has approved a long term control plan for the
 12 NPDES permit holder for the combined sewer system;
- 13 (2) the approved long term control plan:
- 14 (A) is incorporated into:
- 15 (i) the NPDES permit holder's NPDES permit; or
 16 (ii) an order of the commissioner under IC 13-14-2-6;
- 17 (B) satisfies the requirements of section 2.3 of this chapter;
 18 and
- 19 (C) specifies the water quality based requirements that
 20 apply to combined sewer overflows during and immediately
 21 following wet weather events, as provided in subsection
 22 (a)(1);
- 23 (3) the NPDES permit holder has implemented the approved
 24 long term control plan; and
- 25 (4) subject to subsection (c), 40 CFR 131.10, 40 CFR 131.20,
 26 and 40 CFR 131.21 are satisfied.
- 27 (c) For purposes of subsection (b)(4), 40 CFR 131.10 may be
 28 satisfied by including appropriate data and information in the long term
 29 control plan.
- 30 (d) The department shall implement the CSO wet weather limited
 31 use subcategory and associated water quality based requirements under
 32 this section when the subcategory and requirements are approved by
 33 the United States Environmental Protection Agency. The department
 34 shall seek approval of the United States Environmental Protection
 35 Agency in a timely manner.
- 36 (e) The NPDES permit holder shall monitor its discharges and the
 37 water quality in the affected receiving stream periodically as provided
 38 in the long term control plan. The NPDES permit holder shall provide
 39 all such information to the department.
- 40 (f) In conjunction with a review of its long term control plan under
 41 section 2.4 of this chapter, the NPDES permit holder shall review
 42 information generated after the use attainability analysis was approved

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1 by the department to determine whether the conclusion of the use
 2 attainability analysis is still valid. The NPDES permit holder shall
 3 provide the results of the review to the department.

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

6 SECTION 15~~6~~[1]. IC 13-18-3-2.6, AS ADDED BY
 7 P.L.54-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2026]: Sec. 2.6. (a) Where appropriate, permits
 9 shall contain schedules of compliance requiring the permittee to take
 10 specific steps to achieve expeditious compliance with applicable
 11 standards, limitations, and other requirements.

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

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

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

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

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

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

39 SECTION 15~~6~~[2]. IC 13-18-3-5 IS REPEALED [EFFECTIVE
 40 JULY 1, 2026]. Sec. 5. ~~The board shall carry out other duties imposed~~
 41 ~~by law.~~

42 ~~SECTION 157. IC 13-18-3-11 IS REPEALED [EFFECTIVE~~

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~~JULY 1, 2026]. Sec. 11. Since the water pollution control laws are necessary for the public health, safety, and welfare, the water pollution control laws shall be liberally construed to effectuate the purposes of the water pollution control laws.~~

> SECTION 15~~<8>~~[3]. IC 13-18-3-12, AS AMENDED BY P.L.113-2014, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. The board shall adopt rules providing that whenever department may not require a permit, permission, or review from a person submits who develops plans to a unit concerning the design or construction of:

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

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

SECTION 15~~<9>~~[4]. IC 13-18-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. If a violation of ~~327 IAC 15-5~~ the department's construction storm water general permit occurs, the department shall determine which person is responsible for committing the violation. In making this determination, the department shall, if appropriate, consider:

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

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

SECTION 1~~<60>~~[55]. IC 13-18-3-14, AS AMENDED BY P.L.130-2018, SECTION 64, IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) The outstanding
 2 state resource water improvement fund is established. All money
 3 collected under section 2 of this chapter and any money accruing to the
 4 fund are continuously appropriated to the fund to carry out the purposes
 5 of section 2 of this chapter. Money in the fund at the end of a state
 6 fiscal year does not revert to the state general fund, unless the
 7 outstanding state resource water improvement fund is abolished.

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

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

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

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

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

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

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

32 (2) The balance in the fund.

33 SECTION ~~<161>~~ [156]. IC 13-18-3-15, AS ADDED BY
 34 P.L.81-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) Subject to subsection (c), the
 36 board shall ~~<>~~ [amend 327 IAC 5 and 327 IAC 15 to eliminate:

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

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

41 (A) contained in that article; and

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

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

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

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

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

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

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

19 SECTION 1 ~~62~~ [57]. IC 13-18-4-2 IS REPEALED [EFFECTIVE
20 JULY 1, 2026]. ~~Sec. 2: A rule or determination made by the board or~~
21 ~~the commissioner under sections 1 through 4 of this chapter shall be~~
22 ~~filed of record in the office of the department.~~

23 SECTION 1 ~~63~~ [58]. IC 13-18-4-4 IS REPEALED [EFFECTIVE
24 JULY 1, 2026]. ~~Sec. 4: The commissioner may take appropriate steps~~
25 ~~to prevent any pollution that is determined to be unreasonable and~~
26 ~~against public interests in view of the condition in any stream or other~~
27 ~~waters of Indiana.~~

28 SECTION 1 ~~64~~ [59]. IC 13-18-4-6, AS AMENDED BY
29 P.L.263-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Whenever the commissioner
31 determines that a person:

32 (1) is violating; or

33 (2) is about to violate;

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

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

39 (1) cease the violation; and

40 (2) abate the condition of pollution;

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

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1 (c) Proceedings concerning an order issued under this section are
2 governed by IC 4-21.5:

3 SECTION 16~~5~~[0]. IC 13-18-4-7 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Notwithstanding
5 any rules of the board, the commissioner shall allow for a mixing zone
6 in permits that involve a discharge into Lake Michigan if the applicant
7 can demonstrate to the commissioner that the mixing zone will not
8 cause harm to human health or aquatic life.

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

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

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

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

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

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

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

35 SECTION 16~~8~~[3]. IC 13-18-10-2.1, AS AMENDED BY
36 P.L.199-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2026]: Sec. 2.1. (a) The department:

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

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

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

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1 for the proper administration of this chapter. The rules, policies, or
2 statements may concern construction, expansion, and operation of
3 confined feeding operations and may include uniform standards for:

- 4 (1) construction, expansion, and manure containment that are
- 5 appropriate for a specific site; and
- 6 (2) manure application and handling that are consistent with best
- 7 management practices:

8 (A) designed to reduce the potential for manure to be
9 conveyed off a site by runoff or soil erosion; ~~and~~

10 (B) that are appropriate for a specific site; ~~and~~

11 **(C) accurately reflect differences between dry and liquid**
12 **manure.**

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

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

17 (A) the United States Department of Agriculture;

18 (B) the Natural Resources Conservation Service of the
19 United States Department of Agriculture;

20 (C) the Midwest Plan Service; and

21 (D) postsecondary educational institution extension
22 bulletins; and

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

26 SECTION 170>[\[65\]](#). IC 13-18-11-1.5, AS AMENDED BY
27 P.L.133-2012, SECTION 128, IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. The board ~~shall~~
29 **may** adopt regulations to implement certification programs for
30 operators of water treatment plants or water distribution systems. The
31 certification program for the operators shall be classified in accordance
32 with the complexity, size, and source of the water for the treatment
33 system and the complexity and size for the distribution system.

34 SECTION 171>[\[66\]](#). IC 13-18-11-8, AS AMENDED BY
35 P.L.128-2024, SECTION 24, IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The
37 commissioner may suspend or revoke the certificate of an operator
38 issued under this chapter ~~following a hearing under IC 13-15-7-3 and~~
39 ~~IC 4-21-5~~, if any of the following conditions are found:

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

42 (2) Reasonable care, judgment, or the application of the

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- 1 operator's knowledge or ability was not used in the performance
- 2 of the operator's duties.
- 3 (3) The operator is incompetent or unable to properly perform
- 4 the operator's duties.
- 5 (4) A certificate of the operator issued:
- 6 (A) under this chapter; or
- 7 (B) by any other state or jurisdiction for a purpose
- 8 comparable to the purpose for which a certificate is issued
- 9 under this chapter;
- 10 has been revoked.
- 11 (5) The operator has been convicted of a crime related to a
- 12 certificate of the operator issued:
- 13 (A) under this chapter; or
- 14 (B) by any other state or jurisdiction for a purpose
- 15 comparable to the purpose for which a certificate is issued
- 16 under this chapter.
- 17 (b) ~~A hearing and further proceedings shall be conducted in~~
- 18 ~~accordance with IC 4-15-10.5. A person aggrieved by the revocation~~
- 19 ~~or modification of a certificate of an operator may appeal the~~
- 20 ~~revocation or modification to the office of administrative law~~
- 21 ~~proceedings under IC 4-21.5-3.~~
- 22 SECTION ~~472~~ [167]. IC 13-18-12-2.2, AS AMENDED BY
- 23 P.L.250-2019, SECTION 23, IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. (a) ~~As used in this~~
- 25 ~~section:~~
- 26 (1) "chemical toilet" has the meaning set forth in 327
- 27 IAC 7.1-2-6; and
- 28 (2) "sewage disposal system" has the meaning set forth in 327
- 29 IAC 7.1-2-36;
- 30 on February 1, 2016.
- 31 (b) ~~As used in this section, "septage management vehicle" means~~
- 32 ~~a vehicle used for the removal of septage from sewage disposal~~
- 33 ~~systems:~~
- 34 (c) ~~Notwithstanding 327 IAC 7.1-6-1, The invoice provided to a~~
- 35 ~~customer by the person who uses a septage management vehicle to~~
- 36 ~~remove septage from the customer's sewage disposal system need not~~
- 37 ~~show:~~
- 38 (1) the date on which the septage was removed from the sewage
- 39 disposal system; or
- 40 (2) the amount of septage removed from the sewage disposal
- 41 system;
- 42 if the sewage disposal system from which the septage is removed is a <

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1 >[~~chemical toilet.~~ **portable sanitary unit.**

2 SECTION 1<~~73~~>[68]. IC 13-18-12-2.5, AS AMENDED BY
3 P.L.250-2019, SECTION 24, IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) The department
5 and the board may allow a person to use industrial waste products in a
6 land application operation or as ingredients in a soil amendment or soil
7 substitute to be land applied if:

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

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

32 (b) The department:

- 33 (1) may allow the use of industrial waste products:
34 (A) in a land application operation; or
35 (B) as ingredients in a soil amendment or soil substitute to
36 be land applied;
37 on the same basis as other materials under the rules concerning
38 land application and marketing and distribution permits;
39 (2) may not:
40 (A) discriminate against the use of industrial waste products
41 on the basis that the industrial waste products lack
42 biological carbon;

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1 (B) impose requirements beyond applicable criteria in 327
 2 ~~IAC 6.1~~, **rules established by the board**, unless additional
 3 requirements are necessary for the protection of human
 4 health and the environment;
 5 (C) require that the finished soil amendment, soil substitute,
 6 or material to be land applied must be of a particular
 7 economic value; or
 8 (D) for any pollutant that has a pollutant limit or
 9 concentration in 327 IAC 6.1, require that an industrial
 10 waste product or the finished soil amendment, soil
 11 substitute, or material to be land applied satisfies:
 12 (i) the department's remediation closure guidance; or
 13 (ii) any other standards other than criteria in 327
 14 IAC 6.1;
 15 (3) for any pollutant present in the industrial waste products that
 16 does not have a pollutant limit or concentration in 327 IAC 6.1,
 17 shall consider the benefits of the finished soil amendment, soil
 18 substitute, or material to be land applied as compared to the
 19 measurable risks to human health and the environment based on
 20 the anticipated use of the finished soil amendment, soil
 21 substitute, or material to be land applied; and
 22 (4) shall require an application for a permit for the land
 23 application of industrial waste products to include
 24 characterization of individual industrial waste products at the
 25 point of waste generation before mixing the waste streams.
 26 ~~(e) The board may adopt rules for pollutant limits or~~
 27 ~~concentrations for pollutants for which limits or concentrations do not~~
 28 ~~exist in 327 IAC 6.1 as of July 1, 2011.~~
 29 SECTION 1 ~~74~~ [69]. IC 13-18-12-3, AS AMENDED BY
 30 P.L.192-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The ~~board shall initiate,~~
 32 **department shall administer**, in accordance with IC 13-15, a septage
 33 management permit program for all persons who offer to perform or are
 34 performing septage management services.
 35 (b) A permit from the department may not be required for the
 36 ownership or operation of one (1) or more holding tanks described in
 37 IC 16-41-25-9 in which septage originating from a residential or
 38 commercial source is held until it is removed and transported from the
 39 site of the holding tanks by septage management vehicles. However:
 40 (1) the board may adopt rules under IC 4-22-2 and IC 13-14-9;
 41 or
 42 (2) the department may adopt guidelines;

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

5 SECTION 17~~5~~[0]. IC 13-18-12-4, AS AMENDED BY
6 P.L.112-2016, SECTION 19, IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board ~~shall~~
8 **may**, in accordance with IC 13-14-9, adopt rules to establish the
9 following:

10 (1) Standards for the following:

11 (A) The issuance of permits for:

- 12 (i) septage management under section 3 of this chapter;
13 and
14 (ii) land application of authorized septage, solid waste,
15 and industrial waste products.

16 (B) Transportation, storage, treatment, and disposal of
17 septage.

18 (2) Procedures and standards for approval of sites for land
19 application.

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

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

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

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

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

42 (b) The board shall adopt a permit by rule for water main

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1 extensions ~~<8>~~ [3] (as defined in 327 IAC 8-3-1) to satisfy the permit
2 requirement in section 1(a) of this chapter.

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

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

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

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

20 SECTION 17 ~~<9>~~ [4]. IC 13-18-17-4 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department
22 under IC 13-14-2-2:

23 (1) may investigate allegations of; and
24 (2) shall investigate confirmed incidents of;
25 contamination of groundwater that affect private water supply wells.

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

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

35 SECTION 1 ~~<80>~~ [75]. IC 13-18-17-5, AS AMENDED BY
36 P.L.56-2023, SECTION 129, IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The board shall
38 adopt rules under IC 4-22-2 **and IC 13-14-9** establishing groundwater
39 quality standards that include numeric and narrative criteria, a
40 groundwater classification plan, and a method of determining where
41 the groundwater quality standards must apply. The standards
42 established under this subsection shall be used for the following

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- 1 purposes:
- 2 (1) To establish minimum compliance levels for groundwater
- 3 quality monitoring at regulated facilities.
- 4 (2) To ban the discharge of effluents into potable groundwater.
- 5 (3) To establish health protection goals for untreated water in
- 6 water supply wells.
- 7 (4) To establish concentration limits for contaminants in ambient
- 8 groundwater.
- 9 (b) Except as provided in subsection (c) and subject to subsection
- 10 (d), the following agencies shall adopt rules under IC 4-22-2 to apply
- 11 the groundwater quality standards established under this section to
- 12 activities regulated by the agencies:
- 13 (1) The department.
- 14 (2) The department of natural resources.
- 15 (3) The Indiana department of health.
- 16 (4) The office of the state chemist.
- 17 (5) The department of homeland security.
- 18 (c) The executive board of the Indiana department of health may
- 19 not adopt rules to apply the nitrate and nitrite numeric criteria included
- 20 in groundwater quality standards established in rules adopted by the
- 21 board under subsection (a) to onsite sewage systems.
- 22 (d) Any rule adopted by the executive board of the Indiana
- 23 department of health is void to the extent that the rule applies the
- 24 nitrate and nitrite numeric criteria included in groundwater quality
- 25 standards established in rules adopted by the board under subsection
- 26 (a) to onsite sewage systems.
- 27 SECTION 1 ~~81~~ [76]. IC 13-18-17-6 IS AMENDED TO READ
- 28 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board
- 29 shall adopt rules under IC 4-22-2 **and IC 13-14-9** to establish
- 30 protection zones around community water system wells.
- 31 (b) The state agencies referred to in section 5(b) of this chapter
- 32 may not permit activities within the zones established under subsection
- 33 (a) that would violate the rules or interfere with the purposes of the
- 34 rules.
- 35 (c) The department shall establish and operate a program of
- 36 education and assistance to local officials in developing and managing
- 37 well field protection zones.
- 38 (d) The rules adopted under subsection (a) or any zoning under
- 39 IC 36-7 to establish protection zones around community water system
- 40 wells may not restrict any activity by:
- 41 (1) an owner of land;
- 42 (2) a mineral owner; or

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1 (3) a mineral leaseholder of record;
2 unless the owner or leaseholder is sent written notice of, and has an
3 opportunity to be heard on, the establishment of the zone and the
4 construction of the community public water system that caused the
5 establishment of the zone.

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

9 SECTION 182[77]. IC 13-18-17-7 IS REPEALED
10 [EFFECTIVE JULY 1, 2026]. Sec. 7: (a) The board shall adopt rules
11 under IC 4-22-2 for the construction and monitoring of surface
12 impoundments; including pits, ponds, and lagoons; used for the storage
13 or treatment of nonhazardous waste and wastewater.

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

16 SECTION 183[178]. IC 13-18-27-1 IS REPEALED
17 [EFFECTIVE JULY 1, 2026]. Sec. 1: As used in this chapter, "327
18 IAC 15-5" refers to the administrative rule of the environmental rules
19 board in effect on March 25, 2019, concerning storm water runoff
20 associated with construction activity.

21 SECTION 184[79]. IC 13-18-27-3, AS ADDED BY
22 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. As used in this
24 chapter, "construction plan" means a written plan that:

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

34 SECTION 1885[10]. IC 13-18-27-9, AS ADDED BY
35 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. As used in this
37 chapter, "project site owner" means the person required to comply with
38 ~~327 IAC 15-5~~, the general permit, or the applicable ordinance of an
39 MS4 community with respect to a construction project. The term
40 includes the following:

- 41 (1) A developer.
- 42 (2) A person who has financial and operational control of

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1 construction activities and construction project plans and
2 specifications, including the ability to make modifications to
3 those plans and specifications.

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

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

16 (1) the erosion and sediment control measures required by an
17 MS4 community at a very small construction activity site may
18 not be more stringent than the erosion and sediment control
19 measures required by ~~327 IAC 15-5~~ or by the general permit at
20 a small construction activity site; and

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

26 SECTION 18~~7~~[2]. IC 13-18-27-16, AS ADDED BY
27 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) A review
29 authority to which a construction plan is submitted must make a
30 preliminary determination whether the construction plan is
31 substantially complete before the end of:

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

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

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

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

42 (2) notifies the project site owner of its favorable preliminary

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1 determination;
 2 before the end of the tenth ~~working business~~ day after the day on which
 3 the construction plan is submitted to the review authority, in the case
 4 of a small or very small construction activity site, or the fourteenth ~~<>~~
 5 ~~working business~~ day after the day on which the construction plan is
 6 submitted to the review authority, in the case of a large construction
 7 activity site, the project site owner may submit a notice of intent letter
 8 including the information required by ~~327 IAC 15-5-5~~ or the general
 9 permit and, forty-eight (48) hours after submission of the notice of
 10 intent letter, may begin the construction project, including the land
 11 disturbing activities of the construction project.

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

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

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

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

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1 (2) makes a conclusive unfavorable determination concerning
 2 the construction plan under ~~327 IAC 15-5~~; the general permit or
 3 the applicable ordinance of the MS4 community;
 4 the land disturbing activities of the construction project must stop when
 5 the review authority notifies the project site owner of the review
 6 authority's conclusive unfavorable determination concerning the
 7 construction plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

40 ~~(4) (2) Expediently~~ Adopt by rule all exemptions or exclusions
 41 from regulation as waste that are adopted by the United States
 42 Environmental Protection Agency. ~~and set forth in 40 CFR 261~~

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1 on or after January 1, 2022.

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

8 SECTION 1<90>[85]. IC 13-19-3-3, AS AMENDED BY
9 P.L.249-2023, SECTION 68, IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) As used in this
11 section and section 3.1 of this chapter, "coal combustion residuals"
12 means fly ash, bottom ash, boiler slag, and flue gas desulfurization
13 materials generated from burning coal for the purpose of generating
14 electricity by electric utilities and independent power producers.

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

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

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

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

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

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

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

37 (d) The department shall do the following:

38 (1) Establish a state permit program under Section 2301 of the
39 federal Water Infrastructure Improvements for the Nation Act
40 (42 U.S.C. 6945(d)) for the implementation in Indiana of the
41 federal CCR rule.

42 (2) Submit to the administrator of the United States

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

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1 surface impoundment of coal combustion residuals regulated
 2 under the state permit program that has been closed and for
 3 which post-closure care has been initiated and is still required in
 4 accordance with Section 257.104 of the federal CCR rule. The
 5 duty to pay the fee established by this subdivision does not apply
 6 on an annual basis until three hundred sixty-five (365) days after
 7 the initial one (1) time permit fee established by subdivision (1)
 8 has been assessed.

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

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

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

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

21 (k) Upon the effective date that the board adopts rules to
 22 implement the federal CCR rule and subject to subsection (i), annual
 23 fees for CCR landfills that were previously regulated as restricted waste
 24 sites shall be deposited in the CCR program fund established by section
 25 3.2 of this chapter.

26 SECTION 1 ~~86~~ [86]. IC 13-19-3-3.1, AS ADDED BY
 27 P.L.120-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2026]: Sec. 3.1. Except as provided in section
 29 3(c) of this chapter, the rules adopted under ~~section 1(a)(1)~~ **section**
 30 **1(1)** of this chapter may not regulate the following:

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

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

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

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

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

40 (B) Bottom ash as an antiskid material.

41 (C) Raw material for manufacturing another product.

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

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- 1 (E) Structural fill when combined with cement, sand, or
- 2 water to produce a controlled strength fill material.
- 3 (F) A base in road construction.
- 4 (G) Cover for coal processing waste disposal locations to
- 5 inhibit infiltration at surface and underground mines subject
- 6 to IC 14-34, so long as a demonstration is made in
- 7 concurrence with the department of natural resources that
- 8 the materials and methods to be employed are appropriate
- 9 for the intended use.
- 10 (H) Providing buffering or enhancing structural integrity for
- 11 refuse piles at surface and underground mines subject to
- 12 IC 14-34, so long as a demonstration is made in
- 13 concurrence with the department of natural resources that
- 14 the materials and methods to be employed are appropriate
- 15 for the intended use.
- 16 (I) Agricultural applications, when applied using
- 17 appropriate agronomic amounts to improve crop or
- 18 vegetative production.

19 SECTION 1~~92~~^[87]. IC 13-19-3-7, AS AMENDED BY
 20 P.L.133-2012, SECTION 133, IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~The department and~~
 22 ~~the board shall allow a person~~ **A permit is not required** to use foundry
 23 sand that meets Type III criteria under 329 IAC 10-9 for the following
 24 activities: ~~in accordance with guidance without requiring the~~
 25 ~~person to obtain any permits from the department:~~

- 26 (1) As a daily cover for litter and vermin control at a landfill in
- 27 accordance with any applicable permits issued for the landfill.
- 28 (2) As a protective cover for a landfill leachate system in
- 29 accordance with any applicable permits issued for the landfill.
- 30 (3) For use as capped embankments for ground and sight barriers
- 31 under ten thousand (10,000) cubic yards or embankments for
- 32 airports, bridges, or overpasses.
- 33 (4) For use:
- 34 (A) in a land application operation; or
- 35 (B) as a soil amendment;
- 36 if the application or amendment does not include the operation
- 37 of a landfill.
- 38 (5) As a structural fill base capped by clay, asphalt, or concrete
- 39 for the following:
- 40 (A) Roads.
- 41 (B) Road shoulders.
- 42 (C) Parking lots.

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- 1 (D) Floor slabs.
- 2 (E) Utility trenches.
- 3 (F) Bridge abutments.
- 4 (G) Tanks and vaults.
- 5 (H) Construction or architectural fill.
- 6 (I) Other similar uses.
- 7 (6) As a raw material constituent incorporated into another
- 8 product, including the following:
- 9 (A) Flowable fill.
- 10 (B) Concrete.
- 11 (C) Asphalt.
- 12 (D) Brick.
- 13 (E) Block.
- 14 (F) Portland cement.
- 15 (G) Glass.
- 16 (H) Roofing materials.
- 17 (I) Rock wool.
- 18 (J) Plastics.
- 19 (K) Fiberglass.
- 20 (L) Mineral wool.
- 21 (M) Lightweight aggregate.
- 22 (N) Paint.
- 23 (O) Plaster.
- 24 (P) Other similar products.

25 SECTION 1~~93~~[88]. IC 13-19-3-9, AS ADDED BY
 26 P.L.189-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) This section does not apply
 28 to an expansion of a solid waste landfill:

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

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

36 SECTION ~~194~~[189]. IC 13-19-4-6, AS AMENDED BY
 37 P.L.154-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2026]: Sec. 6. Before making a determination
 39 to deny an application for the issuance, transfer, or major modification
 40 of a permit under section 5 of this chapter, the commissioner ~~shall~~ **may**
 41 consider the following mitigating factors:

- 42 (1) The nature and details of the acts attributed to the applicant

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- 1 or responsible party.
- 2 (2) With respect to:
- 3 (A) a civil or an administrative complaint referred to in
- 4 section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2)
- 5 (before its repeal); or
- 6 (B) a criminal complaint referred to in section 5(a)(3) of
- 7 this chapter or IC 13-7-10.2-4(a)(3) (before its repeal);
- 8 whether the matter has been resolved.
- 9 (3) With respect to:
- 10 (A) a civil or an administrative complaint referred to in
- 11 section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2)
- 12 (before its repeal);
- 13 (B) a criminal complaint referred to in section 5(a)(3) of
- 14 this chapter or IC 13-7-10.2-4(a)(3) (before its repeal); or
- 15 (C) a judgment of conviction referred to in section 5(a)(4)
- 16 of this chapter or IC 13-7-10.2-4(a)(4);
- 17 whether any appeal is pending.
- 18 (4) The degree of culpability of the applicant or responsible
- 19 party.
- 20 (5) The applicant's or responsible party's cooperation with the
- 21 state or federal agencies involved in the investigation of the
- 22 activities involved in complaints and convictions referred to in
- 23 section 5(a)(2) through 5(a)(5) of this chapter or
- 24 IC 13-7-10.2-4(a)(2) through IC 13-7-10.2-4(a)(5) (before their
- 25 repeal).
- 26 (6) The applicant's or responsible party's dissociation from any
- 27 other persons or entities convicted of acts referred to in section
- 28 5(a)(2) through 5(a)(5) of this chapter or IC 13-7-10.2-4(a)(2)
- 29 through IC 13-7-10.2-4(a)(5) (before their repeal).
- 30 (7) Prior or subsequent self-policing or internal education
- 31 programs established by the applicant to prevent activities
- 32 referred to in section 5(a) of this chapter or IC 13-7-10.2-4(a)
- 33 (before its repeal).
- 34 (8) Whether the best interests of the public will be served by
- 35 denial of the permit.
- 36 (9) Any demonstration of good citizenship by the applicant or
- 37 responsible party.
- 38 SECTION 19~~5~~^[0]. IC 13-19-4-9 IS REPEALED [EFFECTIVE
- 39 JULY 1, 2026]. ~~Sec. 9: IC 4-21-5 governs determinations, notice,~~
- 40 ~~hearings, and appeal of determinations under this chapter.~~
- 41 SECTION 19~~6~~^[1]. IC 13-20-1-5 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 implement this chapter.

2 SECTION 19~~8~~[2]. IC 13-20-3-5 IS REPEALED [EFFECTIVE
3 JULY 1, 2026]. Sec. 5: The board shall adopt rules under IC 4-22-2 and
4 IC 13-14-9 to implement this chapter.

5 SECTION 19~~8~~[3]. IC 13-20-6-9 IS REPEALED [EFFECTIVE
6 JULY 1, 2026]. Sec. 9: The board shall adopt rules under IC 4-22-2 to
7 implement this chapter.

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

16 SECTION ~~200~~[195]. IC 13-20-10.5-1, AS ADDED BY
17 P.L.189-2011, SECTION 13, IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A person may not
19 after June 30, 2011, start:

20 (1) construction of:

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

22 (B) **a biomass** gasification facility; or

23 (2) expansion of:

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

25 (B) **a biomass** gasification facility;

26 without obtaining prior approval of the department.

27 (b) A person who proposes to construct or expand **a biomass an**
28 anaerobic digestion facility or a **biomass** gasification facility on the
29 premises of a confined feeding operation must obtain the prior approval
30 required under subsection (a) through the approval process for confined
31 feeding operations under IC 13-18-10 and rules implementing that
32 chapter.

33 SECTION ~~201~~[196]. IC 13-20-10.5-2, AS ADDED BY
34 P.L.189-2011, SECTION 13, IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. ~~Except as provided~~
36 ~~in section 3 of this chapter, a biomass~~ **An** anaerobic digestion facility
37 or a **biomass** gasification facility for which the only input is biomass is
38 not subject to regulation as a solid waste processing facility.

39 SECTION ~~202~~[197]. IC 13-20-10.5-3 IS REPEALED
40 [EFFECTIVE JULY 1, 2026]. Sec. 3: ~~The department may determine~~
41 ~~that a biomass-anaerobic digestion facility or a biomass gasification~~
42 ~~facility for which the input is a combination of biomass and solid waste~~

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1 is subject to regulation as a solid waste processing facility.

2 SECTION ~~203~~ [198]. IC 13-20-10.5-3.5, AS ADDED BY
3 P.L.27-2024, SECTION 7, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: Sec. 3.5. (a) The department shall make
5 a determination under section 1 of this chapter concerning prior
6 approval for the construction or expansion of a biomass an anaerobic
7 digestion facility or biomass gasification facility for which the only
8 input is biomass inputs are biomass or appropriate feedstock not
9 later than ninety (90) days after the date on which the department
10 receives the completed application for prior approval, including all
11 required supplemental information, unless the department and the
12 applicant agree to a longer time.

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

- 15 (1) is consistent with the department's duties under this chapter;
- 16 and
- 17 (2) the department considers necessary;

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

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

24 SECTION ~~204~~ [199]. IC 13-20-13-3 IS AMENDED TO READ
25 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The
26 commissioner shall issue a waste tire storage site or waste tire
27 processing operation certificate of registration to a person that owns or
28 operates a waste tire storage site or waste tire processing operation if
29 the person complies with the requirements of this chapter and rules
30 adopted by the board under section 11 of this chapter.

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

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

- 35 (1) this chapter; and
- 36 (2) rules adopted by the board under this chapter;

37 including a compliance schedule.

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

- 40 (1) the application is incomplete;
- 41 (2) the applicant has failed to comply with the requirements of:
- 42 (A) this chapter;

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

4 (3) an enforcement action is pending against the applicant.
 5 SECTION 20~~5~~[0]. IC 13-20-13-5, AS AMENDED BY
 6 P.L.37-2012, SECTION 33, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2026]: Sec. 5. A person that obtains a certificate
 8 of registration under section 3 of this chapter must do the following:

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

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

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

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

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

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- 1 (1) rules adopted under subsection (d); and
- 2 (2) section 10 of this chapter;
- 3 a whole waste tire may not be disposed of at a solid waste landfill.
- 4 (b) The department may approve shredded or ground up tires for
- 5 use as daily cover for a solid waste landfill.
- 6 (c) Material approved under subsection (b) is exempt from
- 7 IC 13-20-22 and IC 13-21-13.
- 8 (d) The board ~~shall~~ **may** adopt rules that allow for the incidental
- 9 disposal of small amounts of whole waste tires at solid waste landfills.
- 10 (e) The rules adopted under subsection (d) may allow a landfill
- 11 operator to meet the requirements of the rule by employing procedures
- 12 designed to achieve the objectives of subsection (d) in lieu of a numeric
- 13 standard.

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

- 21 (1) The person's name.
- 22 (2) The address of the person's principal office.
- 23 (3) The addresses of any offices maintained by the person in
- 24 Indiana.
- 25 (4) Evidence of financial assurance ~~maintained in accordance~~
- 26 ~~with rules adopted under section 6 of this chapter~~, in the amount
- 27 of at least ten thousand dollars (\$10,000). The financial
- 28 assurance must be in the form of:
- 29 (A) a bond for performance, executed by a corporate surety
- 30 licensed to do business in Indiana;
- 31 (B) a negotiable certificate of deposit; or
- 32 (C) a negotiable letter of credit;
- 33 payable to the department and conditional upon faithful
- 34 performance of the requirements of this chapter and the
- 35 registration.
- 36 (b) The ~~rules adopted under section 6 of this chapter~~ **department**
- 37 **must** adopt a manifest form and require a waste tire transporter to
- 38 prepare and carry a manifest based upon that form each time a waste
- 39 tire transporter transports waste tires. The format and wording of the
- 40 form must require a waste tire transporter to enter information in each
- 41 manifest indicating the source and number of waste tires to be
- 42 transported and the destination to which the waste tires are transported.

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

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

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

10 (2) Make a copy of a manifest described under this section
11 available to the department upon request.

12 (3) **Report annually to the department Record** the number of
13 passenger tire equivalents transported by the waste tire
14 transporter **and provide the records to the department upon**
15 **request.**

16 (4) Maintain financial assurance acceptable to the department in
17 accordance with subsection (a)(4).

18 (e) The commissioner may include in a certificate of registration
19 issued under this chapter conditions that ensure compliance with:

20 (1) this chapter; and

21 (2) rules adopted by the board under this chapter;

22 including a compliance schedule.

23 (f) The department may deny an application to register under this
24 chapter if:

25 (1) the application is incomplete;

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

27 (A) this chapter;

28 (B) IC 13-20-13; or

29 (C) a rule adopted by the board under ~~section 6 of this~~
30 ~~chapter or under~~ IC 13-20-13-11; or

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

32 SECTION ~~210~~ [205]. IC 13-20-14-5.6, AS AMENDED BY
33 P.L.128-2024, SECTION 27, IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.6. (a) A certificate of
35 registration issued by the department under this chapter may be
36 revoked or modified by the commissioner, or by a designated staff
37 member of the department, after notification in writing is sent in
38 accordance with IC 13-14-2-1 to the holder of the certificate, for:

39 (1) failure to disclose all relevant facts;

40 (2) making a misrepresentation in obtaining the registration; or

41 (3) failure to correct, within the time established by the
42 department, a violation of:

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- 1 (A) a condition of the registration;
- 2 (B) this chapter; or
- 3 (C) a rule adopted by the board. ~~under section 6 of this~~
- 4 ~~chapter.~~

5 (b) A person aggrieved by the revocation or modification of a
 6 certificate of registration may appeal the revocation or modification to
 7 the office of administrative law proceedings under IC 4-15-10.5.
 8 Pending the decision resulting from a hearing under IC 4-21.5-3
 9 concerning the revocation or modification, the registration remains in
 10 force. However, subsequent to revocation or modification, the
 11 commissioner may seek injunctive relief concerning the activity
 12 described in the registration.

13 SECTION 211>[\[06\]](#). IC 13-20-14-6 IS REPEALED
 14 [EFFECTIVE JULY 1, 2026]. ~~Sec. 6. The board shall adopt rules under~~
 15 ~~IC 4-22-2 and IC 13-14-9 to implement this chapter.~~

16 SECTION 212>[\[07\]](#). IC 13-20-14-9.5, AS AMENDED BY
 17 P.L.133-2012, SECTION 147, IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9.5. (a) Except as
 19 provided in rules adopted under subsection (c), an operator of a transfer
 20 station shall remove whole waste tires present in solid waste that is
 21 being transferred from a vehicle or container to another vehicle or
 22 container at the transfer station.

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

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

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

31 SECTION 213>[\[08\]](#). IC 13-20-15-1, AS AMENDED BY
 32 P.L.133-2012, SECTION 148, IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall
 34 administer and implement this chapter to protect the public health,
 35 safety, and welfare from the toxic effects and environmental dangers
 36 of PCB. The board ~~shall~~ **may** adopt ~~the~~ rules ~~required by~~ **under** this
 37 chapter under IC 4-22-2 and IC 13-14-9.

38 SECTION 214>[\[09\]](#). IC 13-20-15-3 IS AMENDED TO READ
 39 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A person may
 40 apply to the commissioner for an exemption certificate on forms
 41 provided by the department. The department may require additional
 42 information or materials to accompany the application as considered

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1 necessary for an accurate evaluation of the application.

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

4 (1) manufactured for sale;

5 (2) sold for use; or

6 (3) used by the person;

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

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

12 SECTION 21~~↔~~[0]. IC 13-20-17.7-4, AS ADDED BY
13 P.L.170-2006, SECTION 15, IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The
15 commissioner shall do the following:

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

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

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

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

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

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

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1 approval. The commissioner shall make a determination on a revised
 2 plan not more than thirty (30) days after receiving the revised plan.

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

7 (d) After a plan has been approved under this section, the
 8 commissioner shall:

9 (1) review the plan three (3) years after the original date of
 10 approval of the plan and every three (3) years thereafter; and

11 (2) work with the motor vehicle manufacturers to agree with the
 12 manufacturers on appropriate modifications to the plan.

13 (e) Motor vehicle manufacturers are not required to resubmit a
 14 plan modified under subsection (d) to the commissioner for approval.

15 SECTION 21 ~~6~~ [1]. IC 13-20-22-1, AS AMENDED BY
 16 P.L.250-2019, SECTION 31, IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A fee is imposed
 18 on the disposal or incineration of solid waste in a final disposal facility
 19 in Indiana. Except as provided in section 14 of this chapter, the amount
 20 of the fee is as follows:

21 (1) For solid waste generated in Indiana, fifty cents (\$0.50) a ton.

22 (2) For solid waste generated outside Indiana:

23 (A) fifty cents (\$0.50) a ton; and

24 (B) if the board has adopted rules under subsection (b), an
 25 additional amount imposed under the rules.

26 (b) The board may adopt rules to establish and impose a fee on the
 27 disposal or incineration of solid waste that is:

28 (1) generated outside Indiana; and

29 (2) disposed of or incinerated in a final disposal facility in
 30 Indiana.

31 If rules are adopted under this subsection, the fee shall be set at an
 32 amount necessary to offset the costs incurred by the state or a county,
 33 municipality, or township that can be attributed to the importation of
 34 the solid waste into Indiana and the presence of the solid waste in
 35 Indiana.

36 (c) If solid waste has been subject to a fee under this section, the
 37 total amount of the fee paid shall be credited against any other fee to
 38 which the solid waste may later be subject under this section.

39 (d) A fee may not be imposed upon material used as alternate daily
 40 cover pursuant to ~~under~~ a permit issued by the department ~~under 329~~
 41 ~~IAC 10-20-13~~ or a rule adopted by the board.

42 SECTION 21 ~~6~~ [2]. IC 13-20-25-1, AS ADDED BY

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1 P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2026]: Sec. 1. The goal of the state is to recycle
 3 **or divert** at least fifty percent (50%) of its municipal waste.

4 SECTION 21 ~~8~~ [3]. IC 13-20-25-9, AS AMENDED BY
 5 P.L.147-2015, SECTION 15, IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) A recycler shall
 7 report the recycler's recycling activities under this section. A recycler
 8 may elect to report the recycler's recycling activities on an annual basis
 9 under subsection (b). ~~or on a quarterly basis under subsection (c).~~

10 (b) A recycler ~~that elects to report on an annual basis shall; in~~
 11 ~~2016 and each succeeding calendar year, before March 1, shall~~ submit
 12 to the commissioner a completed recycling activity report concerning
 13 the recycling activities conducted by the recycler during the calendar
 14 year that ended on the most recent December 31.

15 (c) A recycler **may elect to report more frequently than is**
 16 **required under subsection (a).** ~~that elects to report on a quarterly~~
 17 ~~basis shall; for the July through September quarter of 2014 and each~~
 18 ~~succeeding quarter, not more than thirty (30) days after the end of the~~
 19 ~~quarter, submit to the commissioner a completed recycling activity~~
 20 ~~report concerning the recycling activities conducted by the recycler~~
 21 ~~during the quarter. A quarterly report submitted under this subsection~~
 22 ~~must concern the recycling activities conducted by the recycler during~~
 23 ~~the period of:~~

- 24 (1) July through September;
 25 (2) October through December;
 26 (3) January through March; or
 27 (4) April through June.

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

- 31 (1) that was owned or operated by the recycler; and
 32 (2) at which the recycler conducted recycling activities;

33 during the reporting period.

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

38 SECTION 21 ~~9~~ [4]. IC 13-20-25-10, AS AMENDED BY
 39 P.L.104-2024, SECTION 34, IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) A person:

- 41 (1) who:
 42 (A) is not required to submit a recycling activity report

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- 1 under section 9 of this chapter; but
- 2 (B) recycled recyclable materials during a calendar year;
- 3 (2) who:
- 4 (A) meets the definition of "scrap metal processing facility"
- 5 set forth in IC 8-23-1-36;
- 6 (B) meets the definition of "automotive salvage recycler" set
- 7 forth in IC 9-13-2-10;
- 8 (C) meets the definition of "recycling facility" set forth in
- 9 IC 9-13-2-150.3;
- 10 (D) is engaged in business subject to IC 9-22-3;
- 11 (E) meets the definition of "automotive salvage rebuilder"
- 12 set forth in IC 9-32-2.1-5;
- 13 (F) meets the definition of "scrap metal processor" set forth
- 14 in IC 13-11-2-196.5;
- 15 (G) meets the definition of "core buyer" set forth in
- 16 IC 25-37.5-1-0.2; or
- 17 (H) meets the definition of "valuable metal dealer" set forth
- 18 in IC 25-37.5-1-1(b); or
- 19 (3) who:
- 20 (A) is not required to submit a recycling activity report
- 21 under section 9 of this chapter; but
- 22 (B) took action during a calendar year to recover, from the
- 23 solid waste stream, for purposes of:
- 24 (i) use or reuse;
- 25 (ii) conversion into raw materials; or
- 26 (iii) use in the production of new products;
- 27 materials that were not municipal waste;
- 28 may voluntarily submit a recycling activity report to the commissioner
- 29 concerning the person's recycling activity during the calendar year.
- 30 (b) The commissioner ~~shall~~ **may** include information reported to
- 31 the commissioner under this section in the annual reports that the
- 32 commissioner is required to submit under IC 4-23-5.5-6.
- 33 SECTION 2 ~~<20>~~ [15]. IC 13-20-25-11, AS AMENDED BY THE
- 34 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
- 35 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2026]: Sec. 11. (a) ~~Except as provided in subsection (b);~~ A
- 37 recycling activity report submitted to the commissioner under this
- 38 chapter must be submitted ~~on the uniform recycling activity report form~~
- 39 **posted in a format required** by the commissioner ~~on through~~ the
- 40 department's ~~Internet web site~~ **website**. ~~under section 12 of this~~
- 41 ~~chapter.~~
- 42 (b) If a uniform recycling activity report form is not posted on the

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1 department's Internet web site by July 1 in a calendar year in which a
 2 recycler is required to submit a completed recycling activity report
 3 under section 9(a) of this chapter; the recycler may satisfy the recycler's
 4 duties under this chapter by submitting to the commissioner, by a letter
 5 postmarked before August 1 of the calendar year; the types of
 6 information about the recycler's recycling activities during the calendar
 7 year that are set forth in section 12 of this chapter.

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

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

11 **(A) name and location of; and**

12 **(B) principal business activities conducted at;**

13 **the recycler's establishment.**

14 **(2) Include:**

15 **(A) an appropriate space for; and**

16 **(B) instructions requiring the completion of;**

17 **an appropriate certification, by signature of the recycler (if**
 18 **the recycler is an individual) or a senior official with**
 19 **management responsibility for the recycler (if the recycler is**
 20 **not an individual), of the accuracy and completeness of the**
 21 **recycling activity report.**

22 **(3) Provide for reporting of the quantity, in tons, of each type**
 23 **of recyclable material listed in subsection (c) that was in**
 24 **storage at the reporting recycler's establishment:**

25 **(A) at the start of the calendar year; and**

26 **(B) at the close of the calendar year.**

27 **(4) Provide for reporting of the quantity, in tons, of each type**
 28 **of recyclable material listed in subsection (c) that was**
 29 **transported from the reporting recycler's establishment, or**
 30 **(in the case of a recycler that is a recyclable materials**
 31 **broker) that was transported or delivered by arrangement of**
 32 **the recycler, to any of the following:**

33 **(A) Other recyclers located in Indiana.**

34 **(B) Persons that are located in Indiana but are not**
 35 **recyclers, including persons that may employ the**
 36 **recyclable material as a raw material or a new product**
 37 **without further recycling.**

38 **(C) Persons located outside Indiana.**

39 **(c) A uniform recycling activity report form posted on the**
 40 **department's website under subsection (a) must specify that the**
 41 **information to be reported by a recycler under subsection (b)(3)**
 42 **and (b)(4) must be reported separately for each of the following**

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1 **types of recyclable materials:**

- 2 (1) Glass.
- 3 (2) Metal, including white goods (ferrous).
- 4 (3) Metal (nonferrous).
- 5 (4) Paper and paper products (all grades).
- 6 (5) Plastic and plastic products.
- 7 (6) Single stream recyclable materials.
- 8 (7) Any other distinct type of recyclable material not
- 9 specified in subdivisions (1) through (6).

10 SECTION ~~221~~[216]. IC 13-20-25-12 IS REPEALED
 11 [EFFECTIVE JULY 1, 2026]. Sec. 12: (a) Not later than July 1, 2015;
 12 the commissioner shall post on the department's Internet web site a
 13 uniform recycling activity report form. The form must do the following:

14 (1) Provide for reporting of the:

15 (A) name and location of; and

16 (B) principal business activities conducted at;
 17 the recycler's establishment.

18 (2) Include:

19 (A) an appropriate space for; and

20 (B) instructions requiring the completion of;
 21 an appropriate certification, by signature of the recycler (if the
 22 recycler is an individual) or a senior official with management
 23 responsibility for the recycler (if the recycler is not an
 24 individual), of the accuracy and completeness of the recycling
 25 activity report.

26 (3) Provide for reporting of the quantity, in tons, of each type of
 27 recyclable material listed in subsection (b) that was in storage at
 28 the reporting recycler's establishment:

29 (A) at the start of the calendar year; and

30 (B) at the close of the calendar year.

31 (4) Provide for reporting of the quantity, in tons, of each type of
 32 recyclable material listed in subsection (b) that was transported
 33 from the reporting recycler's establishment, or (in the case of a
 34 recycler that is a recyclable materials broker) that was
 35 transported or delivered by arrangement of the recycler, to any
 36 of the following:

37 (A) Other recyclers located in Indiana.

38 (B) Persons that are located in Indiana but are not recyclers;
 39 including persons who may employ the recyclable material
 40 as a raw material or a new product without further
 41 recycling.

42 (C) Persons located outside Indiana.

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1 (b) The uniform recycling activity report form posted on the
 2 department's Internet web site under subsection (a) must specify that
 3 the information to be reported by a recycler under subsection (a)(3) and
 4 (a)(4) must be reported separately for each of the following types of
 5 recyclable materials:

6 (1) Glass:

7 (2) Metal, including white goods (ferrous):

8 (3) Metal (nonferrous):

9 (4) Paper and paper products (all grades):

10 (5) Plastic and plastic products:

11 (6) Single stream recyclable materials:

12 (7) Any other distinct type of recyclable material not specified
 13 in subdivisions (1) through (6):

14 SECTION 2 ~~<22>~~ [17]. IC 13-20-26-3, AS ADDED BY
 15 P.L.153-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2026]: Sec. 3. To implement the second round
 17 of grants described in this chapter, the Indiana recycling market
 18 development board shall **may not** award ~~not~~ more than a total of two
 19 million dollars (\$2,000,000) to applicants.

20 SECTION 2 ~~<23>~~ [18]. IC 13-20.5-1-4, AS AMENDED BY
 21 P.L.200-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person may not operate as
 23 a collector of covered electronic devices from covered entities unless
 24 the person:

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

27 (2) otherwise complies with ~~329 IAC 16-~~ **rules established by**
 28 **the board.**

29 (b) A registration submitted under this section:

30 (1) is effective upon receipt by the department; and

31 (2) must be submitted for a program year not later than March 1
 32 of the program year.

33 SECTION 2 ~~<24>~~ [19]. IC 13-20.5-1-5, AS AMENDED BY
 34 P.L.200-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person may not recycle
 36 covered electronic devices generated by covered entities unless the
 37 person:

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

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

42 (b) A registered recycler may conduct recycling activities that are

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1 consistent with this article.
 2 (c) A registration submitted under this section:
 3 (1) is effective upon receipt by the department; and
 4 (2) must be submitted for a program year not later than March 1
 5 of the program year.
 6 SECTION 22~~6~~[0]. IC 13-20.5-1-6, AS ADDED BY
 7 P.L.178-2009, SECTION 27, IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. The department may
 9 revoke the registration of a collector or recycler that violates either or
 10 both of the following:
 11 (1) This article.
 12 (2) ~~329 IAC 16.~~ **Rules established by the board.**
 13 SECTION 22~~6~~[1]. IC 13-20.5-3-1, AS AMENDED BY
 14 P.L.200-2017, SECTION 10, IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than
 16 March 1 of each year, a manufacturer shall report to the department the
 17 total weight in pounds of covered electronic devices that the
 18 manufacturer:
 19 (1) collected from eligible entities and recycled; or
 20 (2) arranged to have collected from eligible entities and
 21 recycled;
 22 during the program year that ended on the immediately preceding
 23 December 31.
 24 (b) Not later than March 1 of each year, a manufacturer shall
 25 report the following to the department:
 26 (1) The number of recycling credits the manufacturer purchased
 27 and sold during the program year that ended on the immediately
 28 preceding December 31.
 29 (2) The number of recycling credits possessed by the
 30 manufacturer that the manufacturer intends to use in the
 31 calculation of its variable recycling fee under IC 13-20.5-2-1.
 32 (3) The number of recycling credits the manufacturer retained at
 33 the beginning of the program year that began on the immediately
 34 preceding January 1.
 35 (4) The **amount weight** in pounds of covered electronic devices
 36 that the manufacturer arranged for a recycler to collect and
 37 recycle during the program year that ended on the immediately
 38 preceding December 31 and that were not converted to recycling
 39 credits.
 40 SECTION 22~~7~~[2]. IC 13-20.5-3-2, AS AMENDED BY
 41 P.L.200-2017, SECTION 11, IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. Not later than each

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1 March 1, a recycler of covered electronic devices shall do the
2 following:

3 (1) Report to the department separately the total weight in
4 pounds of covered electronic devices that were:

- 5 (A) recycled by the recycler; and
- 6 (B) taken by the recycler for final disposal;

7 during the program year that ended on the immediately
8 preceding December 31.

9 (2) Submit to the department a list of all collectors from whom
10 the recycler received covered electronic devices during the
11 program year that ended on the immediately preceding
12 December 31.

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

16 SECTION 22~~8~~**[3]**. IC 13-20.5-4-1, AS AMENDED BY
17 P.L.200-2017, SECTION 13, IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A manufacturer shall
19 **do the following:**

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

27 (2) **Conduct and document due diligence assessments of
28 collectors and recyclers with which the manufacturer
29 contracts to allow the manufacturer to comply with this
30 chapter.**

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

- 33 (A) recycled;
- 34 (B) partially recycled; or
- 35 (C) sent to downstream recycling operations by the
36 manufacturer;

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

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

41 SECTION 22~~9~~**[4]**. IC 13-20.5-4-2 IS REPEALED [EFFECTIVE
42 JULY 1, 2026]. Sec. 2: (a) A manufacturer shall conduct and document

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1 due diligence assessments of collectors and recyclers with which the
2 manufacturer contracts to allow the manufacturer to comply with this
3 chapter.

4 (b) A manufacturer shall maintain for three (3) years
5 documentation showing that all covered electronic devices recycled;
6 partially recycled; or sent to downstream recycling operations by the
7 manufacturer are recycled in compliance with this article.

8 SECTION 2~~<30>~~[25]. IC 13-20.5-4-3 IS REPEALED
9 [EFFECTIVE JULY 1, 2026]. Sec. 3: A manufacturer shall provide the
10 department with contact information for an individual who can be
11 contacted regarding the manufacturer's activities under this article.

12 SECTION 2~~<31>~~[26]. IC 13-20.5-7-3, AS ADDED BY
13 P.L.178-2009, SECTION 27, IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. If the revenues in the
15 electronic waste fund established by IC 13-20.5-2-3 exceed the amount
16 that the department determines is necessary for efficient and effective
17 administration of this article, the department shall recommend to the
18 general assembly in a report submitted in an electronic format under
19 IC 5-14-6 that:

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

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

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

27 SECTION 2~~<23>~~[227]. IC 13-20.5-7-10 IS REPEALED
28 [EFFECTIVE JULY 1, 2026]. Sec. 10: (a) Solid waste management
29 districts shall conduct educational programs to provide information to
30 the public concerning:

31 (1) reuse and recycling of electronic waste;

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

34 (3) proper disposal of electronic waste.

35 (b) The department, with assistance from solid waste management
36 districts and other appropriate persons, shall provide solid waste
37 management districts with a curriculum model that includes
38 educational core principles concerning the reuse, recycling, collection,
39 and proper disposal of solid waste. Solid waste management districts
40 shall implement educational programs that meet the minimum
41 standards established by the department in the curriculum model.

42 SECTION 2~~<33>~~[28]. IC 13-21-1-1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The commissioner: <
 2 >[] shall do the following:
 3 (1) **shall** adopt the state plan in final form; **and**
 4 (2) **may** adopt rules under IC 4-22-2 to provide for the plan's
 5 implementation.
 6 SECTION 2 <34> [29]. IC 13-21-1-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The state plan must
 8 provide for solid waste management in Indiana for the twenty (20)
 9 years following the adoption of the state plan. The state plan ~~must~~ **may**
 10 include the following, in order of priority:
 11 (1) The establishment of voluntary statewide goals for source
 12 reduction.
 13 (2) The establishment of criteria for alternatives to final disposal,
 14 including the following:
 15 (A) Recycling.
 16 (B) Composting.
 17 (C) The availability of markets.
 18 (3) The establishment of general criteria for the siting,
 19 construction, operation, closing, and monitoring of final disposal
 20 facilities.
 21 (4) Criteria and other elements to be considered in the adoption
 22 of district solid waste management plans.
 23 SECTION 23 <5> [0]. IC 13-21-1-3 IS REPEALED [EFFECTIVE
 24 JULY 1, 2026]. ~~Sec. 3. Revisions of the state plan must be~~
 25 ~~implemented using the procedures set forth in section 1 of this chapter.~~
 26 SECTION 23 <6> [1]. IC 13-21-1-4, AS ADDED BY P.L.37-2012,
 27 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2026]: Sec. 4. (a) ~~In 2015 and every fifth year thereafter,~~ The
 29 legislative council ~~shall~~ **may** require an interim study committee or a
 30 statutory study committee to:
 31 (1) assess solid waste management districts; and
 32 (2) determine whether any changes should be made to the
 33 statutes governing solid waste management districts.
 34 (b) An interim study committee or a statutory study committee that
 35 assesses solid waste management districts under subsection (a) shall
 36 issue a final report, in an electronic format under IC 5-14-6, to the
 37 legislative council containing the committee's findings and
 38 recommendations, including any recommended legislation, not later
 39 than November 1 of the year in which an assessment is conducted.
 40 SECTION 23 <7> [2]. IC 13-21-13-1, AS AMENDED BY
 41 P.L.104-2022, SECTION 90, IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A board may

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1 impose fees on the disposal of solid waste in a final disposal facility
 2 located within the district. A fee imposed by a board in a county with
 3 a population of more than one hundred twelve thousand (112,000) and
 4 less than one hundred twenty thousand (120,000) under this section
 5 may not exceed two dollars and fifty cents (\$2.50) a ton. A fee imposed
 6 by a board in other counties under this section may not exceed:

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

11 whichever is greater.

12 (b) The board shall do the following:

- 13 (1) Set the amount of fees imposed under this section after a
 14 public hearing.
- 15 (2) Give public notice of the hearing.

16 (c) If solid waste has been subject to a district fee under this
 17 section, the total amount of the fee that was paid shall be credited
 18 against a district fee to which the solid waste may later be subject
 19 under this section.

20 (d) Except as provided in section 4 of this chapter, fees imposed
 21 under this chapter shall be imposed uniformly on public facilities and
 22 on privately owned or operated facilities throughout the district.

23 (e) A resolution adopted by a board that establishes fees under this
 24 chapter may contain a provision that authorizes the board to impose a
 25 penalty of not more than five hundred dollars (\$500) per day because
 26 of:

- 27 (1) nonpayment of fees; or
- 28 (2) noncompliance with a condition in the resolution.

29 (f) A board may not impose fees for material used as alternate
 30 daily cover pursuant to a permit issued by the department under ~~329~~
 31 ~~IC 10-20-13~~. **the rules adopted by the board.**

32 SECTION 23 ~~8~~ [3]. IC 13-22-2-2 IS REPEALED [EFFECTIVE
 33 JULY 1, 2026]. ~~Sec. 2. The board shall adopt rules under IC 4-22-2 and~~
 34 ~~IC 13-14-9 to implement this chapter through IC 13-22-8,~~
 35 ~~IC 13-22-11.5, and IC 13-22-13 through IC 13-22-14.~~

36 SECTION 23 ~~9~~ [4]. IC 13-22-2-3, AS AMENDED BY
 37 P.L.93-2024, SECTION 118, IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The board ~~shall~~
 39 ~~adopt rules under IC 4-22-2 and IC 13-14-8 to~~ **may** develop criteria for
 40 determining hazardous waste. In developing ~~those~~ **criteria for**
 41 **determining hazardous waste**, the board shall determine whether any
 42 waste to be or being disposed of meets any of the following conditions:

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- 1 (1) Presents immediate or persistent hazards to humans or
- 2 wildlife.
- 3 (2) Is resistant to natural degradation or detoxification.
- 4 (3) Is bioconcentrative, flammable, reactive, toxic, corrosive, or
- 5 infectious in addition to any other harmful characteristics.
- 6 (b) The board shall do the following:
- 7 (1) Compile and maintain a listing of wastes that have been
- 8 determined to be hazardous:
- 9 (A) under the criteria described in subsection (a); or
- 10 (B) by regulation of the United States Environmental
- 11 Protection Agency.
- 12 (2) Issue the listing by adopting rules under IC 4-22-2.
- 13 ~~(c)~~ (3) ~~The board shall~~ Consider actions taken by adjoining states
- 14 and the federal government for purposes of uniform criteria
- 15 relating to the listing and delisting of waste under this section.
- 16 ~~(d)~~ (c) The commissioner may exclude a waste produced at a
- 17 particular generating facility from the listing under subsection (b) if the
- 18 person seeking exclusion of the waste demonstrates to the satisfaction
- 19 of the commissioner that the waste does not meet any of the criteria
- 20 under which the waste was listed as a hazardous waste and:
- 21 (1) the person seeking exclusion has already obtained exclusion
- 22 of the waste from the listing maintained under 40 CFR 261 by
- 23 the United States Environmental Protection Agency; or
- 24 (2) if the department has received authority from the United
- 25 States Environmental Protection Agency to delist waste under 40
- 26 CFR 260.20 and 260.22, the person petitions the commissioner
- 27 to consider the removal of a waste from the listing, and the
- 28 commissioner follows the authorized procedure for delisting.
- 29 ~~(e)~~ (d) The department shall establish a procedure by which a
- 30 person may petition the commissioner to consider the removal of a
- 31 specific waste from the lists maintained under subsection (b).
- 32 SECTION 2~~40~~ [35]. IC 13-22-2-4 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall
- 34 adopt rules under IC 4-22-2 and IC 13-14-8 on the proper and safe
- 35 transportation, treatment, storage, and disposal of hazardous wastes.
- 36 Whenever possible, the rules adopted under this section must allow for
- 37 variation in Indiana with regard to population density, climate, and
- 38 geology.
- 39 (b) Rules adopted under this section concerning incinerators used
- 40 as hazardous waste facilities may establish requirements more stringent
- 41 than the requirements for hazardous waste incinerators established by
- 42 regulations adopted by the Administrator of the United States

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1 Environmental Protection Agency under the following statutes:
 2 (1) The federal Resource Conservation and Recovery Act (42
 3 U.S.C. 6901 et seq.).
 4 (2) The federal Clean Air Act (42 U.S.C. 7401 et seq.), as ~~amended~~
 5 ~~by the federal Clean Air Act Amendments of 1990~~
 6 ~~(P.L.101-549)~~; **amended**.
 7 SECTION 2 ~~41~~ **[36]**. IC 13-22-2-6 IS REPEALED [EFFECTIVE
 8 JULY 1, 2026]. Sec. 6. The board shall do the following:
 9 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 setting standards
 10 for closure and postclosure monitoring and maintenance plans.
 11 (2) Include in the rules a requirement for prior notice of closure
 12 and a time limit for completion of closure.
 13 SECTION 2 ~~42~~ **[37]**. IC 13-22-2-7, AS AMENDED BY
 14 P.L.133-2012, SECTION 151, IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The board shall
 16 adopt rules under IC 4-22-2 and IC 13-14-9 setting **may set** standards
 17 for corrective action for all releases of hazardous waste or constituents
 18 from any solid waste management unit at a hazardous waste facility.
 19 **The Any standards adopted by the board** must require that corrective
 20 action be taken beyond the facility boundary where necessary to protect
 21 human health and the environment, unless the owner or operator of the
 22 facility concerned demonstrates to the satisfaction of the commissioner
 23 that, despite the best efforts of the owner or operator, the owner or
 24 operator is unable to obtain the necessary permission to undertake that
 25 action. The rules adopted under this section apply to the following:
 26 (1) All facilities operating under permits issued under
 27 IC 13-22-3. ~~or IC 13-7-8.5 (before its repeal)~~.
 28 (2) All landfills, surface impoundments, and waste piles,
 29 including any new units, replacements of existing units, and
 30 lateral expansions of existing units, that receive hazardous waste
 31 after July 26, 1982.
 32 SECTION ~~243~~ **[238]**. IC 13-22-3-3 IS AMENDED TO READ
 33 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Before
 34 allowing the operation of a landfill for the disposal of hazardous waste,
 35 the commissioner and all the owners of the land upon which the landfill
 36 is located must execute and record a restrictive covenant upon the land
 37 involved. The department shall file the instrument imposing the
 38 restrictive covenant for record in the recorder's office in the county in
 39 which the landfill is located.
 40 (b) The covenant must state that:
 41 (1) the land has been or may be used as a landfill for disposal of
 42 hazardous waste; and

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1 (2) neither the property owners, agents, or employees, nor any of
 2 their heirs, successors, lessees, or assignees, may engage in
 3 filling, grading, excavating, building, drilling, or mining on the
 4 property following the completion and closure of the landfill
 5 without authorization of the commissioner.

6 (c) Before the commissioner grants an authorization for the
 7 activities prohibited in the covenant, the commissioner shall ~~review~~
 8 **consider** the following:

- 9 (1) The original design of the landfill.
 10 (2) The type of operation.
 11 (3) The hazardous waste deposited there.
 12 (4) The state of decomposition of the hazardous wastes.

13 SECTION 2~~44~~[39]. IC 13-22-7.5-1, AS ADDED BY
 14 P.L.172-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter applies to a person
 16 that transports:

- 17 (1) a chemical munition ~~referred to in 329 IAC 3-1-6-3, as in~~
 18 ~~effect on January 1, 2005; as defined in IC 13-11-2-25; or~~
 19 (2) hazardous waste derived from the bulk neutralization and
 20 destruction of the agent VX referred to in IC 13-11-2-25(6).

21 SECTION 24~~5~~[0]. IC 13-22-8-1, AS AMENDED BY
 22 P.L.133-2012, SECTION 152, IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board ~~shall~~
 24 **may** adopt rules under IC 4-22-2 and IC 13-14-9 on standards of
 25 financial responsibility for the following:

- 26 (1) Closure.
 27 (2) Postclosure monitoring at hazardous waste facilities.
 28 (3) Any required corrective action at those facilities.

29 (b) ~~The~~ **Any** rules adopted under this section must reflect the
 30 provisions for financial responsibility prescribed by section 2 of this
 31 chapter.

32 SECTION 24~~6~~[1]. IC 13-22-11-1 IS REPEALED [EFFECTIVE
 33 JULY 1, 2026]. Sec. 1. (a) ~~The office shall do the following:~~

- 34 ~~(1) Continuously gather information on secondary material~~
 35 ~~utilization or waste reduction practices and technology from~~
 36 ~~sources within and outside Indiana.~~
 37 ~~(2) Provide information and advice on secondary material~~
 38 ~~utilization or waste reduction in response to a request from a~~
 39 ~~business or business organization that is active in Indiana.~~

40 (b) ~~In the absence of a request, the office may, at the direction of~~
 41 ~~the commissioner, present advice on secondary material utilization or~~
 42 ~~waste reduction to a business that:~~

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1 (1) is active in Indiana; and
 2 (2) in the judgment of the commissioner, could:
 3 (A) significantly reduce;
 4 (B) eliminate; or
 5 (C) avoid;
 6 the generation and disposal of hazardous waste through waste
 7 reduction or secondary material utilization under IC 13-22-11.5.
 8 The office shall study the information to be presented with advice
 9 under this subsection.

10 SECTION 24~~<7>~~[2]. IC 13-22-11-2 IS REPEALED [EFFECTIVE
 11 JULY 1, 2026]. Sec. 2: In directing the office to present advice to
 12 businesses under section 1(b) of this chapter, the commissioner shall
 13 establish a priority among types of businesses according to the
 14 following:

- 15 (1) The degree or magnitude of waste reduction that could be
 16 achieved by a type of business, in comparison to the waste
 17 reduction that could be achieved by other businesses;
- 18 (2) The financial and technical feasibility of the waste reduction
 19 practices and technologies available to various types of
 20 businesses;
- 21 (3) The statewide waste reduction impact likely to be achieved
 22 through presenting advice to a type of business due to the
 23 prevalence of that type of business in Indiana;
- 24 (4) Any other factors that, in the judgment of the commissioner,
 25 may affect the overall effectiveness of the office in promoting
 26 waste reduction in Indiana.

27 ~~<— SECTION 248. IC 13-23-1-2, AS AMENDED BY P.L.38-2012,~~
 28 ~~SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
 29 ~~JULY 1, 2026]: Sec. 2. (a) The board shall adopt rules under IC 4-22-2,~~
 30 ~~IC 13-14-8, and IC 13-14-9 for the establishment and operation of the~~
 31 ~~program established under section 1 of this chapter.~~

32 ~~— (b) (a) The Any rules adopted by the board establishing and~~
 33 ~~operating the program established under section 1 of this chapter~~
 34 ~~must not be less stringent than the regulations adopted by the~~
 35 ~~Administrator of the United States Environmental Protection Agency~~
 36 ~~under Section 9003 of the federal Solid Waste Disposal Act, as~~
 37 ~~amended (42 U.S.C. 6991b, as amended);~~

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

- 40 ~~— (1) Requirements for maintaining:~~
 - 41 ~~— (A) a leak detection system;~~
 - 42 ~~— (B) an inventory control system coupled with tank testing;~~

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- 1 or
- 2 ~~(C) a comparable system or method;~~
- 3 ~~designed to identify releases in a manner consistent with the~~
- 4 ~~protection of human health and the environment.~~
- 5 ~~(2) Requirements for maintaining records of any:~~
- 6 ~~(A) monitoring;~~
- 7 ~~(B) leak detection system;~~
- 8 ~~(C) inventory control system or tank testing; or~~
- 9 ~~(D) comparable system.~~
- 10 ~~(3) Requirements for reporting of:~~
- 11 ~~(A) any releases; and~~
- 12 ~~(B) corrective action taken in response to a release.~~
- 13 ~~(4) Requirements for ordering or taking corrective action in~~
- 14 ~~response to a release.~~
- 15 ~~(5) Requirements for closure of underground storage tanks to~~
- 16 ~~prevent future releases of regulated substances into the~~
- 17 ~~environment.~~
- 18 ~~(6) Requirements for maintaining evidence of financial~~
- 19 ~~responsibility for:~~
- 20 ~~(A) taking corrective action; and~~
- 21 ~~(B) compensating third parties for bodily injury and~~
- 22 ~~property damage caused by sudden and nonsudden~~
- 23 ~~accidental releases arising from the operation of an~~
- 24 ~~underground storage tank.~~
- 25 ~~(7) Standards of performance for new underground storage~~
- 26 ~~tanks.~~
- 27 ~~(8) Requirements for the following:~~
- 28 ~~(A) Providing notice to the department of the existence of~~
- 29 ~~operational and nonoperational underground storage tanks;~~
- 30 ~~as required under 42 U.S.C. 6991a(a).~~
- 31 ~~(B) Providing the information required on the form~~
- 32 ~~prescribed under 42 U.S.C. 6991a(b)(2).~~
- 33 ~~(C) Providing notice, by any person who sells a tank~~
- 34 ~~intended to be used as an underground storage tank, to the~~
- 35 ~~purchaser of that tank of the owner's notification~~
- 36 ~~requirements established by this article and 42 U.S.C.~~
- 37 ~~6991a(a).~~
- 38 ~~(9) Requirements for the delivery prohibition program~~
- 39 ~~prescribed under 42 U.S.C. 6991k, including:~~
- 40 ~~(A) notice to owners or operators when an underground~~
- 41 ~~storage tank is declared ineligible for delivery, deposit, or~~
- 42 ~~acceptance of a regulated substance; and~~

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1 ~~— (B) procedures to enforce the delivery prohibition that~~
 2 ~~include the use of a temporary emergency order under~~
 3 ~~IC 4-21.5-4 for violations of section 4(a) of this chapter.~~
 4 > SECTION 24<9>^[3]. IC 13-23-3-1, AS AMENDED BY
 5 P.L.176-2023, SECTION 33, IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The department
 7 shall, under rules adopted by the board under IC 4-22-2 and
 8 IC 13-14-9, establish a certification program for persons who
 9 supervise, manage, or direct underground storage tank or aboveground
 10 storage tank:
 11 (1) installation or retrofitting;
 12 (2) testing;
 13 (3) cathodic protection procedures; or
 14 (4) decommissioning.
 15 (b) A person may be certified by the department if the person
 16 submits evidence to the department that the person has successfully
 17 completed:
 18 (1) the International Fire Code Institute Council examination; or
 19 (2) another appropriate examination approved by the department.
 20 (c) The department may create a supplemental educational library
 21 concerning proper installation and closure of underground storage
 22 tanks or aboveground storage tanks, which includes the American
 23 Petroleum Institute's series, "An Education and Certification Program
 24 for Underground Storage Tank Professionals" and "API 653
 25 Aboveground Storage Tank Inspector Certification Program".
 26 SECTION 2<50>^[44]. IC 13-23-3-2 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) To obtain a
 28 certificate under section 1 of this chapter, a person must:
 29 (1) take an examination that is approved;
 30 (2) achieve a passing score on the examination that is
 31 established; and
 32 (3) pay any reasonable fees necessary to offset the costs incurred
 33 by the ~~state fire marshal department~~ in administering the
 34 examination and certification procedures that are established;
 35 under rules adopted by the ~~fire prevention and building safety~~
 36 ~~commission: board.~~
 37 (b) An examination described under subsection (a) must cover the
 38 following subjects:
 39 (1) Relevant rules adopted by the
 40 (A) board and
 41 (B) ~~fire prevention and building safety commission;~~
 42 concerning underground storage tanks.

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- 1 (2) Any other subjects approved under rules adopted by the fire
- 2 prevention and building safety commission.
- 3 (c) The ~~fire prevention and building safety commission board~~
- 4 shall adopt rules establishing the following:
- 5 (1) The number of times a person who fails an examination
- 6 described under this section may take the examination again.
- 7 (2) The period of time a person who fails an examination
- 8 described under this section must wait before taking the
- 9 examination again.
- 10 (d) The ~~state fire marshal department~~ may, under rules adopted
- 11 by the ~~fire prevention and building safety commission, board,~~ certify
- 12 a person:
- 13 (1) under section 1 of this chapter; and
- 14 (2) by ~~reciprocity; equivalency;~~
- 15 if the person is licensed or certified by another state that has
- 16 certification requirements that are substantially similar to the
- 17 requirements established under this section.
- 18 ~~<— SECTION 251. IC 13-23-4-1 IS AMENDED TO READ AS~~
- 19 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The rules adopted~~
- 20 ~~under IC 13-23-1-2(e)(6) IC 13-23-1-2(b)(6) may allow evidence of~~
- 21 ~~financial responsibility in one (1) or a combination of the following~~
- 22 ~~forms:~~
- 23 ~~— (1) Insurance.~~
- 24 ~~— (2) Guarantee.~~
- 25 ~~— (3) Surety bond.~~
- 26 ~~— (4) Letter of credit.~~
- 27 ~~— (5) Qualification as a self-insurer.~~
- 28 ~~— (6) Any other method satisfactory to the commissioner and the~~
- 29 ~~Administrator of the United States Environmental Protection~~
- 30 ~~Agency.~~
- 31 ~~— SECTION 252. IC 13-23-4-2 IS AMENDED TO READ AS~~
- 32 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The rules adopted~~
- 33 ~~under IC 13-23-1-2(e)(6) IC 13-23-1-2(b)(6) may require the use of~~
- 34 ~~certain policy provisions or contract terms, including provisions or~~
- 35 ~~terms concerning the following:~~
- 36 ~~— (1) The minimum amount of coverage required for various~~
- 37 ~~classes and categories of underground storage tanks established~~
- 38 ~~under section 4 of this chapter.~~
- 39 ~~— (2) Conditions or defenses that are necessary or unacceptable in~~
- 40 ~~establishing evidence of financial responsibility.~~
- 41 ~~— SECTION 253. IC 13-23-4-4 IS AMENDED TO READ AS~~
- 42 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The rules adopted~~

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1 ~~under IC 13-23-1-2(e)(6) IC 13-23-1-2(b)(6) may require a minimum~~
 2 ~~amount of coverage for particular classes or categories of underground~~
 3 ~~storage tanks containing petroleum. Minimum coverage amounts~~
 4 ~~established under this subsection must be at least one million dollars~~
 5 ~~(\$1,000,000) for each occurrence, with an appropriate aggregate~~
 6 ~~amount.~~
 7 ~~— (b) The board may by rule set minimum coverage amounts lower~~
 8 ~~than the amount set forth in subsection (a) for underground storage~~
 9 ~~tanks containing petroleum that are:~~
 10 ~~— (1) not located at facilities engaged in the production, refining,~~
 11 ~~or marketing of petroleum; and~~
 12 ~~— (2) not used to handle substantial quantities of petroleum.~~
 13 ~~— (c) In adopting rules establishing classes and categories of~~
 14 ~~underground storage tanks containing petroleum for purposes of this~~
 15 ~~section, the board may consider the following factors:~~
 16 ~~— (1) The:~~
 17 ~~— (A) size, type, location, storage, and handling capacity of~~
 18 ~~underground storage tanks in the class or category; and~~
 19 ~~— (B) volume of petroleum handled by those tanks.~~
 20 ~~— (2) The:~~
 21 ~~— (A) likelihood of release; and~~
 22 ~~— (B) potential extent of damage from any release;~~
 23 ~~from underground storage tanks in the class or category:~~
 24 ~~— (3) The economic impact of the limits on the owners and~~
 25 ~~operators of each class or category, particularly relating to the~~
 26 ~~small business segment of the petroleum marketing industry.~~
 27 ~~— (4) The availability of methods of financial responsibility in~~
 28 ~~amounts greater than the amount established by this section.~~
 29 ~~— (5) Any other factors that the board considers pertinent.~~
 30 > SECTION ~~254~~[245]. IC 13-23-7-5, AS AMENDED BY
 31 P.L.96-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2026]: Sec. 5. The treasurer of state shall invest
 33 the money in the ELTF not currently needed to meet the obligations of
 34 the ELTF in the same manner as other public money may be invested.
 35 Interest that accrues from these investments shall be deposited in the
 36 ELTF. At least one (1) time each year, the treasurer of state shall
 37 provide the financial assurance board a report detailing the investments
 38 made under this section:
 39 SECTION 2~~55~~[46]. IC 13-23-8-4, AS AMENDED BY
 40 P.L.9-2024, SECTION 344, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The administrator shall pay
 42 ELTF claims that are:

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- 1 (1) for costs related to eligible releases;
 2 (2) submitted by eligible parties; and
 3 (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.
- 4 (b) **The administrator, if appropriate, may allow** an eligible
 5 party ~~may~~ **to** assign the **eligible party's** right to receive payment
 6 of an ELTF claim to another person.
- 7 (c) Not more than forty-five (45) business days after an ELTF
 8 claim is submitted, the administrator shall do one (1) of the following:
- 9 (1) Approve the ELTF claim and, under IC 13-23-9-2(c),
 10 forward the ELTF claim to the state comptroller for payment.
- 11 (2) Send to the claimant a written notice that:
- 12 (A) states that a correction, a clarification, or additional
 13 information is needed before the ELTF claim can be
 14 approved; and
- 15 (B) provides a clear explanation:
- 16 (i) of the correction, clarification, or additional
 17 information that is needed; and
 18 (ii) of why it is needed.
- 19 (3) Deny the claim and provide the claimant with a statement of
 20 the reasons for the denial under IC 13-23-9-2(b).
- 21 SECTION ~~2-56~~ **[47]**. IC 13-23-9-1.7, AS AMENDED BY
 22 P.L.149-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2026]: Sec. 1.7. (a) The administrator may pay
 24 an ELTF claim for fifty percent (50%) of the costs of decommissioning
 25 or replacing an underground petroleum storage tank, provided that:
- 26 (1) the applicant is the owner of the tank;
 27 (2) such decommissioning or replacement is necessary, in the
 28 judgment of the administrator, to protect human health and the
 29 environment considering the age, obsolescence, and level of
 30 deterioration of the tank; and
- 31 (3) the costs:
- 32 (A) are reasonable and cost effective; and
 33 (B) result from or reimburse the claimant for work
 34 performed decommissioning the tank or replacing the tank
 35 with a new aboveground storage tank as defined in
 36 IC 13-11-2-0.4 or underground storage tank as defined in
 37 IC 13-11-2-241.
- 38 (b) **Subject to subsection (c)**, the expenses described in
 39 subsection (a) that are paid from the ELTF in a state fiscal year may not
 40 exceed:
- 41 (1) ten million dollars (\$10,000,000) each year for claims
 42 submitted by applicants owning not more than twelve (12)

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- 1 underground petroleum storage tanks;
- 2 (2) seven million five hundred thousand dollars (\$7,500,000)
- 3 each year for claims submitted by applicants owning more than
- 4 twelve (12) but not more than one hundred (100) underground
- 5 petroleum storage tanks; and
- 6 (3) two million five hundred thousand dollars (\$2,500,000) each
- 7 year for claims submitted by applicants owning more than one
- 8 hundred (100) underground petroleum storage tanks.

9 (c) At the end of each state fiscal year, any funds that were
 10 allocated for the decommissioning or replacement of underground
 11 petroleum storage tanks, as described in subsection (b), but that were
 12 not spent shall roll over to the next state fiscal year and be used to
 13 decommission or replace underground petroleum storage tanks within
 14 the same category as allocated in the prior state fiscal year pursuant to
 15 subsection (b)(1), (b)(2), and (b)(3).

16 SECTION 2~~57~~[48]. IC 13-23-9-4 IS REPEALED [EFFECTIVE
 17 JULY 1, 2026]. ~~Sec. 4: If the administrator denies an ELTF claim~~
 18 ~~under this chapter, the claimant may appeal the denial under IC 4-21.5~~
 19 ~~to the office of administrative law proceedings under IC 4-15-10.5.~~

20 SECTION 2~~58~~[49]. IC 13-23-11-2, AS AMENDED BY
 21 P.L.176-2023, SECTION 46, IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board
 23 consists of the following ~~nine (9)~~ **ten (10)** members:

- 24 (1) The administrator or the administrator's designee.
- 25 (2) One (1) member nominated by the treasurer of state in
- 26 consultation with the commissioner of the department of state
- 27 revenue.
- 28 (3) One (1) member representing the independent petroleum
- 29 wholesale distributor-marketer industry. ~~In making this~~
 30 ~~appointment, the governor may consider the recommendation of~~
 31 ~~the Indiana petroleum marketers and convenience store~~
 32 ~~association.~~
- 33 (4) One (1) member representing the petroleum refiner-supplier
- 34 industry. ~~In making this appointment, the governor may consider~~
 35 ~~the recommendation of the Indiana petroleum council.~~
- 36 (5) One (1) member of the financial lending community who has
- 37 experience with loan guaranty programs.
- 38 (6) One (1) member representing the convenience store operator
- 39 industry or independent petroleum retail distributor-marketer
- 40 industry. ~~In making this appointment, the governor may consider~~
 41 ~~the recommendation of the Indiana petroleum marketers and~~
 42 ~~convenience store association.~~

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- 1 (7) One (1) member representing environmental interests.
- 2 (8) One (1) member representing an environmental consulting
- 3 firm that performs work involving underground storage tank or
- 4 aboveground storage tank corrective actions.
- 5 (9) One (1) member representing the property and casualty
- 6 insurance industry.

7 **(10) One (1) member representing airports.**
 8 (b) The governor shall appoint the members specified in
 9 subsection (a)(2) through ~~(a)(9)~~ **(a)(10)** for terms of ~~two (2)~~ **four (4)**
 10 years.

11 **(c) The governor may consider nomination and**
 12 **recommendations for members appointed under subsection (a)(2)**
 13 **through (a)(10) from representative constituencies.**

14 SECTION 25~~<9>~~[0]. IC 13-23-11-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) If an appointed
 16 member of the board is not able to serve the member's full term, the
 17 governor shall appoint an individual to serve for the remainder of the
 18 unexpired term.

19 (b) The term of an appointed member of the board continues until
 20 the member's successor has been appointed. ~~and qualified.~~

21 **(c) No member may serve more than two (2) consecutive**
 22 **terms.**

23 SECTION 2~~<60>~~[51]. IC 13-23-11-5 IS AMENDED TO READ
 24 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. ~~The board, at the~~
 25 ~~board's first meeting of each year, shall elect~~ **The governor may**
 26 **designate** from among the board's members a chairperson and other
 27 officers necessary to transact business.

28 SECTION 2~~<61>~~[52]. IC 13-23-11-6, AS AMENDED BY
 29 P.L.113-2014, SECTION 79, IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board must
 31 have a quorum to transact business. Five (5) members constitute a
 32 quorum.

33 (b) An affirmative vote of the majority of members present is
 34 required for the board to take action.

- 35 ~~(c) The board shall meet upon:~~
 36 ~~(1) the request of the chairperson; or~~
 37 ~~(2) the written request of three (3) of the board's members.~~

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

40 SECTION 2~~<62>~~[53]. IC 13-23-11-7, AS AMENDED BY
 41 P.L.176-2023, SECTION 47, IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) The board shall

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- 1 do the following:
- 2 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to do
- 3 the following:
- 4 (A) Carry out the duties of the board under this article.
- 5 (B) Establish standards and procedures under which:
- 6 (i) eligible parties may submit ELTF claims; and
- 7 (ii) the administrator of the ELTF may pay ELTF
- 8 claims.
- 9 (C) Establish standards for determining the reasonableness
- 10 and cost effectiveness of corrective action for purposes of
- 11 reimbursement from the ELTF under IC 13-23-9-1.5(a)(1).
- 12 (D) Establish standards for priorities in the payment of
- 13 ELTF claims, including a priority for claims associated with
- 14 releases from USTs and ASTs that pose an immediate and
- 15 significant threat to the environment.
- 16 (E) Provide reimbursement from the petroleum storage tank
- 17 excess liability trust fund for fifty percent (50%) of costs of
- 18 decommissioning or replacing underground petroleum
- 19 storage tanks that meet the criteria under IC 13-23-9-1.7.
- 20 (F) Establish procedures to reopen ELTF eligibility and
- 21 funding for a release previously granted "no further action"
- 22 (NFA) status by the department should either the
- 23 department or the owner of the underground petroleum
- 24 storage tank or aboveground petroleum storage tank
- 25 subsequently decide to permanently decommission the use
- 26 of the site as a ~~petroleum facility~~ **UST facility or AST**
- 27 **facility** and undertake the investigation and remediation of
- 28 any residual contamination arising from the site's former
- 29 use as a ~~petroleum facility~~ **UST facility or AST facility**.
- 30 Before reopening ELTF eligibility and funding, the
- 31 administrator may require that the applicant provide
- 32 information regarding the planned future use of the site.
- 33 (2) ~~Take testimony and~~ Receive a ~~written~~ report at every meeting
- 34 of the board from the administrator or the administrator's
- 35 designee regarding the financial condition and operation of the
- 36 ELTF, including:
- 37 (A) a ~~detailed~~ breakdown of contractual and administrative
- 38 expenses the department is claiming from the ELTF under
- 39 IC 13-23-7-1(a)(4); and
- 40 (B) a claims statistics report consisting of:
- 41 (i) the status and amounts of claims submitted to the
- 42 ELTF; and

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1 (ii) ELTF claims payments made.
 2 Testimony shall be taken and a written report shall be received
 3 under this subdivision at every meeting of the board. However,
 4 the testimony and written report are not required more than one
 5 (1) time during any thirty (30) day period:
 6 (3) Consult with the department on administration of the ELTF
 7 in developing uniform policies and procedures for revenue
 8 collection and claims administration of the ELTF.
 9 (b) The department shall consult with the board on administration
 10 of the ELTF. The consultation must include evaluation of alternative
 11 means of administering the ELTF in a cost effective and efficient
 12 manner.
 13 (c) ~~At each meeting of the board, the department shall provide the~~
 14 ~~board with a written report on the financial condition and operation of~~
 15 ~~the ELTF.~~
 16 SECTION 263>[\[54\]](#). IC 13-23-11-9 IS ADDED TO THE
 17 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: **Sec. 9. This chapter expires July 1,**
 19 **2031.**
 20 SECTION 264>[\[55\]](#). IC 13-23-13-1, AS AMENDED BY
 21 P.L.176-2023, SECTION 50, IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Subject to
 23 subsections (b)(1) and (d), the commissioner may, under rules adopted
 24 under IC 13-23-1-2:
 25 (1) issue an order under IC 13-14-2-7 or IC 4-21.5-4; or
 26 (2) proceed under IC 13-14-2-6;
 27 to require the owner or operator of an underground storage tank or
 28 aboveground storage tank to undertake corrective action with respect
 29 to any release of a regulated substance.
 30 (b) Except as provided in subsection (d), the commissioner may
 31 not, with respect to a release of petroleum from an underground storage
 32 tank or aboveground storage tank:
 33 (1) take action under subsection (a); or
 34 (2) if a reportable quantity of the released petroleum remains or
 35 may remain underground at the site of the underground storage
 36 tank or aboveground storage tank:
 37 (A) request that the owner or operator of the underground
 38 storage tank or aboveground storage tank execute a
 39 restrictive covenant (as defined in IC 13-11-2-193.5)
 40 applying to the site of the underground storage tank or
 41 aboveground storage tank;
 42 (B) make a determination of no further action being

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1 required at the site of the underground storage tank or
 2 aboveground storage tank; or
 3 (C) approve closure, or its equivalent, of the site of the
 4 underground storage tank or aboveground storage tank;
 5 unless the commissioner has received and reviewed the initial site
 6 characterization of the site of the release or an alternative evaluation is
 7 prepared for submittal to the commissioner in accordance with
 8 subsection (c) **and an evaluation of potential remedial activities to**
 9 **achieve remedial objectives including closure options,**
 10 **environmental deed restrictions, and remediation methods to**
 11 **achieve a no further action determination, including estimated**
 12 **costs and time frames sufficient for the commissioner to evaluate**
 13 **the adequacy of the proposed response.**

14 (c) When necessary and feasible as determined by a qualified
 15 environmental professional, an initial site characterization shall
 16 include:

- 17 (1) site-specific geologic information obtained from a minimum
- 18 of three (3) continuously sampled soil borings; and
- 19 (2) hydrogeologic information, including depth to ground water
- 20 and ground water flow directions and gradients, obtained from
- 21 a minimum of three (3) monitoring wells screened across the
- 22 water table.

23 A qualified environmental professional, on behalf of the owner or
 24 operator of an underground storage tank or an aboveground storage
 25 tank from which there has been a release of petroleum, may submit for
 26 approval by the commissioner an alternative procedure for initial site
 27 characterization and request a waiver of the requirements in this
 28 subsection. The commissioner may approve the request for a waiver
 29 and alternative procedure only if the alternative procedure provides
 30 substantially equal protection for human health and the environment.
 31 If an initial site characterization does not define the nature and extent
 32 of the contaminant plume, additional investigation shall be performed
 33 when necessary and feasible as determined by a qualified
 34 environmental professional.

35 (d) The commissioner may take action under subsection (a)
 36 without having received and reviewed the initial site characterization
 37 if the commissioner reasonably believes that the release from the
 38 underground storage tank or aboveground storage tank creates a threat
 39 to human health or the environment sufficient to necessitate action
 40 under subsection (a) before the initial site characterization is submitted
 41 to the department.

42 (e) If the commissioner:

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1 (1) requires corrective action under subsection (a); and
 2 (2) determines that the corrective action will be done properly
 3 and promptly by the owner or operator of the underground
 4 storage tank or aboveground storage tank from which the release
 5 occurs;
 6 the commissioner may enter into an agreed order with the owner or
 7 operator to implement necessary corrective action.
 8 ~~SECTION 265. IC 13-23-13-2, AS AMENDED BY P.L. 176-2023,~~
 9 ~~SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
 10 ~~JULY 1, 2026]:~~ Sec. 2. The commissioner, under rules adopted under
 11 ~~IC 13-23-1-2, may undertake corrective action with respect to any~~
 12 ~~release of a regulated substance into the environment from an~~
 13 ~~underground storage tank or aboveground storage tank if:~~
 14 ~~— (1) that action is necessary, in the judgment of the commissioner,~~
 15 ~~to protect human health and the environment; and~~
 16 ~~— (2) at least one (1) of the following conditions exists:~~
 17 ~~— (A) A person cannot be found not later than ninety (90)~~
 18 ~~days after a suspected or confirmed release is identified (or~~
 19 ~~a shorter time necessary to protect human health and the~~
 20 ~~environment) who is:~~
 21 ~~— (i) an owner or operator of the underground storage~~
 22 ~~tank or aboveground storage tank;~~
 23 ~~— (ii) subject to the rules concerning corrective action;~~
 24 ~~and~~
 25 ~~— (iii) capable of properly carrying out corrective action~~
 26 ~~with respect to the release.~~
 27 ~~— (B) An existing situation requires prompt action by the~~
 28 ~~commissioner under this section to protect human health~~
 29 ~~and the environment.~~
 30 ~~— (C) The cost of corrective action at the site of an~~
 31 ~~underground storage tank exceeds the amount of financial~~
 32 ~~responsibility required under IC 13-23-1-2(c)(6);~~
 33 ~~IC 13-23-1-2(b)(6), IC 13-23-4-4, and IC 13-23-4-5 and;~~
 34 ~~considering the class or category of underground storage~~
 35 ~~tank from which the release occurred, expenditures by the~~
 36 ~~state are necessary to ensure an effective corrective action.~~
 37 ~~— (D) The owner or operator of the underground storage tank~~
 38 ~~or aboveground storage tank has failed or refused to comply~~
 39 ~~with an order of the commissioner or a judgment of a court~~
 40 ~~of competent jurisdiction under section 1 of this chapter to~~
 41 ~~take corrective action with respect to the release.~~
 42 ~~SECTION 266. IC 13-23-13-9 IS AMENDED TO READ AS~~

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1 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. In determining the~~
 2 ~~equities for seeking the recovery of costs under section 8 of this~~
 3 ~~chapter, the commissioner may consider the following:~~
 4 ~~— (1) The amount of financial responsibility required to be~~
 5 ~~maintained under IC 13-23-1-2(e)(6). IC 13-23-1-2(b)(6).~~
 6 ~~— (2) The factors considered in establishing that amount for~~
 7 ~~underground storage tanks containing petroleum under~~
 8 ~~IC 13-23-4-4.~~
 9 > SECTION ~~267~~[256]. IC 13-23-16-2, AS AMENDED BY
 10 P.L.176-2023, SECTION 65, IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. If the department
 12 receives a report concerning:
 13 (1) the discovery of released regulated substances at an
 14 underground storage tank or aboveground storage tank site or in
 15 the surrounding area under ~~329 IAC 9-4-1(1)~~; **40 CFR 280.50**;
 16 or
 17 (2) a spill or overfill under ~~329 IAC 9-4-4(a)~~; **40 CFR 280.53**;
 18 the department shall, not more than seven (7) days after receiving the
 19 report, provide notice of the release, spill, or overfill to the county
 20 health officer of each county in which the release, spill, or overfill
 21 occurred.
 22 SECTION 2~~68~~[57]. IC 13-23-16-3, AS ADDED BY
 23 P.L.221-2007, SECTION 16, IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Not more than seven
 25 (7) days after receiving a notice from the department under section 2
 26 of this chapter, a county health officer shall **make a reasonable effort**
 27 **to** do the following:
 28 (1) Publish notice of the release, spill, or overfill in a newspaper
 29 **or other media** of general circulation in the county health
 30 officer's county.
 31 (2) Provide any other notice of the release, spill, or overfill the
 32 county health officer considers necessary or appropriate.
 33 SECTION 2~~69~~[58]. IC 13-23-16-4, AS ADDED BY
 34 P.L.221-2007, SECTION 16, IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. Notice provided by
 36 a county health officer under section 3 of this chapter must include:
 37 (1) the same information reported to the department under ~~329~~
 38 ~~IAC 9-4-1(1) or 329 IAC 9-4-4(a)~~; **40 CFR 280.50 or 40 CFR**
 39 **280.53**; and
 40 (2) any other information the county health officer considers
 41 necessary or appropriate.
 42 SECTION 2~~70~~[59]. IC 13-24-1-1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The
2 commissioner may issue an order under:

- 3 (1) IC 13-14-2-7;
- 4 (2) IC 4-21.5-4; or
- 5 (3) IC 4-21.5-3-6;

6 to require an owner or operator or a responsible person to undertake
7 removal or remedial action with respect to a release of petroleum at a
8 petroleum facility.

9 (b) If the commissioner determines that the removal or remedial
10 action will be done properly and promptly by the owner, operator, or
11 responsible person, the commissioner may enter into an agreed order
12 with the owner, operator, or responsible person to implement necessary
13 removal or remedial action.

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

18 SECTION 2~~<71>~~[60]. IC 13-24-1-8 IS REPEALED [EFFECTIVE
19 JULY 1, 2026]. Sec. 8: IC 4-21.5 applies to:

- 20 (1) determinations;
- 21 (2) notices;
- 22 (3) hearings; and
- 23 (4) appeal determinations;

24 under this chapter:

25 SECTION 2~~<72>~~[61]. IC 13-25-2-6.5 IS AMENDED TO READ
26 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) The
27 department shall work with interested stakeholders, including the
28 federal government, the general public, members of the general
29 assembly, and businesses, to evaluate the feasibility of simplifying and
30 expediting notification under IC 13-25-2-6. Options to be evaluated
31 include:

- 32 (1) connecting persons required to provide notice under
- 33 IC 13-25-2-6 with the National Response Center; and
- 34 (2) recommending any appropriate changes in federal law.

35 (b) The department shall implement an option evaluated under
36 subsection (a) if the option:

- 37 (1) is practical to implement;
- 38 (2) is technically feasible;
- 39 (3) is economically feasible;
- 40 (4) is protective of human health and the environment; and
- 41 (5) would adequately serve persons required to provide notice
- 42 under IC 13-25-2-6.

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1 (c) The department shall provide a toll free long distance
2 telephone line through which a person required to provide notice under
3 IC 13-25-2-6 may contact the office described in IC 13-13-3-1 of this
4 chapter. **the department.**

5 SECTION 2<73>[62]. IC 13-25-4-7, AS AMENDED BY
6 P.L.133-2012, SECTION 154, IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The board shall **may**
8 adopt rules establishing criteria for determining the commissioner's
9 priorities in selecting hazardous substance response sites. ~~Until these~~
10 ~~rules have been adopted, the commissioner shall give priority to those~~
11 ~~sites presenting a significant threat to public health and environment.~~

12 SECTION 2<74>[63]. IC 13-25-4-11 IS AMENDED TO READ
13 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) After a
14 response is initiated under:

- 15 (1) section 9 of this chapter; or
- 16 (2) IC 13-24-1;

17 the ~~state~~ **department** may impose a lien on the property on which the
18 response is undertaken **or impose a restrictive covenant on a facility**
19 **or site where remediation objectives set forth in IC 13-25-5-8.5**
20 **have not been met.** The lien may secure the payment to the state of an
21 amount of money equal to the amount expended from the fund under
22 section 1(a)(3) of this chapter to finance the response.

23 (b) **The board may adopt rules under IC 4-22-2 and IC 13-14-9**
24 **to set forth procedures to allow the department to impose:**

- 25 (1) a lien; or
- 26 (2) a restrictive covenant;

27 **as described in this section.**

28 SECTION 2<75>[64]. IC 13-25-4-12 IS REPEALED
29 [EFFECTIVE JULY 1, 2026]. Sec. 12: For a lien arising under section
30 11 of this chapter to be perfected, notice of the lien must be filed in the
31 office of the county recorder of the county in which the real property
32 subject to the lien is located. Before notice of a lien may be filed in the
33 office of the county recorder, the department shall provide notice of the
34 intention to file the lien as provided by section 19 of this chapter.

35 SECTION <276>[265]. IC 13-25-4-13 IS REPEALED
36 [EFFECTIVE JULY 1, 2026]. Sec. 13: The department shall provide
37 notice of the filing of a lien to the owner of the property if the owner
38 can be identified. If the owner of record cannot be identified, the
39 department shall notify the tenant or other person having control of the
40 property.

41 SECTION 2<77>[66]. IC 13-25-4-14 IS REPEALED
42 [EFFECTIVE JULY 1, 2026]. Sec. 14: When a notice of a lien arising

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1 under section 11 of this chapter is presented to the county recorder for
2 filing, the county recorder shall enter the lien appropriately in the entry
3 book and in the miscellaneous record. The entries made under this
4 section must show the following:

- 5 (1) The date of filing;
- 6 (2) The book and page number or instrument number;
- 7 (3) The name of the person named in the notice;
- 8 (4) A legal description of the property if appropriate;
- 9 (5) A serial number or other identifying number given in the
10 notice.

11 SECTION ~~278~~[267]. IC 13-25-4-15 IS REPEALED
12 [EFFECTIVE JULY 1, 2026]. Sec. 15: (a) Subject to subsection (b);
13 when a certificate of discharge of a lien arising under section 11 of this
14 chapter or IC ~~13-7-8.7-10.7~~ (before its repeal) is:

- 15 (1) issued by an employee or a designated agent of the
16 department; and
- 17 (2) presented for filing in the office of the county recorder of the
18 county where the notice of lien was filed;

19 the county recorder shall record the certificate of discharge as a release
20 of the lien.

21 (b) To be recorded under this section, the certificate must refer to
22 the county recorder's book and page number or instrument number
23 under which the lien was recorded.

24 SECTION ~~279~~[68]. IC 13-25-4-16 IS REPEALED
25 [EFFECTIVE JULY 1, 2026]. Sec. 16: When recording a release of a
26 lien under section 15 of this chapter, the county recorder shall inscribe,
27 in the margin of each entry made to record the lien under section 14 of
28 this chapter, a reference to the place where the release is recorded.

29 SECTION ~~280~~[69]. IC 13-25-4-17 IS REPEALED
30 [EFFECTIVE JULY 1, 2026]. Sec. 17: Upon:

- 31 (1) the recording of the certificate of discharge as a release under
32 section 15 of this chapter; and
- 33 (2) the inscribing of the references to the release under section
34 16 of this chapter;

35 a certificate of discharge of a lien arising under section 11 of this
36 chapter operates as a full discharge and satisfaction of the lien unless
37 the references to the release inscribed under section 15 of this chapter
38 specifically note the release as a partial lien release.

39 SECTION ~~281~~[70]. IC 13-25-4-18 IS REPEALED
40 [EFFECTIVE JULY 1, 2026]. Sec. 18: A lien created under section 11
41 of this chapter or IC ~~13-7-8.7-10.7~~ (before its repeal) continues until
42 the earlier of the following:

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- (1) The full discharge and satisfaction of the lien.
- (2) The expiration of a ten (10) year period from the date of the creation of the lien unless an action to foreclose the lien is pending.

SECTION 2~~82~~[71]. IC 13-25-4-19 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 19: (a) At least thirty (30) days before notice of a lien arising under this chapter may be filed under section 12 of this chapter, the department must send a written notice:

- (1) to the owner of the real property that would be subject to the lien; or
- (2) if the owner of record cannot be identified, to the tenant or other person having control of the real property;

of the date on which the state intends to impose a lien under section 11 of this chapter.

(b) The department shall provide the county recorder of the county in which the real property that would be subject to the lien is located with a copy of the written notice described in subsection (a).

SECTION 2~~83~~[72]. IC 13-25-4-20 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 20: (a) Before the date on which the state intends to impose a lien on real property under section 11 of this chapter, the owner of the real property may request that a hearing be conducted under IC 4-21-5. A hearing conducted under this section and IC 4-21-5 shall be limited to determining if there is probable cause to believe that:

- (1) a removal or a remedial action was conducted on the real property under:
 - (A) this chapter; or
 - (B) IC 13-24-1; and
- (2) if the removal or the remedial action was conducted under this chapter, the owner of the real property would be subject to liability under 42 U.S.C. 9607 (Section 107 of the federal Comprehensive Environmental Response, Compensation, and Liability Act);

(b) For the purposes of a hearing conducted under this section and IC 4-21-5, an administrative law judge is the ultimate authority.

SECTION 2~~84~~[73]. IC 13-25-4-21 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 21: If an owner requests a hearing under section 20 of this chapter, the state may not impose a lien on the owner's real property under section 11 of this chapter until the commissioner determines after the hearing that there is probable cause to believe that:

- (1) a removal or a remedial action was conducted on the real

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1 property under this chapter or IC 13-24-1; and
2 (2) if the removal or the remedial action was conducted under
3 this chapter, the owner of the real property would be subject to
4 liability under 42 U.S.C. 9607 (Section 107 of the federal
5 Comprehensive Environmental Response, Compensation, and
6 Liability Act);

7 SECTION 2<85>[74]. IC 13-25-4-22 IS REPEALED
8 [EFFECTIVE JULY 1, 2026]. Sec. 22: If the department provides a
9 county recorder with a copy of a written notice under section 19(b) of
10 this chapter, the department shall retrieve the copy of the written notice
11 from the county recorder on the date a lien is imposed on the real
12 property described in the written notice. However:

- 13 (1) if:
14 (A) a hearing is not held under section 20 of this chapter
15 and IC 4-21.5; and
16 (B) a lien is not imposed:
17 (i) on the real property described in the notice; and
18 (ii) by the date indicated in the notice;

19 the department shall retrieve the copy of the notice on the day
20 after the date the lien was to be imposed on the real property; or
21 (2) if:

- 22 (A) a hearing is held under section 20 of this chapter and
23 IC 4-21.5; and
24 (B) a lien is not imposed on the real property described in
25 the notice;
26 the department shall retrieve the copy of the notice on the day
27 after the date the commissioner determines that a lien may not be
28 imposed on the real property.

29 SECTION 2<86>[75]. IC 13-25-5-6 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If an applicant's
31 application is rejected under section 5 of this chapter **because the**
32 **application is incomplete**, the applicant may do the following:

- 33 (1) Appeal the department's decision under IC 4-21.5.
34 (2) If the application is rejected because the application is not
35 complete, submit a completed application without submitting an
36 additional application fee.
37 (b) If an applicant's application is rejected and the applicant:
38 (1) does not appeal the rejection; or
39 (2) loses an appeal concerning the rejection;

40 the department shall refund the unexpended part of the applicant's
41 application fee.

42 SECTION <287>[276]. IC 13-25-5-8 IS AMENDED TO READ

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1 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Before the
 2 department evaluates a proposed voluntary remediation work plan, the
 3 applicant who submitted the work plan and the commissioner must
 4 enter into a voluntary remediation agreement that sets forth the terms
 5 and conditions of the evaluation and the implementation of the work
 6 plan. A voluntary remediation agreement must include the following:

7 (1) Provisions for the following:

8 (A) A requirement that the department provide the applicant
 9 with an itemized list of estimated costs the department may
 10 incur under this chapter.

11 (B) The recovery of all reasonable costs that:

12 (i) are incurred by the department in the review and
 13 oversight of the work plan;

14 (ii) are attributable to the voluntary remediation
 15 agreement; and

16 (iii) exceed the fee submitted by the applicant under
 17 section 2 of this chapter.

18 (C) A schedule of payments to be made by the applicant to
 19 the department to recover the costs to the department.

20 (2) A mechanism to resolve disputes arising from the evaluation,
 21 analysis, and oversight of the implementation of the work plan,
 22 including any of the following:

23 (A) Arbitration.

24 (B) Adjudication under IC 4-21.5.

25 (C) A dispute resolution procedure provided under the
 26 Indiana Rules of Court.

27 (3) A provision concerning the indemnification of the parties.

28 (4) A provision concerning retention of records.

29 (5) A timetable for the department to do the following:

30 (A) Reasonably review and evaluate the adequacy of the
 31 work plan.

32 (B) Make a determination concerning the approval or
 33 rejection of the work plan.

34 (6) A provision concerning applicable interagency coordination.

35 (7) A provision specifying the proposed remediation objectives
 36 to be achieved on the site, as described in section 8.5 of this
 37 chapter.

38 (8) ~~The~~ A requirement that the applicant submit to the
 39 department a proposed voluntary remediation work plan

40 ~~(A) not later than one hundred eighty (180) days one (1)~~
 41 ~~year~~ ↔ [] after the date the voluntary remediation
 42 agreement is signed. ↔ [] or

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1 (B) after a longer period if the extension is agreed to by the
2 department and the applicant:

3 (9) Any other conditions considered necessary by the
4 commissioner or the applicant concerning the effective and
5 efficient implementation of this chapter.

6 (b) If an agreement is not reached between an applicant and the
7 commissioner within a reasonable time after good faith negotiations
8 have begun between the applicant and the commissioner:

9 (1) the applicant or the commissioner may withdraw from the
10 negotiations; and

11 (2) the department shall refund the unexpended part of the
12 applicant's application fee.

13 SECTION 2-~~88~~[77]. IC 13-25-5-11 IS AMENDED TO READ
14 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Before the
15 commissioner approves or rejects a proposed voluntary remediation
16 work plan under section 10 of this chapter, the commissioner must:

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

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

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

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

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

30 (2) Request a public hearing concerning the proposed voluntary
31 remediation work plan.

32 (c) If the commissioner receives at least one (1) written request,
33 the commissioner may hold a public hearing in the geographical area
34 affected by the proposed voluntary remediation work plan on the
35 question of whether to approve or reject the work plan. The
36 commissioner shall consider all written comments and public
37 testimony.

38 SECTION ~~289~~[278]. IC 13-25-5-15 IS AMENDED TO READ
39 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an
40 applicant who submitted an approved voluntary remediation work plan
41 proceeds with the work plan, the department or a person under contract
42 with the department shall do the following:

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

3 (2) Make regular reports to the commissioner concerning the
4 remediation.

5 **(b) Upon submission of a report to the commissioner, the**
6 **commissioner may evaluate the remedial action to verify the action**
7 **is achieving project goals. If project goals are not met, the**
8 **commissioner may require modification of the voluntary**
9 **remediation work plan.**

10 **(c) If the parties are unable to agree to a modification as**
11 **provided for in subsection (b) within one hundred eighty (180)**
12 **days, the commissioner or applicant may withdraw the project**
13 **from the voluntary remediation work program. Projects**
14 **withdrawn from the voluntary remediation work program may be**
15 **referred to the state clean-up program.**

16 SECTION ~~290~~ [279]. IC 13-25-5-16 IS AMENDED TO READ
17 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If the
18 commissioner determines that an applicant has successfully completed
19 a voluntary remediation work plan approved under this chapter, the
20 commissioner shall certify that the work plan has been completed by
21 issuing the applicant a certificate of completion.

22 (b) The issuance of a certificate of completion under this section
23 is a final agency action for purposes of IC 4-21.5.

24 (c) A person who receives a certificate under this section shall
25 attach a copy of the certificate to the recorded deed that concerns the
26 property on which the remediation took place.

27 **(d) If the commissioner determines that an applicant has not**
28 **successfully completed a voluntary remediation work plan**
29 **approved under this chapter, the commissioner shall notify the**
30 **applicant of this determination under IC 4-21.5.**

31 SECTION 2~~91~~ [80]. IC 13-25-5-17 IS REPEALED
32 [EFFECTIVE JULY 1, 2026]. Sec. 17: If the commissioner determines
33 that an applicant has not successfully completed a voluntary
34 remediation work plan approved under this chapter, the commissioner
35 shall notify the applicant of this determination under IC 4-21.5.

36 SECTION 2~~92~~ [81]. IC 13-26-2-5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Upon the
38 determination of the department that a sufficient petition has been filed
39 in accordance with this chapter, the commissioner shall appoint a
40 hearing officer. ~~who does not have to be a state employee. If the~~
41 ~~hearing officer is not a full-time state employee, the hearing officer is~~
42 ~~entitled to be paid reasonable:~~

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1 (1) expenses; and
 2 (2) per diem;
 3 for each day or part of a day in actual attendance at a meeting or
 4 hearing or in performance of duties. The reasonable per diem and
 5 expenses are valid claims against the department.
 6 SECTION 293[82]. IC 13-26-8-4, AS AMENDED BY
 7 P.L.165-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This section applies to the
 9 addition of territory to a regional sewage or solid waste district other
 10 than at the request of an eligible entity described in section 1 of this
 11 chapter. This section does not apply to a regional water district.
 12 (b) To add territory to a district already established, the board of
 13 the district must file with the department a motion adopted by the board
 14 requesting the addition of territory to the district. If the motion is for
 15 the addition of territory to a regional sewage district, the board, not
 16 later than ten (10) days after filing the motion with the department,
 17 must also file a copy of the motion in the office of:
 18 (1) the executive of each governmental entity having territory
 19 within the territory proposed to be added to the regional sewage
 20 district; and
 21 (2) the executive of a city or town having:
 22 (A) a municipal sewage works under IC 36-9-23; or
 23 (B) a public sanitation department under IC 36-9-25;
 24 if the territory proposed to be added to the regional sewage
 25 district includes territory within the extraterritorial jurisdiction
 26 of the municipal sewage works or public sanitation department.
 27 (c) Except as provided under subsections (d) and (e), if a motion
 28 is filed with the department under subsection (b):
 29 (1) the same procedure must be used to add territory to the
 30 district as is provided for the establishment of a district under
 31 IC 13-26-2; and
 32 (2) the department shall proceed in the same manner that is set
 33 forth in IC 13-26-2, IC 13-26-4, IC 13-26-6, and IC 13-26-7.
 34 (d) Not more than one hundred eighty (180) days after the date a
 35 motion is filed with the department under subsection (b) to add
 36 territory to a district already established, if a petition is filed with the
 37 department that is signed by a majority of the freeholders within the
 38 area proposed to be added and indicating that the freeholders are
 39 opposed to the addition of the area by the district:
 40 (1) the department may not proceed under subsection (c); and
 41 (2) the territory may not be added to the district.
 42 (e) For purposes of subsection (c):

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- 1 (1) the commissioner is not required to appoint a hearing officer
- 2 under IC 13-26-2-5;
- 3 (2) the board shall:
- 4 (A) provide the notice of; and
- 5 (B) conduct;
- 6 the hearing required under IC 13-26-2-6; and
- 7 (3) instead of making findings and recommendations under
- 8 IC 13-26-2-8, the board shall submit documentary evidence to
- 9 the commissioner to prove the:
- 10 (A) notice was provided; and
- 11 (B) hearing was conducted;
- 12 by the board as required under subdivision (2).

13 SECTION 2~~94~~[83]. IC 13-27-2-2 IS REPEALED [EFFECTIVE
 14 JULY 1, 2026]. Sec. 2: The commissioner shall appoint an assistant
 15 commissioner to head the division:

16 SECTION 2~~95~~[84]. IC 13-27-2-3 IS REPEALED [EFFECTIVE
 17 JULY 1, 2026]. Sec. 3: The commissioner shall hire employees of the
 18 division:

19 SECTION 2~~96~~[85]. IC 13-27-2-4 IS REPEALED [EFFECTIVE
 20 JULY 1, 2026]. Sec. 4: (a) The commissioner may appoint liaison
 21 advisory panels to assist the division in the functions of the division:
 22 Individual panels must include members representing different areas
 23 of interest in—and potential support of pollution prevention and
 24 environmentally related technical assistance, including the following:

- 25 (1) Industry:
- 26 (2) Education:
- 27 (3) Environmental and public interest groups:
- 28 (4) State government:
- 29 (5) Local government officials associated with state programs for
- 30 pollution prevention:
- 31 (6) Organized labor:

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

39 SECTION 2~~97~~[86]. IC 13-27-2-5 IS REPEALED [EFFECTIVE
 40 JULY 1, 2026]. Sec. 5: The commissioner and the assistant
 41 commissioner, through coordinated effort, shall do the following:

- 42 (1) Periodically review state environmental programs and

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- 1 projects for their ability and progress in promoting multimedia
- 2 industrial pollution prevention.
- 3 (2) Assist the division of air, the division of water, and the
- 4 division of solid and hazardous waste management in
- 5 identifying, within planned and existing regulatory programs of
- 6 the department, obstacles to pollution prevention and
- 7 opportunities to promote and assist in pollution prevention;
- 8 including the following:
- 9 (A) Encouraging regulatory flexibility to afford businesses
- 10 the opportunity to develop or implement pollution
- 11 prevention technologies and practices.
- 12 (B) Performing pollution prevention impact analyses of
- 13 administrative rules before proposed rules are published
- 14 and before final adoption.
- 15 (C) Exploring permanent funding for the program.
- 16 (3) Promote increased coordination between the divisions of the
- 17 department and between the department and other governmental
- 18 regulatory programs with responsibilities and duties relating to
- 19 toxic materials and environmental wastes; including, to the
- 20 fullest extent possible, the following:
- 21 (A) Joint planning processes.
- 22 (B) Joint research and studies.
- 23 (C) Joint public hearings.
- 24 (D) Joint hazard assessments.
- 25 (E) Joint environmental and workplace impact statements.
- 26 (F) Joint pollution prevention impact analyses for existing
- 27 and proposed administrative rules.
- 28 (4) Develop policies and programs to reduce the following by
- 29 means of industrial pollution prevention:
- 30 (A) Generation of municipal wastes.
- 31 (B) Generation of household hazardous wastes and
- 32 pollutants.
- 33 (C) Use of toxic materials in consumer products.
- 34 (5) Provide general information about, and actively publicize the
- 35 advantages of and developments in, pollution prevention and the
- 36 requirements of this article.
- 37 (6) Assist businesses that seek information, guidance, planning
- 38 assistance, or recommendations for pollution prevention by
- 39 providing technical information to those businesses at
- 40 production or commercial locations.
- 41 (7) Work with existing environmental regulatory programs to
- 42 make use of existing information gathering systems that may

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1 assist the division in assessing the progress of pollution
2 prevention statewide.

3 (8) Grant or deny applications for pollution prevention grants
4 under section 10 of this chapter.

5 (9) Provide source reduction and recycling technical assistance
6 and administer the Indiana recycling grants program established
7 under IC 13-20-22-2.

8 SECTION ~~298~~[287]. IC 13-27-2-5.1 IS ADDED TO THE
9 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2026]: **Sec. 5.1. The department may do the**
11 **following:**

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

15 **(2) Remove obstacles to pollution prevention.**

16 **(3) Develop and implement pollution prevention and**
17 **environmental recognition programs to incentivize:**

18 **(A) communities;**

19 **(B) salvage facilities;**

20 **(C) marinas;**

21 **(D) companies; and**

22 **(E) other entities;**

23 **that exceed environmental regulatory requirements.**

24 **(4) Assist businesses that seek:**

25 **(A) information;**

26 **(B) guidance;**

27 **(C) planning assistance; or**

28 **(D) recommendations;**

29 **for pollution prevention by providing technical information**
30 **to those businesses.**

31 **(5) Work with existing environmental regulatory programs**
32 **to make use of existing information gathering systems that**
33 **may assist the department in assessing the progress of**
34 **pollution prevention.**

35 **(6) Provide source reduction and recycling technical**
36 **assistance and administer the Indiana recycling grants**
37 **program established under IC 13-20-22-2.**

38 SECTION 2~~99~~[88]. IC 13-27-2-6 IS REPEALED [EFFECTIVE
39 JULY 1, 2026]. **Sec. 6. The division shall assist other governmental**
40 **regulatory programs in devising:**

41 **(1) standards;**

42 **(2) administrative rules; and**

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1 (3) permits;
 2 based on goals and principles of pollution prevention:
 3 SECTION ~~300~~[289]. IC 13-27-2-7 IS REPEALED
 4 [EFFECTIVE JULY 1, 2026]. Sec. 7. To facilitate the use and
 5 coordination of reporting requirements, the commissioner may seek
 6 unified reporting and permitting authority from the United States
 7 Environmental Protection Agency with respect to federal toxic
 8 material, waste management, and pollution control laws and
 9 regulations in effect on January 1, 1990, including the following:
 10 (1) The federal Clean Air Act (42 U.S.C. 7401 et seq.);
 11 (2) The Federal Water Pollution Control Act (33 U.S.C. 1251 et
 12 seq.);
 13 (3) The federal Toxic or Hazardous Substance Control Act (15
 14 U.S.C. 2601 et seq.);
 15 (4) The federal Solid Waste Disposal Act (42 U.S.C. 6901 et
 16 seq.);
 17 (5) The federal Comprehensive Environmental Response,
 18 Compensation, and Liability Act (42 U.S.C. 9601 et seq.);
 19 SECTION ~~301~~[290]. IC 13-27-2-9 IS AMENDED TO READ
 20 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) To:
 21 (1) promote pollution prevention statewide by all industries and
 22 companies; and
 23 (2) assist in obtaining information on the progress of multimedia
 24 reduction of environmental wastes and related environmental
 25 policies and programs;
 26 the commissioner ~~shall~~ **may** establish and operate a state information
 27 clearinghouse for pollution prevention.
 28 (b) The commissioner ~~shall~~ **may** use the clearinghouse established
 29 under this section to do the following:
 30 (1) Collect and compile the following:
 31 (A) Information from organizations receiving grants under
 32 this article.
 33 (B) Information from the published technical literature.
 34 (2) Mount active outreach and educational programs to further
 35 the development and adoption of principles and techniques of
 36 pollution prevention.
 37 (c) The clearinghouse established under this section must include
 38 data on the operation and effectiveness of industry pollution prevention
 39 programs. The ~~division~~ **department** shall permit and facilitate free use
 40 of this data by businesses, governmental agencies, and the general
 41 public. A business may not be required to submit information of a
 42 proprietary nature to the clearinghouse or to a governmental program

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1 funded under this article.

2 (d) The division shall provide information for the clearinghouse
3 established under this section:

4 SECTION ~~302~~[291]. IC 13-27-2-11 IS REPEALED
5 [EFFECTIVE JULY 1, 2026]. Sec. 11: The division shall sponsor pilot
6 projects to develop and demonstrate innovative techniques for clean
7 manufacturing. The results of pilot projects sponsored under this
8 section shall be made available for use by the public. However,
9 information about a pilot project that is considered proprietary by a
10 manufacturer involved in the pilot project may not be disclosed to the
11 public.

12 SECTION ~~303~~[292]. IC 13-27-2-13 IS REPEALED
13 [EFFECTIVE JULY 1, 2026]. Sec. 13: The commissioner may:

14 (1) order all hearings and investigations necessary for the
15 administration of this article; and

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

19 SECTION ~~304~~[293]. IC 13-27-7-3 IS AMENDED TO READ
20 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Programs
21 implemented by the ~~division~~: **department**:

22 (1) must encourage pollution prevention; and

23 (2) may not discourage the use of recycling or treatment
24 techniques determined to be acceptable for pollution that has not
25 been prevented.

26 SECTION ~~305~~[294]. IC 13-28-3-2, AS AMENDED BY
27 P.L.53-2014, SECTION 128, IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The assistance
29 program established under this chapter shall do the following:

30 (1) ~~Designate an individual to serve as a liaison and ombudsman~~
31 ~~to the regulated community to~~ Assist the regulated community
32 with specific regulatory or permit matters pending with the
33 department.

34 (2) Provide assistance to new and existing businesses and small
35 municipalities in identifying:

36 (A) applicable environmental rules and regulations; and

37 (B) permit requirements;

38 that apply to new and existing businesses and small
39 municipalities.

40 (3) Develop and distribute educational materials regarding:

41 (A) environmental requirements;

42 (B) compliance methods;

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- 1 (C) voluntary environmental audits;
- 2 (D) pollution control technologies; and
- 3 (E) other compliance issues;
- 4 including standardized forms and procedures for completing
- 5 permit applications.
- 6 (4) Provide public outreach and training sessions in cooperation
- 7 with representatives of the business and municipal communities
- 8 regarding existing and future state and federal environmental
- 9 requirements.
- 10 (5) Develop and operate a clearinghouse to respond to inquiries
- 11 from businesses and municipalities concerning applicable
- 12 environmental rules, regulations, and requirements.
- 13 (6) Provide technical assistance concerning pollution control
- 14 techniques to local and state governmental entities and
- 15 businesses and distribute educational materials regarding
- 16 pollution prevention developed by the ~~pollution prevention~~
- 17 ~~division established by IC 13-27-2-1.~~ **department.**
- 18 (7) Provide administrative and technical support for the
- 19 compliance advisory panel established by IC 13-13-7.1-1.
- 20 (8) Conduct other activities as required to:
- 21 (A) improve regulatory compliance; and
- 22 (B) promote cooperation and assistance in meeting
- 23 environmental requirements.
- 24 (b) The assistance program may ~~establish~~ **provide** limited onsite
- 25 assistance to provide compliance information **and technical assistance**
- 26 to a small business or small municipality, subject to the confidentiality
- 27 provisions of section 4 of this chapter. The assistance program may use
- 28 money from the environmental management special fund to implement
- 29 this subsection. The assistance program may limit the number of
- 30 inspections per year and restrict onsite assistance to specific programs.
- 31 SECTION ~~<306>~~ [\[295\]](#). IC 13-28-3-7 IS ADDED TO THE
- 32 INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 33 **[EFFECTIVE JULY 1, 2026]: Sec. 7. As part of the technical and**
- 34 **compliance assistance program, the department shall establish a**
- 35 **small business stationary source technical assistance program as**
- 36 **required under Section 507 of the federal Clean Air Act (42 U.S.C.**
- 37 **7661f).**
- 38 SECTION ~~<307>~~ [\[296\]](#). IC 13-28-4-11, AS AMENDED BY
- 39 P.L.130-2018, SECTION 74, IS AMENDED TO READ AS
- 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The department
- 41 shall maintain statistics on the use of environmental audit reports in
- 42 department compliance and enforcement activities, including statistics

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- 1 on:
- 2 (1) the number of times the reports are disclosed to the
- 3 department;
- 4 (2) the number and types of violations disclosed to the
- 5 department through the reports; and
- 6 (3) the civil penalties collected for the violations. and
- 7 (4) the time necessary for the violations to be corrected.

8 The department shall report annually to the interim study committee on

9 environmental affairs established by IC ~~2-5-1.3-4~~ in an electronic

10 format under IC ~~5-14-6~~ on the use of environmental audit reports.

11 (b) The department shall propose an enforcement policy, pursuant

12 to IC 13-14-1-11.5, that provides relief from civil penalties for a

13 voluntary disclosure that results from an internal environmental audit.

14 In developing this enforcement policy, the department shall consider

15 similar policies implemented by:

- 16 (1) the United States Environmental Protection Agency; and
- 17 (2) states contiguous to Indiana.

18 SECTION ~~308~~ [297]. IC 13-28-5-2 IS REPEALED

19 [EFFECTIVE JULY 1, 2026]. Sec. 2: The program must provide the

20 following:

- 21 (1) Education, training, and information on permit and
- 22 compliance requirements of the federal Clean Air Act (42 U.S.C.
- 23 7401 et seq.);
- 24 (2) Standardized forms and procedures for completing permit
- 25 applications;
- 26 (3) An ombudsman for small businesses.

27 SECTION ~~309~~ [298]. IC 13-28-5-3 IS REPEALED

28 [EFFECTIVE JULY 1, 2026]. Sec. 3: The ombudsman described in

29 section 2 of this chapter shall assist as necessary each small business

30 that applies for assistance with the following:

- 31 (1) Specific regulatory matters pending before the department.
- 32 (2) Permit applications.

33 SECTION ~~310~~ [299]. IC 13-28-5-4 IS REPEALED

34 [EFFECTIVE JULY 1, 2026]. Sec. 4: The department may establish the

35 technical and environmental compliance assistance program required

36 by this chapter as part of the technical and compliance assistance

37 program established under IC 13-28-3.

38 SECTION ~~311~~ [00]. IC 13-29-1-13 IS REPEALED

39 [EFFECTIVE JULY 1, 2026]. Sec. 13: The board shall adopt under

40 IC 4-22-2 and IC 13-14-9 the rules necessary to implement this chapter.

41 SECTION ~~312~~ [301]. IC 13-30-1-2 IS AMENDED TO READ

42 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A citizen, a

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1 partnership, a corporation, a limited liability company, an association,
2 or a public officer or agency, as a condition precedent to maintaining
3 an action, must give notice in writing by registered or certified mail to:

- 4 ~~(1)~~ the department of natural resources;
- 5 ~~(2)~~ (1) the department; and
- 6 ~~(3)~~ (2) the attorney general.

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

11 SECTION 3~~43~~^[02]. IC 13-30-2-1, AS AMENDED BY
12 P.L.133-2012, SECTION 158, IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not do
14 any of the following:

15 (1) Discharge, emit, cause, allow, or threaten to discharge, emit,
16 cause, or allow any contaminant or waste, including any noxious
17 odor, either alone or in combination with contaminants from
18 other sources, into:

- 19 (A) the environment; or
- 20 (B) any publicly owned treatment works;

21 in any form that causes or would cause pollution that violates or
22 would violate rules, standards, or discharge or emission
23 requirements adopted by the board under the environmental
24 management laws.

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

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

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

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

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

- 42 (A) in proper containers provided for sanitary storage of the

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- 1 solid waste; or
- 2 (B) as a part of a sanitary landfill operation or other land
- 3 disposal method approved by the department.
- 4 (7) Construct, install, operate, conduct, or modify, without prior
- 5 approval of the department, any equipment or facility of any type
- 6 that may:
- 7 (A) cause or contribute to pollution; or
- 8 (B) be designed to prevent pollution.
- 9 However, the commissioner or the board may approve
- 10 experimental uses of any equipment, facility, or pollution control
- 11 device that is considered necessary for the further development
- 12 of the state of the art of pollution control.
- 13 (8) Conduct any salvage operation or open dump by open
- 14 burning or burn, cause, or allow the burning of any solid waste
- 15 in a manner that violates either:
- 16 (A) the air pollution control laws; or
- 17 (B) the rules adopted by the board.
- 18 (9) Commence construction of a proposed hazardous waste
- 19 facility without having first:
- 20 (A) filed an application for; and
- 21 (B) received;
- 22 a permit from the department.
- 23 (10) Commence or engage in the operation of a hazardous waste
- 24 facility without having first obtained a permit from the
- 25 department.
- 26 (11) Deliver any hazardous waste to a hazardous waste facility
- 27 that:
- 28 (A) is not approved; or
- 29 (B) does not hold a permit from the department.
- 30 (12) Cause or allow the transportation of a hazardous waste
- 31 without a manifest if a manifest is required by law.
- 32 (13) Violate any:
- 33 (A) condition;
- 34 (B) limitation; or
- 35 (C) stipulation;
- 36 placed upon a certificate of environmental compatibility by the
- 37 hazardous waste facility site approval authority or any other
- 38 provision of IC 13-22-10.
- 39 (14) Apply or allow the application of used oil to any ground
- 40 surface, except for purposes of treatment in accordance with a
- 41 permit issued by the department under any of the following:
- 42 (A) IC 13-15. ~~except IC 13-15-9.~~

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- 1 (B) IC 13-17-11.
- 2 (C) IC 13-18-18.
- 3 (D) IC 13-20-1.
- 4 (15) Commence construction of a solid waste incinerator without
- 5 first obtaining a permit from the department under IC 13-20-8.
- 6 (16) Commence operation of a solid waste incinerator without
- 7 first obtaining the approval of the department under IC 13-20-8.
- 8 SECTION 3~~14~~[03]. IC 13-30-10-1.5, AS AMENDED BY
- 9 P.L.181-2018, SECTION 14, IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as
- 11 provided in subsection (b), a person regulated under IC 13-22 who
- 12 knowingly:
- 13 (1) transports hazardous waste to an unpermitted facility;
- 14 (2) treats, stores, or disposes of hazardous waste without a
- 15 permit issued by the department under IC 13-22; or
- 16 (3) transports, treats, stores, disposes, recycles, or causes to be
- 17 transported used oil regulated under rules adopted by the board
- 18 without a manifest or in violation of the standards established by
- 19 the department for the management of used oil;
- 20 commits a Class B misdemeanor.
- 21 (b) Notwithstanding the maximum fine provisions of IC 35-50-3-3,
- 22 criminal fines for a person convicted of an offense described in
- 23 subsection (a) shall be assessable in a maximum amount of not less
- 24 than ten thousand dollars (\$10,000) per day per violation.
- 25 (c) Except as provided in subsection (d), a person regulated under
- 26 IC 13-17 who knowingly violates:
- 27 (1) any applicable requirements of IC 13-17-4, IC 13-17-5,
- 28 IC 13-17-6, ~~IC 13-17-7~~, IC 13-17-8, IC 13-17-9, IC 13-17-10, or
- 29 IC 13-17-13 or of rules of the board implementing the chapters
- 30 referred to in this subdivision;
- 31 (2) any condition of a permit issued by the department under
- 32 IC 13-17; or
- 33 (3) any fee or filing requirement in IC 13-17, including the
- 34 requirement to file an application for a permit under IC 13-17;
- 35 commits a Class C misdemeanor.
- 36 (d) Notwithstanding the maximum fine provisions of IC 35-50-3-4,
- 37 criminal fines for a person convicted of an offense described in
- 38 subsection (c) shall be assessable in a maximum amount of not less
- 39 than ten thousand dollars (\$10,000) per day per violation.
- 40 (e) Except as provided in subsection (f), a person who willfully or
- 41 negligently violates:
- 42 (1) any applicable standards or limitations of IC 13-18-3-2.4,

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- 1 IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or
 2 IC 13-18-16 or of rules of the board implementing the chapters
 3 referred to in this subdivision;
 4 (2) any condition of a National Pollutant Discharge Elimination
 5 System permit issued by the department under IC 13-18-19 or
 6 rules adopted by the board under IC 13-18-19;
 7 (3) any National Pollutant Discharge Elimination System Permit
 8 filing requirement under IC 13-18-19; or
 9 (4) any condition of a permit issued by the department in
 10 accordance with the requirements of 33 U.S.C. 1344;

11 commits a Class A misdemeanor.

12 (f) Notwithstanding the maximum fine provisions of IC 35-50-3-2,
 13 criminal fines for a person convicted of an offense described in
 14 subsection (e) shall be assessable in a maximum amount of not less
 15 than ten thousand dollars (\$10,000) per day per violation.

16 (g) A person who willfully or recklessly violates any applicable
 17 standards or limitations of IC 13-18-8 commits a Class B misdemeanor.

18 (h) A person who willfully or recklessly violates any applicable
 19 standards or limitations of IC 13-18-9, IC 13-18-10, or IC 13-18-10.5
 20 commits a Class C misdemeanor.

21 (i) A person who:

22 (1) knowingly commits any act described in subsection (a), (c),
 23 or (e); and

24 (2) knows that commission of the act places another person in
 25 imminent danger of death or serious bodily injury;

26 commits a Level 4 felony. However, the offense is a Level 3 felony if
 27 it results in serious bodily injury to any person, and a Level 2 felony if
 28 it results in the death of any person.

29 (j) It shall be a defense to an offense described in subsection (i)
 30 that the person charged:

31 (1) did not know; or

32 (2) could not reasonably have been expected to know;

33 that the violation would place another person in imminent danger or
 34 threat of serious bodily injury. For the purposes of subsection (i), a
 35 person is responsible only for the person's own actual awareness or
 36 actual belief, and knowledge by another person may not be attributed
 37 to the person.

38 (k) The penalties under this section apply regardless of whether a
 39 person uses electronic submissions or paper documents to accomplish
 40 the actions described in this section.]

41 [SECTION 304. \[EFFECTIVE UPON PASSAGE\] \(a\) The](#)
 42 [legislative services agency shall prepare legislation for introduction](#)

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1 in the 2027 regular session of the general assembly to make any
2 necessary amendments to the Indiana Code to conform to the
3 amendments made by this act.

4 (b) This SECTION expires July 1, 2027.
5 SECTION 305. emergency is declared for this act.

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