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**SENATE BILL No. 277**

**AM027721 has been incorporated into January 29, 2026 printing.**

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**Synopsis:** Indiana department of environmental management.

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Reprinted  
January 29, 2026

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

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

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

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

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## SENATE BILL No. 277

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 rule, including any deadlines for action by regulated entities.

2 (3) Any penalties, sanctions, or fines imposed for noncompliance  
3 with the rule.

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

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

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

21 (2) electronically through electronic gateway access.

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

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

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

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

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

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

37 (2) prepare a report that sets forth:

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

42 (B) the number of complaints or questions reported under

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

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

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

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1 IC 4-22-2-28.1(a)) and work with the office of technology  
 2 established by IC 4-13.1-2-1 to place information concerning the  
 3 availability of these services on state websites that the small  
 4 business ombudsman or a state agency determines are most  
 5 likely to be visited by small business owners and managers.

6 (8) Assist in training agency coordinators who will be assigned  
 7 to rules under IC 4-22-2-28.1(b).

8 (9) Investigate and attempt to resolve any matter regarding  
 9 compliance by a small business with a law, rule, or policy  
 10 administered by a state agency, either as a party to a proceeding  
 11 or as a mediator.

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

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

21 (1) IC 13-17-3-15.

22 ~~(2) IC 13-17-7.~~

23 ~~(3) (2) IC 13-17-8-10.~~

24 ~~(4) (3) IC 13-17-9.~~

25 ~~(5) (4) IC 13-17-10.~~

26 ~~(6) (5) IC 13-17-11.~~

27 ~~(7) (6) IC 13-17-13.~~

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

32 ~~(1) an actual; or~~

33 ~~(2) a potential;~~

34 ~~alternative to incineration.~~

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

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

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1           **and**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 **A determination by the department under this subdivision is appealable**  
39 **under IC 4-21-5.**

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

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

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

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

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

15 ~~a regulated air pollutant.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40            SECTION 22. IC 13-11-2-114, AS AMENDED BY P.L. 112-2016,  
 41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2026]: Sec. 114. "Land application", for purposes of **section**

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1 **205 of this chapter and IC 13-18-12**, means the disposal of:

- 2 (1) septage;  
 3 (2) solid waste, as defined in section 205(a) of this chapter; or  
 4 (3) industrial waste products, as allowed under IC 13-18-12-2.5;

5 by ~~burial or injection below the land surface~~, incorporation into the  
 6 soil, **or spraying or spreading onto the land surface**.

7 SECTION 23. IC 13-11-2-114.2, AS AMENDED BY  
 8 P.L.112-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2026]: Sec. 114.2. "Land application  
 10 operation", for purposes of IC 13-18-12 and IC 13-19-3, means an  
 11 operation in which sludge, waste products, or wastewater generated by  
 12 industrial, municipal, or semipublic facilities are disposed of by  
 13 ~~application upon or spraying or spreading onto the land surface~~,  
 14 incorporation into the soil, **or injection below the land surface**. The  
 15 term does not include the operation of **an underground injection well**,  
 16 a landfill, or an open dump.

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

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

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

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

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

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

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- 1 (A) IC 13-18-12 and IC 5-1.2-10.
- 2 (B) IC 13-18-15 through IC 13-18-20.
- 3 (4) IC 13-19-3.
- 4 (5) IC 13-20-16 and IC 13-20-17.

5 SECTION 28. IC 13-11-2-168 IS REPEALED [EFFECTIVE  
6 JULY 1, 2026]. Sec. 168. "Potential emissions"; for purposes of  
7 IC 13-17-7, means emissions calculated:

- 8 (1) before:
  - 9 (A) the installation of air pollution control equipment; and
  - 10 (B) the application of any applicable state or federal:
    - 11 (i) rule;
    - 12 (ii) regulation; or
    - 13 (iii) statute;
  - 14 that establishes emission limitations or standards; and
  - 15 (2) after consideration of any physical or operational limitation  
16 on the capacity of a facility or source.

17 SECTION 29. IC 13-11-2-177.5 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 177.5. (a) "Publicly  
19 owned treatment works", for purposes of IC 13-18-3, has the meaning  
20 set forth in 327 IAC 5-1.5-48. means a treatment works (as defined  
21 in Section 212(2) of the Clean Water Act) owned by the state or a  
22 municipality (as defined in Section 502(4) of the Clean Water Act).

- 23 (b) The term includes:
  - 24 (1) devices and systems used in the storage, treatment,  
25 recycling, and reclamation of municipal sewage or  
26 compatible industrial wastes; and
  - 27 (2) a municipality (as defined in Section 502(4) of the Clean  
28 Water Act) that has jurisdiction over the indirect discharges  
29 to and the discharges from a treatment works.

30 (c) The term does not include:

- 31 (1) pipes;
- 32 (2) sewers; or
- 33 (3) other conveyances;

34 not connected to a facility providing treatment.

35 SECTION 30. IC 13-11-2-199.4 IS REPEALED [EFFECTIVE  
36 JULY 1, 2026]. Sec. 199.4. "Septage management vehicle", for  
37 purposes of IC 13-18-12-2.2, has the meaning set forth in  
38 IC 13-18-12-2.2(b).

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

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1 IC 13-20-17.5, means septic tanks, septic tank soil absorption systems,  
2 septage holding tanks, seepage pits, cesspools, privies, composting  
3 toilets, interceptors or grease traps, portable sanitary units, and other  
4 equipment, facilities, or devices used to:

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

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

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

12 SECTION 32. IC 13-11-2-203.5, AS AMENDED BY P.L.1-2010,  
13 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2026]: Sec. 203.5. (a) Except as provided in subsection (b),  
15 "small business", for purposes of section 47.7 of this chapter, means a  
16 business that satisfies all the following:

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

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

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

- 39 (1) solid or dissolved material in:
  - 40 (A) domestic sewage; or
  - 41 (B) irrigation return flows or industrial discharges;
- 42 that are point sources subject to permits under Section 402 of the

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

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

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

3                   SECTION 35. IC 13-11-2-213 IS AMENDED TO READ AS  
 4                   FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 213. "Source", for  
 5                   purposes of IC 13-17-3, ~~and IC 13-17-7~~, means an aggregation of one  
 6                   (1) or more facilities that are:

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

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

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

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

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

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

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

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

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1 more than twenty-five (25) horsepower.  
2 (d) "Vehicle", for purposes of IC 13-20-14, has the meaning set  
3 forth in IC 9-13-2-196.

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

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

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

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

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

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

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

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

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

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

35 (4) Preserve important historic, cultural, and natural aspects of  
36 our national heritage and maintain, wherever possible, an  
37 environment that supports diversity and variety of individual  
38 choice.

39 (5) Achieve a balance between population and resource use that  
40 will permit **Maintain** high standards of living and a wise sharing  
41 of life's amenities.

42 (6) Enhance the quality of renewable resources and approach the

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

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1 (D) Study, develop, and describe appropriate alternatives to  
2 recommend courses of action in any proposal that involves  
3 unresolved conflicts concerning alternative uses of  
4 available resources.

5 (E) Recognize the long range character of environmental  
6 problems and, where consistent with the policy of the state,  
7 lend appropriate support to initiatives, resolutions, and  
8 programs designed to maximize state cooperation in  
9 anticipating and preventing a decline in the quality of the  
10 environment.

11 (F) Make available to counties, municipalities, institutions,  
12 and individuals advice and information useful in restoring,  
13 maintaining, and enhancing the quality of the environment.

14 (G) Initiate and use ecological information in the planning  
15 and development of resource oriented projects.

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

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

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

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

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

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

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

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

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

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

26 SECTION 49. IC 13-13-2-3 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner  
28 may establish an ad hoc group to study and make recommendations  
29 regarding critical environmental issues. The ad hoc group may include  
30 the following:

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

37 SECTION 50. IC 13-13-3-1 IS REPEALED [EFFECTIVE JULY  
38 1, 2026]. Sec. 1: The department must include the following offices:

- 39 (1) An office dealing with environmental emergencies.
- 40 (2) An office for communications with the public.
- 41 (3) A hearings office, including the department's hearing  
42 officers.

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1 (4) ~~An office to conduct investigations.~~  
2 SECTION 51. IC 13-13-5-1 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. Except as provided  
4 in IC 14-37, the department is designated as the following:

5 (1) The water pollution agency for Indiana for all purposes of the  
6 Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in  
7 effect January 1, 1988, and the federal Safe Drinking Water Act  
8 (42 U.S.C. 300f through 300j) in effect January 1, 1988.

9 (2) The solid waste agency for Indiana for all purposes of the  
10 federal Resource Conservation and Recovery Act (42 U.S.C.  
11 6901 et seq.) in effect January 1, 1988.

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

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

19 (5) The state agency with responsibility concerning the federal  
20 Comprehensive Environmental Response, Compensation, and  
21 Liability Act of 1980, as amended by the federal Superfund  
22 Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601  
23 through 9675) as in effect on January 1, 1993, and concerning 40  
24 CFR 300.505, Subpart F of the National Oil and Hazardous  
25 Substances Pollution Contingency Plan.

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

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

33 (b) **To achieve the goals of cooperative federalism, the**  
34 **department shall actively engage with its federal counterparts**  
35 **through comments, petitions, letters, advisory committees,**  
36 **rulemaking activities, and other means, to ensure federal**  
37 **environmental laws and their implementation serve the state of**  
38 **Indiana under this title. The department shall prioritize**  
39 **opportunities to address federal actions that are unnecessary,**  
40 **create barriers to environmentally beneficial projects, or are**  
41 **inconsistent with the law or best available science.**

42 SECTION 53. IC 13-13-7.1-1, AS ADDED BY P.L.53-2014,

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1 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2026]: Sec. 1. The compliance advisory panel  
 3 is established **to carry out the duties required by 42 U.S.C. 7661f.**

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

7 (1) ~~Two~~ (2) members appointed by the president pro tempore of  
 8 the senate who are members of the senate and who are owners  
 9 of, or who have an interest in, a small business stationary source.  
 10 Not more than one (1) of the members appointed under this  
 11 subdivision may be members of the same political party. **A**  
 12 **member, appointed by the president pro tempore of the**  
 13 **senate, who is an owner of, or who represents owners of, a**  
 14 **small business stationary source.**

15 (2) ~~Two~~ (2) members appointed by the speaker of the house of  
 16 representatives who are members of the house of representatives  
 17 and who are owners of, or who have an interest in, a small  
 18 business stationary source. Not more than one (1) of the  
 19 members appointed under this subdivision may be affiliated with  
 20 the same political party. **A member, appointed by the minority**  
 21 **leader of the senate, who is an owner of, or who represents**  
 22 **owners of, a small business stationary source.**

23 (3) ~~Two~~ (2) members appointed by the governor to represent the  
 24 public who are not members of the general assembly; owners of  
 25 a small business stationary source; or representatives of owners  
 26 of small business stationary sources. Not more than one (1)  
 27 member appointed under this subdivision may be a solid waste  
 28 management district director and not more than one (1) member  
 29 appointed under this subdivision may be affiliated with the same  
 30 political party. **A member, appointed by the speaker of the**  
 31 **house of representatives, who is an owner of, or represents**  
 32 **owners of, a small business stationary source.**

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

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

40 **Not more than one (1) member appointed under this**  
 41 **subdivision may be a solid waste management district**  
 42 **director.**

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1           ~~(4)~~ **(6)** The commissioner of the department of environmental  
2           management or the commissioner's designee.

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

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

11          ~~(b)~~ **(a)** The term of a member appointed to the panel under ~~section~~  
12          ~~2(3)~~ **section 2(1) through 2(5)** of this chapter is four (4) years. ~~The~~  
13          ~~term expires June 30, 2025, and each fourth year thereafter.~~

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

18          **(c) Notwithstanding section 2 of this chapter or this section, a**  
19          **member:**

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

21                 **(2) whose term has not expired on or before July 1, 2026;**  
22          **may finish the remainder of the term. The person appointed to fill**  
23          **that position serves for a four (4) year term as described in**  
24          **subsection (a).**

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

30          SECTION 57. IC 13-13-7.1-6, AS AMENDED BY P.L.1-2025,  
31          SECTION 177, IS AMENDED TO READ AS FOLLOWS  
32          [EFFECTIVE JULY 1, 2026]: Sec. 6. ~~The chairperson of the legislative~~  
33          ~~council~~ **governor** shall appoint the chair of the panel from the  
34          members appointed under ~~section 2(1) or 2(2)~~ **section 2** of this chapter.  
35          The chair of the panel serves at the pleasure of the ~~chairperson of the~~  
36          ~~legislative council.~~ **governor.** The panel shall meet at the call of the  
37          chair of the panel.

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

42          SECTION 59. IC 13-13-7.1-13, AS AMENDED BY P.L.42-2024,

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1 SECTION 103, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2026]: Sec. 13. Except as provided in section  
 3 9 of this chapter, the expenses of the panel shall be paid from  
 4 appropriations to the department. ~~of environmental management.~~

5 SECTION 60. IC 13-13-7.1-14 IS REPEALED [EFFECTIVE  
 6 JULY 1, 2026]. ~~Sec. 14. The panel shall submit an annual report to the  
 7 legislative council in an electronic format under IC 5-14-6.~~

8 SECTION 61. IC 13-13-8-2, AS ADDED BY P.L.133-2012,  
 9 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2026]: Sec. 2. (a) The following entities are abolished on  
 11 January 1, 2013:

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

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

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

18 (b) All powers, duties, and liabilities are transferred from the  
 19 entities abolished under subsection (a) to the environmental rules board  
 20 established by section 3 of this chapter effective January 1, 2013.

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

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

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

28 (A) ~~shall be treated as though the rules were adopted by the  
 29 environmental rules board; and~~

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

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

35 (A) ~~shall be treated as though the rules were adopted by the  
 36 environmental rules board; and~~

37 (B) ~~shall be administered and implemented by the water  
 38 pollution control division of the department described in  
 39 IC 13-13-3-2(2).~~

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

42 (A) ~~shall be treated as though the rules were adopted by the~~

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1 environmental rules board; and

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

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

9 SECTION 62. IC 13-13-8-4, AS AMENDED BY P.L.250-2019,  
10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2026]: Sec. 4. (a) The board consists of the following ~~sixteen~~  
12 **(16) eighteen (18)** members:

13 (1) The following ex officio members:

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

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

18 (C) ~~The lieutenant governor.~~ **director of the state**  
19 **department of agriculture or the director's designee.**

20 (D) The secretary of commerce or the secretary's designee.

21 **(E) The chairperson appointed under IC 13-13-7.1-6,**  
22 **who serves as a nonvoting member of the board.**

23 **(F) The chairperson selected under IC 13-23-11-5, who**  
24 **serves as a nonvoting member of the board.**

25 (2) The following twelve (12) members, who shall be appointed  
26 by the governor based on recommendations from representative  
27 constituencies:

28 (A) One (1) representative of agriculture.

29 (B) One (1) representative of manufacturing.

30 (C) One (1) representative of environmental interests.

31 (D) One (1) representative of labor.

32 (E) One (1) representative of local government.

33 (F) One (1) representative of small business.

34 (G) One (1) health professional. ~~who holds a license to~~  
35 ~~practice in Indiana.~~

36 (H) One (1) representative of the solid waste management  
37 industry.

38 (I) One (1) representative of a public utility. ~~that engages in~~  
39 ~~the production and transmission of electricity.~~

40 (J) One (1) representative of the residential or commercial  
41 construction industry.

42 (K) Two (2) representatives of the general public. ~~who~~

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1 cannot qualify for membership on the board under clauses  
2 (A) through (J):

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

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

10 SECTION 63. IC 13-13-8-5 IS REPEALED [EFFECTIVE JULY  
11 1, 2026]. Sec. 5: Except as provided in section 4(a)(1)(A) of this  
12 chapter, an ex officio member of the board may designate in writing a  
13 technical representative to serve as a voting member of the board when  
14 the ex-officio member is unable to attend a board meeting.

15 SECTION 64. IC 13-13-8-6 IS REPEALED [EFFECTIVE JULY  
16 1, 2026]. Sec. 6: Not more than six (6) of the appointed members of the  
17 board may be members of the same political party.

18 SECTION 65. IC 13-13-8-7, AS ADDED BY P.L.133-2012,  
19 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2026]: Sec. 7. (a) An appointed member of the board serves  
21 a term of four (4) years. **A member may not serve more than two (2)**  
22 **consecutive terms.**

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

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

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

38 SECTION 66. IC 13-13-8-11, AS ADDED BY P.L.133-2012,  
39 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2026]: Sec. 11. Each member of the board shall fully disclose  
41 any potential conflicts of interest ~~relating to permits or enforcement~~  
42 ~~orders and recuse themselves as appropriate for particular matters~~

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- 1 **before the board** under the:
- 2 (1) federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended;
- 3 ~~by the Clean Air Act Amendments of 1990;~~
- 4 (2) federal Resource Conservation and Recovery Act (42 U.S.C.
- 5 6901 et seq.);
- 6 (3) federal Comprehensive Environmental Response,
- 7 Compensation, and Liability Act of 1980, as amended by the
- 8 federal Superfund Amendments and Reauthorization Act of
- 9 1986 (42 U.S.C. 9601 through 9675);
- 10 (4) federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
- 11 and
- 12 (5) federal Safe Drinking Water Act (42 U.S.C. 300f through
- 13 300j).

14 SECTION 67. IC 13-13-8-13, AS ADDED BY P.L.133-2012,

15 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

16 JULY 1, 2026]: Sec. 13. (a) The board may select, from a list of three

17 (3) qualified individuals recommended by the governor, an

18 independent third party who is not an employee of the state to serve as

19 legal counsel.

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

26 (c) ~~(b)~~ Provisions of this chapter concerning terms of appointment,

27 vacancies, and compensation of appointed board members apply to the

28 legal counsel. The legal counsel is not a voting member of the board.

29 SECTION 68. IC 13-13-8-14, AS ADDED BY P.L.133-2012,

30 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

31 JULY 1, 2026]: Sec. 14. The board may establish advisory committees

32 for the purpose of giving advice on any matters pertaining to the

33 business of the board. **Board members may also be members of an**

34 **advisory committee.** A member appointed to an advisory committee,

35 **who is not a member of the board,** shall serve at the pleasure of the

36 board and is not entitled to a salary, per diem, or reimbursement of

37 expenses.

38 SECTION 69. IC 13-14-1-5 IS AMENDED TO READ AS

39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The department shall

40 develop and implement a ~~program of public awareness and~~

41 ~~participation to assure maximum programs to maximize public~~

42 **awareness, participation, and** citizen involvement in the evolution

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1 and continuation of the environmental programs of the state.

2 SECTION 70. IC 13-14-1-7, AS AMENDED BY P.L.133-2012,  
3 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2026]: Sec. 7. The commissioner shall prepare the proposed  
5 budget of the department and, **if necessary**, the board.

6 SECTION 71. IC 13-14-1-10 IS REPEALED [EFFECTIVE JULY  
7 1, 2026]. ~~Sec. 10. The department shall encourage and assist units of~~  
8 ~~local government in developing programs and facilities for the~~  
9 ~~following:~~

- 10 (1) ~~Air, water, radiation, odor, and noise pollution control.~~
- 11 (2) ~~Wastewater treatment.~~
- 12 (3) ~~Water resource development.~~
- 13 (4) ~~Solid waste management.~~

14 SECTION 72. IC 13-14-1-11.5, AS AMENDED BY THE  
15 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL  
16 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2026]: Sec. 11.5. (a) If the department proposes to utilize a  
18 policy or statement that:

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

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

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

- 30 (1) the proposed policy or statement;
- 31 (2) information on the availability for public inspection of all  
32 materials relied upon by the department in the development of  
33 the proposed policy or statement, including, if applicable:
  - 34 (A) health criteria;
  - 35 (B) analytical methods;
  - 36 (C) treatment technology;
  - 37 (D) economic impact data;
  - 38 (E) environmental assessment data; and
  - 39 (F) other background data;
- 40 (3) the date, time, and location of the presentation under this  
41 subsection to the appropriate board; and
- 42 (4) information regarding the opportunity for a person to

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1 comment to the department and the appropriate board on the  
 2 proposed policy or statement before or at the time of the  
 3 presentation under this subsection.

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

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

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

15 (d) The department shall:

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

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

- 22 (1) The title of the policy or statement.
- 23 (2) The identification number of the policy or statement.
- 24 (3) The date the policy or statement was originally adopted.
- 25 (4) The date the policy or statement was last revised.
- 26 (5) A reference to all other policies or statements described in
- 27 subsection (a) that are repealed or amended by the policy or
- 28 statement.
- 29 (6) A brief description of the subject matter of the policy or
- 30 statement.

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

- 34 (1) The publisher of the Indiana Register.
- 35 (2) The Indiana library and historical department.

36 **(g) A policy or statement put into effect by this section after**  
 37 **July 1, 2026, expires January 1 of the fifth year after the year in**  
 38 **which the policy or statement takes effect, unless the policy or**  
 39 **statement expires or is repealed on an earlier date or is**  
 40 **reauthorized under this section.**

41 SECTION 73. IC 13-14-1-11.7, AS ADDED BY P.L.218-2016,  
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 11.7. (a) ~~Before July 1 of each year, The~~  
 2 department shall ~~report~~: **make available in an electronic format:**

- 3 (1) any administrative rule that has been:  
 4 (A) proposed by the department; or  
 5 (B) adopted by the board; **and**  
 6 ~~(2) any operating policy or procedure that has been instituted or~~  
 7 ~~altered by the department; and~~  
 8 ~~(3) (2) any nonrule policy or statement that has been proposed or~~  
 9 ~~put into effect under section 11.5 of this chapter;~~  
 10 ~~since the preceding July 1 that constitutes a change in the policy~~  
 11 ~~previously followed by the department under this title and the rules~~  
 12 ~~adopted by the board.~~

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

19 SECTION 74. IC 13-14-1-13 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) The  
 21 commissioner shall establish and administer monitoring and reporting  
 22 requirements as necessary to carry out the duties and to exercise the  
 23 powers provided in the following:

- 24 (1) Air pollution control laws.  
 25 (2) Water pollution control laws.  
 26 (3) Environmental management laws.

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

30 SECTION 75. IC 13-14-1-17 IS REPEALED [EFFECTIVE JULY  
 31 1, 2026]. Sec. 17. (a) ~~Before November 1 of each year, the department~~  
 32 ~~shall submit an annual report to the governor and to the legislative~~  
 33 ~~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 76. 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 77. 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 78. IC 13-14-3-1 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall  
 13 ~~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 79. IC 13-14-4 IS REPEALED [EFFECTIVE JULY 1,  
 21 2026]. (Notice to Department of Plans and Programs Affecting the  
 22 Environment).

23 SECTION 80. 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 81. IC 13-14-5-3 IS REPEALED [EFFECTIVE JULY

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

7 SECTION 82. IC 13-14-5-5 IS REPEALED [EFFECTIVE JULY  
 8 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 83. 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 84. IC 13-14-8-1, AS AMENDED BY P.L.93-2024,  
 23 SECTION 115, IS AMENDED TO READ AS FOLLOWS  
 24 [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 85. 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 86. IC 13-14-8-5, AS AMENDED BY P.L.133-2012,  
 12 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2026]: Sec. 5. (a) Any person may present written proposals  
 14 for the adoption, amendment, or repeal of a rule by the board. A  
 15 proposal presented under this section must be:

- 16 (1) supported by a statement of reasons; ~~and~~
- 17 (2) accompanied by a petition signed by at least two hundred
- 18 (200) persons **who reside in Indiana; and**
- 19 (3) **include suggested text for the rule.**

20 (b) If **a majority of the voting members of** the board finds that  
 21 the proposal

- 22 ~~(1) is not plainly devoid of merit; meritorious and authorized~~
- 23 ~~under this title, and~~
- 24 ~~(2) does not deal with a subject on which a hearing was held~~
- 25 ~~within the previous six (6) months of the submission of the~~
- 26 ~~proposal;~~

27 the board shall give notice and hold a hearing on the proposal.

28 SECTION 87. IC 13-14-8-6 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Each hearing on  
 30 a proposed rule must be open to the public, and a reasonable  
 31 opportunity to be heard with respect to the subject of a hearing shall be  
 32 afforded to any person. **The board may define reasonable**  
 33 **procedures to conduct an orderly hearing.**

34 (b) All testimony taken at a hearing shall be recorded. The  
 35 transcript of the hearing and any written submissions to the board at the  
 36 hearing shall be open to public inspection, and copies of the transcript  
 37 and written submissions shall be made available to any person upon  
 38 payment of the cost of reproducing the original.

- 39 (c) A person who:
- 40 (1) is heard or represented at a hearing; or
- 41 (2) requests notice;
- 42 shall be given written notice of the action of the board with respect to

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- 1 the subject of the hearing.
- 2 SECTION 88. IC 13-14-8-7, AS AMENDED BY P.L.250-2019,  
 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2026]: Sec. 7. (a) ~~Without limiting the generality of the~~  
 5 ~~regulatory authority of the board under this title,~~ The board may adopt  
 6 rules under IC 4-22-2 and IC 13-14-9 prescribing the following:
- 7 (1) Standards or requirements for discharge or emission  
 8 specifying the maximum permissible short term and long term  
 9 concentrations of various contaminants of the air, water, or land.
- 10 (2) Procedures for the administration of a system of permits for:
- 11 (A) the discharge of any contaminants;
- 12 (B) the construction, installation, or modification of any:
- 13 (i) facility;
- 14 (ii) equipment; or
- 15 (iii) device;
- 16 that may be designed to control or prevent pollution; or
- 17 (C) the operation of any:
- 18 (i) facility;
- 19 (ii) equipment; or
- 20 (iii) device;
- 21 to control or to prevent pollution.
- 22 (3) Standards and conditions for the use of any fuel or vehicle  
 23 determined to constitute an air pollution hazard.
- 24 (4) Standards for the filling or sealing of abandoned:
- 25 (A) water wells;
- 26 (B) water holes; and
- 27 (C) drainage holes;
- 28 to protect ground water against contamination.
- 29 (5) Alert criteria and abatement standards for pollution episodes  
 30 or emergencies constituting an acute danger to health or to the  
 31 environment, including priority lists for terminating activities  
 32 that contribute to the hazard, whether or not the activities would  
 33 meet all discharge requirements of the board under normal  
 34 conditions.
- 35 (6) Requirements and procedures for the inspection of any  
 36 equipment, facility, vehicle, vessel, or aircraft that may cause or  
 37 contribute to pollution.
- 38 (7) Requirements and standards for equipment and procedures  
 39 for:
- 40 (A) monitoring contaminant discharges at their sources;
- 41 (B) the collection of samples; and
- 42 (C) the collection, reporting, and retention, in accordance

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1 with record retention schedules adopted under IC 5-15-5.1,  
 2 of data resulting from that monitoring.  
 3 (8) Standards or requirements to control:  
 4 (A) the discharge; or  
 5 (B) the pretreatment;  
 6 of contaminants introduced or discharged into publicly owned  
 7 treatment works.

8 (9) Fees, in accordance with IC 13-16-1.  
 9 **(10) Any other matter authorized by this title.**

10 (b) If the board is required to adopt new rules or amend existing  
 11 rules to implement an amendment to the federal Resource Conservation  
 12 and Recovery Act or an amendment to or addition of a National  
 13 Emission Standard for Hazardous Air Pollutants under the federal  
 14 Clean Air Act, the board shall adopt the new rules or amend the  
 15 existing rules not more than nine (9) months after the date the federal  
 16 law becomes effective. This subsection does not limit the board's  
 17 authority to amend at any time the rules adopted under this subsection.

18 SECTION 89. IC 13-14-8-10 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. ~~A~~ The board may  
 20 adopt rules under IC 4-22-2 to specify the following with respect to any  
 21 of the board's rules:

- 22 (1) Criteria to define what constitutes an undue hardship or
- 23 burden, as used in section 8 of this chapter, for the purposes of
- 24 that rule.
- 25 (2) Procedures for making determinations on applications for
- 26 variances from that rule.

27 SECTION 90. IC 13-14-8-11, AS AMENDED BY P.L.128-2024,  
 28 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2026]: Sec. 11. (a) A person affected by a decision of the  
 30 commissioner under sections 8 and 9 of this chapter may, within fifteen  
 31 (15) days after receipt of notice of the decision, appeal the decision to  
 32 the office of administrative law proceedings. ~~All proceedings under this~~  
 33 ~~section to appeal the commissioner's decision are governed by~~  
 34 ~~IC 4-21-5.~~

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

37 SECTION 91. IC 13-14-8-11.5 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.5. (a) The  
 39 department shall prepare and publish in the Indiana Register guidance  
 40 on the application process and criteria for obtaining a site-specific  
 41 limitation for a National Pollutant Discharge Elimination System  
 42 (NPDES) permit. Criteria to be considered must include wet weather

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1 events, water effects ratio, and other site-specific considerations as  
2 determined by the department. Water effects ratio shall be the ratio of  
3 the aquatic toxicity of a parameter in the water of the receiving stream  
4 compared to the aquatic toxicity of the parameter in the laboratory  
5 water used to determine the standard.

6 (b) Beginning January 1, 1997, the department shall review any  
7 application and make a preliminary determination for a site-specific  
8 limitation not later than one hundred eighty (180) days after receipt of  
9 the application. The department may request additional information  
10 necessary to make the preliminary determination consistent with the  
11 guidance published under subsection (a). The one hundred eighty (180)  
12 day period does not include any days between the date the department  
13 requests additional information and the date the additional information  
14 is received by the department.

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

17 (d) If the agency does not issue a preliminary determination within  
18 the one hundred eighty (180) days provided for in subsection (b), the  
19 applicant may require that the department hire a qualified outside  
20 consultant to prepare the preliminary determination as expeditiously as  
21 possible.

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

24 SECTION 92. IC 13-14-9-0.1 IS REPEALED [EFFECTIVE JULY  
25 1, 2026]. ~~Sec. 0-1. The amendments made to sections 3 and 4 of this  
26 chapter by P.L.100-2006 apply only to proposed rules for which the  
27 department of environmental management provides notice under  
28 section 3 of this chapter, as amended by P.L.100-2006, after June 30,  
29 2006.~~

30 SECTION 93. IC 13-14-9-3, AS AMENDED BY P.L.249-2023,  
31 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2026]: Sec. 3. Before publication of the notice described in  
33 IC 4-22-2-23, the department may provide notice in the Indiana  
34 Register of a public comment period regarding potential rulemaking.  
35 A notice provided under this section must do the following:

- 36 (1) Identify the authority under which the proposed rule is to be  
37 adopted.
- 38 (2) Describe the subject matter and the basic purpose of the  
39 proposed rule. The description required by this subdivision must:
  - 40 (A) list all alternatives being considered by the department  
41 at the time of the notice;
  - 42 (B) state whether each alternative listed under clause (A)

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- 1 creates:
- 2 (i) a restriction or requirement more stringent **or**
- 3 **burdensome** than a restriction or requirement imposed
- 4 under federal law; or
- 5 (ii) a restriction or requirement in a subject area in
- 6 which federal law does not impose restrictions or
- 7 requirements;
- 8 (C) state the extent to which each alternative listed under
- 9 clause (A) differs from federal law;
- 10 (D) include any information known to the department about
- 11 the potential fiscal impact of each alternative under clause
- 12 (A) that creates:
- 13 (i) a restriction or requirement more stringent **or**
- 14 **burdensome** than a restriction or requirement imposed
- 15 under federal law; or
- 16 (ii) a restriction or requirement in a subject area in
- 17 which federal law does not impose restrictions or
- 18 requirements; and
- 19 (E) set forth the basis for each alternative listed under
- 20 clause (A).
- 21 (3) Describe the relevant statutory or regulatory requirements or
- 22 restrictions relating to the subject matter of the proposed rule
- 23 that exist before the adoption of the proposed rule.
- 24 (4) Request the submission of alternative ways to achieve the
- 25 purpose of the proposed rule.
- 26 (5) Request the submission of comments, including suggestions
- 27 of specific language for the proposed rule.
- 28 (6) Include a detailed statement of the issue to be addressed by
- 29 adoption of the proposed rule.
- 30 SECTION 94. IC 13-14-9-4, AS AMENDED BY P.L.93-2024,
- 31 SECTION 116, IS AMENDED TO READ AS FOLLOWS
- 32 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) In addition to the
- 33 requirements of IC 4-22-2-23 and (if applicable) IC 4-22-2-24, the
- 34 notice of public comment period submitted by the department to the
- 35 publisher must do the following:
- 36 (1) Contain a summary of the response of the department to
- 37 written comments submitted under section 3 of this chapter, if
- 38 applicable.
- 39 (2) Request the submission of comments, including suggestions
- 40 of specific amendments to the language contained in the
- 41 proposed rule.
- 42 (3) Identify each element of the proposed rule that imposes a

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

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- 1 department provides the notice.
- 2 (c) Subsection (b) does not prohibit or restrict the commissioner,  
3 the department, or the board from:
- 4 (1) adopting provisional rules under IC 4-22-2-37.1;  
5 (2) taking emergency action under IC 13-14-10; or  
6 (3) temporarily:
- 7 (A) altering ordinary operating policies or procedures; or  
8 (B) implementing new policies or procedures;  
9 in response to an emergency situation.
- 10 SECTION 95. IC 13-14-12-4, AS AMENDED BY P.L.9-2024,  
11 SECTION 341, IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) **Upon request by:**
- 13 **(1) the commissioner;**  
14 **(2) the standing committees of the house of representatives**  
15 **or the senate concerned with the environment; or**  
16 **(3) the board;**
- 17 the state comptroller shall issue a report on the fund not later than ten  
18 (10) ~~working business~~ days following the last day of each ~~four~~ (4)  
19 ~~month period~~: **after receiving the request.**
- 20 (b) The report must:
- 21 (1) include the beginning and ending balance, disbursements,  
22 and receipts, including accrued interest or other investment  
23 earnings of the fund;  
24 (2) comply with accounting standards under IC 4-13-2-7(a)(1);  
25 and  
26 (3) be available to the public.
- 27 ~~(c) The state comptroller shall forward copies of the report to the~~  
28 ~~following:~~
- 29 ~~(1) The commissioner.~~  
30 ~~(2) The standing committees of the house of representatives and~~  
31 ~~the senate concerned with the environment.~~  
32 ~~(3) The board.~~
- 33 SECTION 96. IC 13-15-1-1, AS AMENDED BY P.L.133-2012,  
34 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2026]: Sec. 1. The board shall establish requirements for the  
36 issuance of permits to control air pollution, ~~noise, and atomic radiation,~~  
37 including the following:
- 38 (1) Permits to control or limit the emission of any contaminants  
39 into the atmosphere.  
40 (2) Permits for the construction, installation, or modification of  
41 facilities, equipment, or devices to control or limit any discharge,  
42 emission, or disposal of contaminants into the air.

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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 environment.

4 SECTION 97. IC 13-15-1-2, AS AMENDED BY P.L.133-2012,  
5 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2026]: Sec. 2. The board shall establish requirements for the  
7 issuance of permits to control water pollution, ~~and atomic radiation,~~  
8 including the following:

9 (1) Permits to control or limit the discharge of any contaminants  
10 into state waters or into a publicly owned treatment works.

11 (2) Permits for the construction, installation, or modification of  
12 facilities, equipment, or devices to control or limit any discharge,  
13 emission, or disposal of contaminants into the waters of Indiana  
14 or into a publicly owned treatment works.

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

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

23 SECTION 98. IC 13-15-1-3, AS AMENDED BY P.L.100-2021,  
24 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2026]: Sec. 3. The board shall establish requirements for the  
26 issuance of permits to control solid waste ~~and hazardous waste, and~~  
27 ~~atomic radiation,~~ including the following:

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

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

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

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

36 (3) Permits for the operation of facilities, equipment, or devices:  
37 (A) to control or limit the discharge, emission, transfer, or  
38 disposal of any contaminants into the land; or

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

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

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1 SECTION 99. IC 13-15-1-3.2, AS ADDED BY P.L.120-2022,  
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2026]: Sec. 3.2. (a) A transfer station or any facility that holds  
 4 a valid permit or authorization to haul, treat, store, dispose of, or ship  
 5 hazardous waste may haul, transfer, consolidate, process, ship, or  
 6 otherwise manage solid waste without also holding a permit to haul,  
 7 transfer, process, or ship solid waste.

8 (b) A hazardous waste treatment, storage, or disposal facility that  
 9 holds a valid permit to haul, treat, store, dispose of, or ship hazardous  
 10 waste may haul, transfer, treat, store, dispose of, process, or ship solid  
 11 waste without also holding a permit to haul, transfer, treat, store,  
 12 dispose of, process, or ship solid waste.

13 (c) Solid waste that is managed:

14 (1) at a transfer station; or

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

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

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

20 (1) at a transfer station; or

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

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

26 ~~(e) The board shall amend 329 IAC 11 to conform to this section.~~

27 SECTION 100. IC 13-15-3-2 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A permit issued  
 29 under:

30 (1) this article; ~~(except IC 13-15-9);~~

31 (2) IC 13-17-11;

32 (3) IC 13-18-18; or

33 (4) IC 13-20-1;

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

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

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

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1 SECTION 101. IC 13-15-3-3 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A public hearing  
 3 shall be held on the question of:

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

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

8 as provided in subsection (b).

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

10 (1) the request of the applicant;

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

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

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

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

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

20 SECTION 102. IC 13-15-3-4 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. If the petition under  
 22 section 3(b)(2) of this chapter requests that the public hearing be  
 23 conducted at a location within a county affected by a proposed permit,  
 24 the department shall **attempt to** conduct the public hearing at that  
 25 location.

26 SECTION 103. IC 13-15-4-1, AS AMENDED BY P.L.113-2014,  
 27 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2026]: Sec. 1. (a) Except as provided in sections 2, 3, and 6  
 29 of this chapter, the commissioner shall approve or deny an application  
 30 filed with the department after July 1, 1995, within the following  
 31 number of days:

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

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

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

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

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

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

39 (F) A new Part B permit issued under 40 CFR 270 et seq.  
 40 for an existing hazardous waste treatment or storage facility.

41 (G) A Class 3 modification under 40 CFR 270.42 to a  
 42 hazardous waste landfill.

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

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- 1 (8) Sixty (60) days for an application concerning the following:  
 2 (A) A Class 1 modification under 40 CFR 270.42 requiring  
 3 prior written approval, to a hazardous waste:  
 4 (i) landfill;  
 5 (ii) incinerator;  
 6 (iii) treatment facility; or  
 7 (iv) storage facility.  
 8 (B) Any other permit not specifically described in this  
 9 section for which the application fee exceeds forty-nine  
 10 dollars (\$49) and for which a time frame has not been  
 11 established under section 3 of this chapter.  
 12 (b) When a person holding a valid permit concerning an activity  
 13 of a continuing nature has made a timely and sufficient application for  
 14 a renewal permit, ~~under the rules of one (1) of the boards~~, the  
 15 commissioner shall approve or deny the application on or before the  
 16 expiration date stated in the permit for which renewal is sought.  
 17 SECTION 104. IC 13-15-4-2, AS AMENDED BY P.L.1-2007,  
 18 SECTION 127, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section does not apply  
 20 to permit applications described in section 1(a)(1) or 1(a)(2) of this  
 21 chapter.  
 22 (b) **Unless otherwise specified in applicable rules or laws**, if the  
 23 department determines that a public hearing should be held under:  
 24 (1) IC 13-15-3-3; or  
 25 (2) any other applicable rule or law;  
 26 the commissioner has thirty (30) days in addition to the number of days  
 27 provided for in section 1 of this chapter in which to approve or deny the  
 28 application.  
 29 SECTION 105. IC 13-15-4-3, AS AMENDED BY P.L.93-2024,  
 30 SECTION 117, IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~The~~ board may adopt a rule  
 32 under IC 4-22-2 that changes a period described under section 1 of this  
 33 chapter within which the commissioner must approve or deny an  
 34 application:  
 35 (1) if:  
 36 (A) the general assembly enacts a statute;  
 37 (B) ~~a~~ the board adopts a rule; or  
 38 (C) the federal government enacts a statute or adopts a  
 39 regulation;  
 40 that imposes a new requirement concerning a class of  
 41 applications that makes it infeasible for the commissioner to  
 42 approve or deny the application within the period;

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1 (2) if:  
 2 (A) the general assembly enacts a statute;  
 3 (B) ~~a~~ **the** board adopts a rule; or  
 4 (C) the federal government enacts a statute or adopts a  
 5 regulation;  
 6 that establishes a new permit program for which a period is not  
 7 described under section 1 of this chapter; or  
 8 (3) if some other significant factor concerning a class of  
 9 applications makes it infeasible for the commissioner to approve  
 10 or deny the application within the period.  
 11 (b) If ~~a~~ **the** board adopts a rule described in subsection (a) as a  
 12 provisional rule under IC 4-22-2-37.1 or as an interim rule under  
 13 IC 4-22-2-37.2, the board shall  
 14 ~~(1) include the variance procedures in the rule. and~~  
 15 ~~(2) review the permits or licenses granted during the period the~~  
 16 ~~rule is in effect after the rule expires.~~  
 17 If ~~a~~ **the** board adopts a provisional rule or an interim rule under this  
 18 subsection, the period described in section 1 of this chapter is  
 19 suspended during the rulemaking process.  
 20 SECTION 106. IC 13-15-4-4 IS REPEALED [EFFECTIVE JULY  
 21 1, 2026]. ~~Sec. 4: An application for a permit renewal that includes a~~  
 22 ~~modification shall be reviewed within the period applicable to the~~  
 23 ~~modification.~~  
 24 SECTION 107. IC 13-15-4-5 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Sections 1 through  
 26 ~~4 3~~ and ~~section~~ 6 of this chapter do not alter the procedures and time  
 27 frames set forth in the hazardous waste permit modification rules  
 28 adopted by the department, except to the extent that sections 1 through  
 29 ~~4 3~~ and 6 of this chapter establish specific calendar day time frames  
 30 where no time frame exists under the rules.  
 31 SECTION 108. IC 13-15-4-6, AS AMENDED BY P.L.133-2012,  
 32 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Notwithstanding the periods  
 34 specified in sections 1 through ~~4 3~~ of this chapter and this section, a  
 35 person proposing to construct, modify, or operate any equipment,  
 36 facility, or pollution control device that is demonstrated to achieve  
 37 pollution control or pollution prevention in excess of applicable  
 38 federal, state, or local requirements may apply to the commissioner for  
 39 an interim permit to construct, modify, or operate the equipment,  
 40 facility, or pollution control device.  
 41 (b) The commissioner shall approve or deny the interim permit not  
 42 later than sixty (60) days after receipt of the application for an interim

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1 permit, unless the applicant and the commissioner agree that a longer  
2 review period is necessary.

- 3 (c) This section does not relieve a person from complying with:
- 4 (1) the permit requirements provided under this title; and
- 5 (2) rules adopted under this title;

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

8 SECTION 109. IC 13-15-4-10, AS AMENDED BY P.L.27-2024,  
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2026]: Sec. 10. The commissioner may suspend the  
11 processing of an application, and the period described under sections  
12 1 through 6 of this chapter is suspended, if one (1) of the following  
13 occurs:

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

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

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

- 42 (2) The commissioner receives a written request from an

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1 applicant to:  
 2 (A) withdraw; or  
 3 (B) defer processing of;  
 4 the application for the purposes of resolving an issue related to  
 5 a permit or to provide additional information concerning the  
 6 application.  
 7 (3) The department is required by federal law or by an agreement  
 8 with the United States Environmental Protection Agency for a  
 9 federal permit program to transmit a copy of the proposed permit  
 10 to the administrator of the United States Environmental  
 11 Protection Agency for review and possible objections before the  
 12 permit may be issued. The period described under sections 1  
 13 through 6 of this chapter shall be suspended from the time the  
 14 department submits the proposed permit to the administrator for  
 15 review until:  
 16 (A) the department receives the administrator's concurrence  
 17 or objection to the issuance of the proposed permit; or  
 18 (B) the period established in federal law by which the  
 19 administrator is required to make objections expires without  
 20 the administrator having filed an objection.  
 21 (4) A board initiates ~~emergency~~ **provisional or interim**  
 22 **rulemaking** under section 3(b) of this chapter to revise the period  
 23 described under sections 1 through 6 of this chapter.  
 24 SECTION 110. IC 13-15-4-11 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) If an applicant  
 26 is operating pursuant to a continuation of an existing permit pending  
 27 determination of an application for a new or renewed permit under  
 28 IC 13-15-3-6, the applicant may proceed under this section after  
 29 notifying the commissioner in writing of its intent to do so.  
 30 (b) If the commissioner does not issue or deny a permit within the  
 31 time specified under sections 1 through 6 of this chapter, the applicant  
 32 may proceed under this section. After reaching an agreement with the  
 33 commissioner or after consulting with the commissioner for thirty (30)  
 34 days and failing to reach an agreement, the applicant may choose to  
 35 proceed under ~~one~~ **(†) either** of the following alternatives:  
 36 (1) The:  
 37 (A) applicant may, except as provided in section 12.1 of this  
 38 chapter, request and receive a refund of a permit application  
 39 fee paid by the applicant; and  
 40 (B) commissioner shall do the following:  
 41 (i) Continue to review the application.  
 42 (ii) Approve or deny the application as soon as

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- 1                   practicable.
- 2                   (ii) Except as provided in section 12.1 of this chapter,
- 3                   refund the applicant's application fee not later than
- 4                   twenty-five (25) ~~working business~~ days after the
- 5                   receipt of the applicant's request.
- 6           (2) ~~The:~~
- 7               (A) applicant may:
- 8                   (i) ~~except as provided in section 12.1 of this chapter,~~
- 9                   ~~request and receive a refund of a permit application fee~~
- 10                  ~~paid by the applicant; and~~
- 11                  (ii) ~~submit to the department a draft permit and any~~
- 12                  ~~required supporting technical justification for the~~
- 13                  ~~permit; and~~
- 14               (B) commissioner shall do the following:
- 15                   (i) Review the draft permit.
- 16                   (ii) ~~Approve, with or without revision, or deny the draft~~
- 17                   ~~permit in accordance with section 16 of this chapter.~~
- 18                   (iii) ~~Except as provided in section 12.1 of this chapter,~~
- 19                   ~~refund the applicant's application fee not later than~~
- 20                   ~~twenty-five (25) working days after the receipt of the~~
- 21                   ~~applicant's request.~~
- 22           (3) (2) The:
- 23               (A) applicant may hire an outside consultant to prepare a
- 24               draft permit and any required supporting technical
- 25               justification for the permit; and
- 26               (B) commissioner shall:
- 27                   (i) review the draft permit; and
- 28                   (ii) approve, with or without revision, or deny the draft
- 29                   permit in accordance with section 16 of this chapter.
- 30           SECTION 111. IC 13-15-4-15 IS AMENDED TO READ AS
- 31           FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant
- 32           chooses to proceed under section ~~11(b)(3)~~ **11(b)(2)** of this chapter, the
- 33           department and the applicant shall jointly:
- 34               (1) select a consultant that has the appropriate background to
- 35               review the applicant's application; and
- 36               (2) authorize the consultant to begin work;
- 37           not later than fifteen (15) ~~working business~~ days after the department
- 38           receives notice that the applicant has chosen to proceed under section
- 39           ~~11(b)(3)~~ **11(b)(2)** of this chapter.
- 40           (b) The commissioner may:
- 41               (1) consult with the applicant regarding the advisability of
- 42               proceeding under this section; and

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- 1 (2) document the communications.
- 2 SECTION 112. IC 13-15-4-16 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If an applicant
- 4 chooses to proceed under section 11(b)(2) ~~or 11(b)(3)~~ of this chapter,
- 5 the applicant or a consultant shall prepare and submit to the
- 6 commissioner the draft permit and any required supporting technical
- 7 justification for the permit not later than thirty-five (35) ~~working~~
- 8 **business** days after
- 9 (1) ~~the applicant has notified the commissioner that the applicant~~
- 10 ~~has chosen to proceed under section 11(b)(2) of this chapter; or~~
- 11 (2) the department and the applicant have authorized a
- 12 consultant to begin work under section ~~11(b)(3)~~ **11(b)(2)** of this
- 13 chapter.
- 14 (b) Subject to subsection (c), the commissioner shall:
- 15 (1) approve, with or without revision; or
- 16 (2) deny;
- 17 the draft permit not later than twenty-five (25) ~~working~~ **business** days
- 18 after receiving the draft permit.
- 19 (c) If notice of opportunity for public comment or public hearing
- 20 is required under applicable law before a permit decision can be issued,
- 21 the commissioner shall comply with all public participation
- 22 requirements and:
- 23 (1) approve, with or without revision; or
- 24 (2) deny;
- 25 the draft permit not later than fifty-five (55) ~~working~~ **business** days
- 26 after receipt of the draft permit.
- 27 (d) If the commissioner denies the draft permit, the commissioner
- 28 shall specify the reasons for the denial.
- 29 (e) If an applicant has elected to have a draft permit prepared
- 30 under section ~~11(b)(3)~~ **11(b)(2)** of this chapter and:
- 31 (1) the consultant fails to submit a draft permit and supporting
- 32 technical justification to the commissioner; or
- 33 (2) the commissioner fails to approve or deny the draft permit;
- 34 within the applicable time specified under subsection (a), (b), or (c),
- 35 the department shall refund the applicant's permit application fee not
- 36 later than twenty-five (25) ~~working~~ **business** days after expiration of
- 37 the applicable period.
- 38 (f) The commissioner and the applicant may mutually agree to
- 39 extend the deadlines in this section.
- 40 SECTION 113. IC 13-15-5-1.5, AS ADDED BY P.L.66-2024,
- 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2026]: Sec. 1.5. Not later than ten (10) days after the last day

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1 of a public comment period under this article or applicable rules of the  
 2 board, the commissioner may decide, based on information received  
 3 during the public comment period, to hold a public hearing ~~or meeting~~  
 4 before the issuance or denial of a permit. If the commissioner decides  
 5 to hold a public hearing ~~or meeting~~ under this section, the department  
 6 shall:

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

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

12 SECTION 114. IC 13-15-6-1, AS AMENDED BY P.L.128-2024,  
 13 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2026]: Sec. 1. (a) Not later than fifteen (15) days after being  
 15 served the notice provided by the commissioner under IC 13-15-5-3:

16 (1) the permit applicant; or

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

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

28 SECTION 115. IC 13-15-7-3, AS AMENDED BY P.L.128-2024,  
 29 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2026]: Sec. 3. A person aggrieved by the revocation or  
 31 modification of a permit may appeal the revocation or modification to  
 32 the office of administrative law proceedings for an administrative  
 33 review under IC 4-21.5-3. Pending the decision resulting from the  
 34 hearing under IC 4-21.5-3 concerning the permit revocation, ~~or~~  
 35 ~~modification~~, the permit remains in force. However, the commissioner  
 36 may seek injunctive relief with regard to the activity described in the  
 37 permit while the decision resulting from the hearing is pending.

38 SECTION 116. IC 13-15-9-1 IS REPEALED [EFFECTIVE JULY  
 39 1, 2026]. ~~Sec. 1: A person may not:~~

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

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

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1 without a permit from the department.

2 SECTION 117. IC 13-15-9-2 IS REPEALED [EFFECTIVE JULY  
3 1, 2026]. Sec. 2: (a) The board may adopt rules under IC 4-22-2 and  
4 IC 13-14-9 establishing:

5 (1) conditions for the issuance of a permit under this chapter;  
6 and

7 (2) requirements for the operation of nuclear facilities.

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

9 (1) air pollution from nuclear facilities;

10 (2) water pollution from nuclear facilities; or

11 (3) other environmental problems associated with nuclear  
12 facilities.

13 SECTION 118. IC 13-15-9-3, AS AMENDED BY P.L.133-2012,  
14 SECTION 105, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2026]: Sec. 3. A person proposing to construct:

16 (1) a nuclear powered generating facility; or

17 (2) a nuclear fuel reprocessing plant;

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

23 SECTION 119. IC 13-15-9-4 IS REPEALED [EFFECTIVE JULY  
24 1, 2026]. Sec. 4: (a) The commissioner, on behalf of the board, may  
25 conduct a public hearing at a time and place to be determined by the  
26 department on the environmental effects of the proposed operation.

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

29 SECTION 120. IC 13-15-9-5 IS REPEALED [EFFECTIVE JULY  
30 1, 2026]. Sec. 5: (a) The board shall adopt rules and standards under  
31 section 2 of this chapter to protect the citizens of Indiana from the  
32 hazards of radiation.

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

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

37 (1) appropriate procedures of monitoring any discharge; and

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

39 SECTION 121. IC 13-17-3-1 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall  
41 provide assistance on air pollution matters to towns, cities, and  
42 counties. **The commissioner shall make the commissioner's best**



1 **efforts to assist and cooperate with other groups interested in and**  
 2 **affected by air pollution.**

3 SECTION 122. IC 13-17-3-4, AS AMENDED BY P.L.181-2018,  
 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2026]: Sec. 4. (a) The board shall adopt rules under IC 4-22-2  
 6 and IC 13-14-9 that are:

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

9 (2) necessary to the implementation of the federal Clean Air Act  
 10 (42 U.S.C. 7401 et seq.), as amended. ~~by the Clean Air Act~~  
 11 ~~Amendments of 1990 (P.L.101-549).~~

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

18 (1) environmental significance of;

19 (2) federal requirements for federally delegated or approved  
 20 programs concerning; and

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

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

30 (1) emissions; and

31 (2) impacts.

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

35 SECTION 123. IC 13-17-3-8 IS REPEALED [EFFECTIVE JULY  
 36 1, 2026]. ~~Sec. 8: The board shall carry out other duties imposed by law.~~

37 SECTION 124. IC 13-17-3-9 IS REPEALED [EFFECTIVE JULY  
 38 1, 2026]. ~~Sec. 9: (a) The commissioner shall assist and cooperate with~~  
 39 ~~other groups interested in and affected by air pollution.~~

40 (b) ~~The commissioner may do the following:~~

41 (1) ~~Advise, consult, and cooperate with:~~

42 (A) ~~other state agencies;~~

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- 1 (B) towns, cities, and counties;  
 2 (C) industries;  
 3 (D) other states;  
 4 (E) the federal government; and  
 5 (F) affected groups;  
 6 in the prevention and control of new and existing air  
 7 contamination sources within Indiana.  
 8 (2) Encourage and conduct studies, investigations, and research  
 9 relating to the following:  
 10 (A) Air pollution.  
 11 (B) The causes, effects, prevention, control, and abatement  
 12 of air pollution.  
 13 (3) Collect and disseminate information relating to the  
 14 following:  
 15 (A) Air pollution.  
 16 (B) The prevention and control of air pollution.  
 17 (4) Encourage voluntary cooperation by persons, towns, cities,  
 18 and counties or other affected groups in restoring and preserving  
 19 a reasonable degree of purity of air within Indiana.  
 20 (5) Encourage authorized air pollution agencies of towns, cities,  
 21 and counties to handle air pollution problems within their  
 22 respective jurisdictions to the greatest extent possible.  
 23 (6) Upon request, provide technical assistance to towns, cities,  
 24 or counties requesting technical assistance for the furtherance of  
 25 air pollution control.  
 26 (7) Represent the state in all matters pertaining to plans,  
 27 procedures, or negotiations for interstate compacts in relation to  
 28 the control of air pollution.  
 29 (8) Accept and administer grants or other money or gifts for the  
 30 purpose of carrying out any of the functions of air pollution  
 31 control laws.  
 32 SECTION 125. IC 13-17-5-9, AS AMENDED BY P.L.104-2022,  
 33 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2026]: Sec. 9. (a) After December 31, 2006, The board may  
 35 not adopt a rule under air pollution control laws that requires motor  
 36 vehicles to undergo a periodic test of emission characteristics in the  
 37 following counties:  
 38 (1) A county having a population of more than eighty thousand  
 39 four hundred (80,400) and less than eighty-two thousand  
 40 (82,000).  
 41 (2) A county having a population of more than one hundred  
 42 twenty thousand (120,000) and less than one hundred thirty

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- 1           thousand (130,000):
- 2           (b) After December 31, 2006, 326 IAC 13-1.1 is void to the extent
- 3 it applies to a county referred to in subsection (a):
- 4           (c) Unless the budget agency approves a periodic vehicle
- 5 inspection program for a county referred to in subsection (a), the board
- 6 shall amend 326 IAC 13-1.1 so that it does not apply after December
- 7 31, 2006, to a county referred to in subsection (a):
- 8           (d) The budget agency, after review by the budget committee, may
- 9 approve in writing the implementation of a periodic vehicle inspection
- 10 program for one (1) or more counties described in subsection (a) only
- 11 if the budget agency determines that the implementation of a periodic
- 12 vehicle inspection program in the designated counties is necessary to
- 13 avoid a loss of federal highway funding for the state or a political
- 14 subdivision. The approval must specify the counties to which the
- 15 periodic vehicle inspection program applies and the time during which
- 16 the periodic vehicle inspection program must be conducted in each
- 17 designated county. The budget agency, after review by the budget
- 18 committee, shall withdraw an approval given under this subsection for
- 19 a periodic vehicle inspection program in a county if the budget agency
- 20 determines that the suspension of the periodic vehicle inspection
- 21 program will not adversely affect federal highway funding for the state
- 22 or a political subdivision. **counties:**
- 23           **(1) in attainment of the national ambient air quality**
- 24 **standards; or**
- 25           **(2) classified below moderate nonattainment for ozone**
- 26 **national ambient air quality standards.**
- 27           SECTION 126. IC 13-17-5-10, AS ADDED BY P.L.187-2025,
- 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2026]: Sec. 10. Not later than December 31, 2025, the
- 30 department shall do the following:
- 31           (1) Perform a comprehensive evaluation of ambient air quality
- 32 within any nonattainment areas in Indiana.
- 33           (2) Identify air pollution reduction or regulatory relief strategies
- 34 that can do the following with respect to the federal Clean Air
- 35 Act (42 U.S.C. 7401 et seq.), as amended: ~~by the federal Clean~~
- 36 ~~Air Act Amendments of 1990 (P.L.101-549):~~
- 37           (A) Ensure that affected areas within Indiana are no longer
- 38 designated as nonattainment.
- 39           (B) Result in the eventual phase out of the inspection and
- 40 maintenance program for light duty vehicles.
- 41           (C) Meet emissions goals.
- 42           (D) Appropriately address air pollution contributions to

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1 nonattainment areas in Indiana from sources that cannot be  
 2 addressed by state or local controls, including contributions  
 3 from international, natural or background, interstate,  
 4 mobile, and stationary sources as well as exceptional events  
 5 that are unlikely to recur.

6 (E) Result in the withdrawal of Lake County and Porter  
 7 County from the Metropolitan Chicago Interstate Air  
 8 Quality Control Region.

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

11 SECTION 127. IC 13-17-6-10, AS AMENDED BY P.L.128-2024,  
 12 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2026]: Sec. 10. (a) If the commissioner finds that an asbestos  
 14 project is not being performed in accordance with air pollution control  
 15 laws or rules adopted under air pollution control laws, the  
 16 commissioner may enjoin further work on the asbestos project without  
 17 prior notice or hearing by delivering a notice to:

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

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

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

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

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

34 SECTION 128. IC 13-17-6-11 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The  
 36 commissioner may ~~under IC 4-21.5~~ reprimand an asbestos contractor  
 37 or asbestos worker or suspend or revoke the license of an asbestos  
 38 contractor or the accreditation of an asbestos worker for the following  
 39 reasons:

- 40 (1) Fraudulently or deceptively obtaining or attempting to obtain
- 41 a license or accreditation under this chapter.
- 42 (2) Failing to meet the qualifications for a license or

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1 accreditation or failing to comply with the requirements of air  
2 pollution control laws or rules adopted under air pollution  
3 control laws.

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

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

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

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

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

14 SECTION 129. IC 13-17-7 IS REPEALED [EFFECTIVE JULY  
15 1, 2026]. (Clean Air Act Permit Compliance Program).

16 SECTION 130. IC 13-17-10-1 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not  
18 incinerate PCB in an incinerator unless the person

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

21 (2) ~~has received the recommendation of the local plan  
22 commission that has jurisdiction over the area in which the  
23 incinerator is located and the county executive of the county in  
24 which the incinerator is located has approved the incineration of  
25 the PCB or; if an appropriate local plan commission does not  
26 exist, the county executive of the county in which the incinerator  
27 is located has approved the incineration of the PCB.~~

28 SECTION 131. IC 13-17-10-2 IS REPEALED [EFFECTIVE  
29 JULY 1, 2026]. Sec. 2: The commissioner may not:

30 (1) issue; or

31 (2) consider an application for;

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

34 SECTION 132. IC 13-17-10-3 IS REPEALED [EFFECTIVE  
35 JULY 1, 2026]. Sec. 3: The department, in cooperation with the United  
36 States Environmental Protection Agency, an applicant for a permit  
37 issued under this chapter, and a city or town in which an incinerator  
38 described under section 1 of this chapter is or will be located, shall  
39 conduct a study of alternative PCB technologies. The study must  
40 include an assessment of the efficacy and the technical and economic  
41 feasibility of the following:

42 (1) Alternative technologies such as the following:

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- 1 (A) The application of lime to break down PCB.
- 2 (B) The low temperature thermal disorption process.
- 3 (C) Disorption and vaporization extraction.
- 4 (D) Plasma torch technology.
- 5 (E) Bacterial remediation.
- 6 (2) Other technologies identified by the commissioner as having
- 7 possible value in the treatment or disposal of PCB in Indiana.
- 8 SECTION 133. IC 13-17-10-4 IS REPEALED [EFFECTIVE
- 9 JULY 1, 2026]. Sec. 4. (a) The study required by section 3 of this
- 10 chapter must be concluded before January 1, 1996.
- 11 (b) At the conclusion of the study the commissioner shall prepare
- 12 a report setting forth the results of the study. The commissioner shall:
- 13 (1) present the report to:
- 14 (A) the governor; and
- 15 (B) the general assembly; and
- 16 (2) make copies of the report available to the public.
- 17 SECTION 134. IC 13-17-12-4 IS REPEALED [EFFECTIVE
- 18 JULY 1, 2026]. Sec. 4. An air pollution control agency shall submit
- 19 annual reports as requested by the department.
- 20 SECTION 135. IC 13-17-15-6 IS REPEALED [EFFECTIVE
- 21 JULY 1, 2026]. Sec. 6. A unit described in section 4 of this chapter is
- 22 not required to have a separate approval under IC 13-17-7 if the unit:
- 23 (1) is being operated under a valid existing operating permit
- 24 issued under IC 13-17-7; and
- 25 (2) is in compliance with the applicable federal requirements
- 26 listed in section 4 of this chapter;
- 27 when it is used to dispose of and destroy drugs under this chapter.
- 28 SECTION 136. IC 13-18-2-3, 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. 3. (a) The department shall prepare a list of
- 32 impaired waters for the purpose of complying with federal regulations
- 33 implementing Section 303(d) of the federal Clean Water Act (33
- 34 U.S.C. 1313(d)). In determining whether a water body is impaired, the
- 35 department shall consider all existing and readily available water
- 36 quality data and related information. The department, before submitting
- 37 the list to the United States Environmental Protection Agency, shall:
- 38 (1) post the list to the department's ~~Internet web site;~~ **website;**
- 39 (2) publish in the Indiana Register a link to the list posted to the
- 40 department's ~~Internet web site;~~ **website;**
- 41 (3) make the list available for public comment for at least
- 42 forty-five (45) days; and

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- 1 (4) provide information about the list to the board.
- 2 (b) The board shall adopt a rule that:
- 3 (1) establishes the methodology to be used in identifying waters
- 4 as impaired; and
- 5 (2) specifies the methodology and criteria for including and
- 6 removing waters from the list of impaired waters.
- 7 (c) In the establishment of the total maximum daily load for a
- 8 surface water under Section 303(d)(1)(C) of the federal Clean Water
- 9 Act (33 U.S.C. 1313(d)(1)(C)), the department shall, in identifying the
- 10 surface water under Section 303(d)(1)(A) of the federal Clean Water
- 11 Act (33 U.S.C. 1313(d)(1)(A)), make every reasonable effort to identify
- 12 the pollutant or pollutants under consideration for the establishment of
- 13 the total maximum daily load.
- 14 (d) The department shall comply with subsection (e) if either of
- 15 the following applies:
- 16 (1) The department:
- 17 (A) is unable, in identifying the surface water as described
- 18 in subsection (c), to identify the pollutant or pollutants
- 19 under consideration for the establishment of the total
- 20 maximum daily load; and
- 21 (B) determines, after identifying the surface water as
- 22 described in subsection (c), that one (1) or more pollutants
- 23 should be under consideration for establishment of the total
- 24 maximum daily load.
- 25 (2) The department:
- 26 (A) in identifying the surface water as described in
- 27 subsection (c), identifies the pollutant or pollutants under
- 28 consideration for the establishment of the total maximum
- 29 daily load; and
- 30 (B) determines, after identifying the pollutant or pollutants
- 31 as described in clause (A), that one (1) or more other
- 32 pollutants should be under consideration for establishment
- 33 of the total maximum daily load.
- 34 (e) The department complies with subsection (d) if the department
- 35 does the following before making a pollutant or pollutants the subject
- 36 of consideration for the establishment of the total maximum daily load:
- 37 (1) Determines and demonstrates that either or both of the
- 38 following apply:
- 39 (A) The surface water does not attain water quality
- 40 standards (as established in ~~327 IAC 2-1 and 327~~
- 41 ~~IAC 2-1.5) by rule) due to an individual pollutant, multiple~~
- 42 pollutants, pollution, or an unknown cause of impairment.

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- 1 (B) The surface water:
- 2 (i) receives a thermal discharge from one (1) or more
- 3 point sources; and
- 4 (ii) does not have or maintain a balanced indigenous
- 5 population of shellfish, fish, and wildlife.
- 6 (2) Posts on the department's ~~Internet web site~~ **website** the
- 7 determination referred to in subdivision (1).
- 8 (3) Makes the determination referred to in subdivision (1)
- 9 available for public comment for at least forty-five (45) days.
- 10 (4) Presents the determination referred to in subdivision (1) to
- 11 the commissioner for final approval after the comment period
- 12 under subdivision (3).

13 SECTION 137. IC 13-18-3-1, AS AMENDED BY P.L.133-2012,  
 14 SECTION 125, IS AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall adopt rules for  
 16 the control and prevention of pollution in waters of Indiana. ~~with any~~  
 17 ~~substance:~~

- 18 ~~(1) that is deleterious to:~~
- 19 ~~(A) the public health; or~~
- 20 ~~(B) the prosecution of any industry or lawful occupation; or~~
- 21 ~~(2) by which:~~
- 22 ~~(A) any fish life or any beneficial animal or vegetable life~~
- 23 ~~may be destroyed; or~~
- 24 ~~(B) the growth or propagation of fish life or beneficial~~
- 25 ~~animal or vegetable life is prevented or injuriously affected:~~

26 SECTION 138. IC 13-18-3-2, AS AMENDED BY P.L.112-2016,  
 27 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2026]: Sec. 2. (a) The board may adopt rules under IC 4-22-2  
 29 that are necessary to the implementation of:

- 30 (1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et
- 31 seq.), as in effect January 1, 1988; and
- 32 (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through
- 33 300j), as in effect January 1, 1988;
- 34 except as provided in IC 14-37.
- 35 (b) "Degradation" has the meaning set forth in IC 13-11-2-50.5.
- 36 (c) "Outstanding national resource water" has the meaning set
- 37 forth in IC 13-11-2-149.5.
- 38 (d) "Outstanding state resource water" has the meaning set forth
- 39 in IC 13-11-2-149.6.
- 40 (e) "Watershed" has the meaning set forth in IC 14-8-2-310.
- 41 (f) The board may designate a water body as an outstanding state
- 42 resource water by rule if the board determines that the water body has

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- 1 a unique or special ecological, recreational, or aesthetic significance.
- 2 (g) Before the board may adopt a rule designating a water body as
- 3 an outstanding state resource water, the board must consider the
- 4 following:
- 5 (1) Economic impact analyses, presented by any interested party,
- 6 taking into account future population and economic development
- 7 growth.
- 8 (2) The biological criteria scores for the water body, using
- 9 factors that consider fish communities, macro invertebrate
- 10 communities, and chemical quality criteria using representative
- 11 biological data from the water body under consideration.
- 12 (3) The level of current urban and agricultural development in
- 13 the watershed.
- 14 (4) Whether the designation of the water body as an outstanding
- 15 state resource water will have a significant adverse effect on
- 16 future population, development, and economic growth in the
- 17 watershed, if the water body is in a watershed that has more than
- 18 three percent (3%) of its land in urban land uses or serves a
- 19 municipality with a population greater than five thousand
- 20 (5,000).
- 21 (5) Whether the designation of the water body as an outstanding
- 22 state resource water is necessary to protect the unique or special
- 23 ecological, recreational, or aesthetic significance of the water
- 24 body.
- 25 (h) Before the board may adopt a rule designating a water body as
- 26 an outstanding state resource water, the board must make available to
- 27 the public a written summary of the information considered by the
- 28 board under subsections (f) and (g), including the board's conclusions
- 29 concerning that information.
- 30 (i) **Upon request by the house of representatives or senate**
- 31 **committees on environmental affairs**, the commissioner shall present
- 32 a summary of the comments received from the comment period and
- 33 information that supports a water body designation as an outstanding
- 34 state resource water to the interim study committee on environmental
- 35 affairs established by IC 2-5-1.3-4 in an electronic format under
- 36 IC 5-14-6. ~~not later than one hundred twenty (120) days after the rule~~
- 37 ~~regarding the designation is finally adopted by the board.~~
- 38 (j) Notwithstanding any other provision of this section, the
- 39 designation of an outstanding state resource water in effect on January
- 40 1, 2000, remains in effect.
- 41 (k) For a water body designated as an outstanding state resource
- 42 water, the board shall provide by rule procedures that will:

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- 1 (1) prevent degradation; and
- 2 (2) allow for increases and additions in pollutant loadings from
- 3 an existing or new discharge if:
- 4 (A) there will be an overall improvement in water quality
- 5 for the outstanding state resource water as described in this
- 6 section; and
- 7 (B) the applicable requirements of rules adopted by the
- 8 board under this section are met.
- 9 (l) The procedures provided by rule under subsection (k) must
- 10 include the following:
- 11 (1) A definition of significant lowering of water quality that
- 12 includes a de minimis quantity of additional pollutant load:
- 13 (A) for which a new or increased permit limit is required;
- 14 and
- 15 (B) below which antidegradation implementation
- 16 procedures do not apply.
- 17 (2) Provisions allowing the permittee to choose application of
- 18 one (1) of the following for each activity undertaken by the
- 19 permittee that will result in a significant lowering of water
- 20 quality in the outstanding state resource water:
- 21 (A) Implementation of a water quality project in the
- 22 watershed of the outstanding state resource water that will
- 23 result in an overall improvement of the water quality of the
- 24 outstanding state resource water.
- 25 (B) Payment of a fee, not to exceed five hundred thousand
- 26 dollars (\$500,000), based on the type and quantity of
- 27 increased pollutant loadings, to the department for deposit
- 28 in the outstanding state resource water improvement fund
- 29 established under section 14 of this chapter for use as
- 30 permitted under that section.
- 31 (3) Criteria for the submission and timely approval of projects
- 32 described in subdivision (2)(A).
- 33 (4) A process for public input in the approval process.
- 34 (5) Use of water quality data that is less than seven (7) years old
- 35 and specific to the outstanding state resource water.
- 36 (6) Criteria for using the watershed improvement fees to fund
- 37 projects in the watershed that result in improvement in water
- 38 quality in the outstanding state resource water.
- 39 (m) For a water body designated as an outstanding state resource
- 40 water after June 30, 2000, the board shall provide by rule
- 41 antidegradation implementation procedures before the water body is
- 42 designated in accordance with this section.

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

5 (o) Before recommending the designation of an outstanding  
 6 national resource water, the department shall provide for an adequate  
 7 public notice and comment period regarding the designation. The  
 8 commissioner shall present a summary of the comments and  
 9 information received during the comment period and the department's  
 10 recommendation concerning designation to the ~~interim study~~  
 11 ~~committee on environmental affairs established by IC 2-5-1.3-4~~ **house**  
 12 **of representatives or senate committees on environmental affairs**  
 13 in an electronic format under IC 5-14-6 not later than ninety (90) days  
 14 after the end of the comment period. The committee shall consider the  
 15 comments, information, and recommendation received from the  
 16 department, and shall convey its recommendation concerning  
 17 designation to the general assembly within six (6) months after receipt.

18 (p) This subsection applies to all surface waters of the state. The  
 19 department shall complete an antidegradation review of all NPDES  
 20 general permits. The department may modify the general permits for  
 21 purposes of antidegradation compliance. After an antidegradation  
 22 review of a permit is conducted under this subsection, activities  
 23 covered by an NPDES general permit are not required to undergo an  
 24 additional antidegradation review. An NPDES general permit may not  
 25 be used to authorize a discharge into an outstanding national resource  
 26 water or an outstanding state resource water, except that a short term,  
 27 temporary storm water discharge to an outstanding national resource  
 28 water or to an outstanding state resource water may be permitted under  
 29 an NPDES general permit if the commissioner determines that the  
 30 discharge will not significantly lower the water quality downstream of  
 31 the discharge.

32 (q) Subsection (r) applies to:

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

36 (2) an application for a modification or renewal of an NPDES  
 37 permit;

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

40 (r) For purposes of an antidegradation review with respect to an  
 41 application referred to in subsection (q), the applicant shall  
 42 demonstrate at the time the application is submitted to the department,

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

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- 1 antidegradation demonstration made by a:
- 2 (A) state;
- 3 (B) county;
- 4 (C) township; or
- 5 (D) municipality;
- 6 potentially affected by the proposed discharge.
- 7 (18) Any other action or recommendation relevant to the
- 8 antidegradation demonstration received during the public
- 9 participation process.
- 10 (19) Any other factors that the commissioner:
- 11 (A) finds relevant; or
- 12 (B) is required to consider under the Clean Water Act.
- 13 (t) In determining whether a proposed discharge is necessary to
- 14 accommodate important economic or social development in the area in
- 15 which the waters are located under antidegradation standards and
- 16 implementation procedures, the commissioner:
- 17 (1) must give substantial weight to any applicable determinations
- 18 by governmental entities; and
- 19 (2) may rely on consideration of any one (1) or a combination of
- 20 the factors listed in subsection (s).
- 21 (u) Each exceptional use water (as defined in IC 13-11-2-72.5,
- 22 before its repeal) designated by the board before June 1, 2009, becomes
- 23 an outstanding state resource water on June 1, 2009, by operation of
- 24 law.
- 25 (v) Beginning June 1, 2009, all waters of the state are classified in
- 26 the following categories:
- 27 (1) Outstanding national resource waters.
- 28 (2) Outstanding state resource waters.
- 29 (3) Waters of the state as ~~described in 327 IAC 2-1-2(1); as in~~
- 30 ~~effect on January 1, 2009; defined in IC 13-11-2-265.~~
- 31 (4) High quality waters as described in ~~327 IAC 2-1-2(2); as in~~
- 32 ~~effect on January 1, 2009; 40 CFR 131.12(a)(2).~~
- 33 (5) Waters of the state as described in ~~327 IAC 2-1.5-4(a); as in~~
- 34 ~~effect on January 1, 2009;~~
- 35 (6) High quality waters as described in ~~327 IAC 2-1.5-4(b); as in~~
- 36 ~~effect on January 1, 2009.~~
- 37 (w) **The board may adopt rules under IC 4-22-2 to establish a**
- 38 **process to designate a water body as a limited use water as**
- 39 **described in 40 CFR 131.12.**
- 40 SECTION 139. IC 13-18-3-2.5, AS AMENDED BY P.L.54-2005,
- 41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2026]: Sec. 2.5. (a) A CSO wet weather limited use

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1 subcategory is established for waters affected by receiving combined  
 2 sewer overflows, as specified in an approved long term control plan.  
 3 The CSO wet weather limited use subcategory applies to a specific  
 4 water body after implementation of an approved long term control plan  
 5 for the combined sewer system whose overflow discharges affect those  
 6 waters is implemented and the conditions of subsection (b) are  
 7 satisfied. The following requirements apply to the CSO wet weather  
 8 limited use subcategory:

9 (1) The water quality based requirements associated with the  
 10 CSO wet weather limited use subcategory that apply to waters  
 11 affected by wet weather combined sewer overflows are  
 12 determined by an approved long term control plan for the  
 13 combined sewer system. The water quality based requirements  
 14 remain in effect during the time and to the physical extent that  
 15 the recreational use designation that applied to the waters  
 16 immediately before the application to the waters of the CSO wet  
 17 weather limited use subcategory is not attained, but for not more  
 18 than four (4) days after the date the overflow discharge ends.

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

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

26 (1) the department has approved a long term control plan for the  
 27 NPDES permit holder for the combined sewer system;  
 28 (2) the approved long term control plan:

29 (A) is incorporated into:

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

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

32 (B) satisfies the requirements of section 2.3 of this chapter;  
 33 and

34 (C) specifies the water quality based requirements that  
 35 apply to combined sewer overflows during and immediately  
 36 following wet weather events, as provided in subsection  
 37 (a)(1);

38 (3) the NPDES permit holder has implemented the approved  
 39 long term control plan; and

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

42 (c) For purposes of subsection (b)(4), 40 CFR 131.10 may be

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1 satisfied by including appropriate data and information in the long term  
2 control plan.

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

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

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

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

21 SECTION 140. IC 13-18-3-2.6, AS ADDED BY P.L.54-2005,  
22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2026]: Sec. 2.6. (a) Where appropriate, permits shall contain  
24 schedules of compliance requiring the permittee to take specific steps  
25 to achieve expeditious compliance with applicable standards,  
26 limitations, and other requirements.

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

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

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

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

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1 NPDES permit, the department shall continue to implement the  
 2 schedule of compliance continuously before and during each  
 3 successive permit term, to the maximum duration as provided in  
 4 subsection (c). The permit shall specify that the schedule of compliance  
 5 lasts beyond the term of the permit.

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

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

12 SECTION 141. IC 13-18-3-5 IS REPEALED [EFFECTIVE JULY  
 13 1, 2026]. ~~Sec. 5: The board shall carry out other duties imposed by law.~~

14 SECTION 142. IC 13-18-3-11 IS REPEALED [EFFECTIVE  
 15 JULY 1, 2026]. ~~Sec. 11: Since the water pollution control laws are  
 16 necessary for the public health, safety, and welfare, the water pollution  
 17 control laws shall be liberally construed to effectuate the purposes of  
 18 the water pollution control laws.~~

19 SECTION 143. IC 13-18-3-12, AS AMENDED BY P.L. 113-2014,  
 20 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2026]: Sec. 12. The ~~board shall adopt rules providing that  
 22 whenever department may not require a permit, permission, or  
 23 review from a person submits who develops plans to a unit concerning  
 24 the design or construction of:~~

25 (1) a sanitary sewer or public water main, if:

26 (A) a professional engineer who is registered under  
 27 IC 25-31 prepared the plans;

28 (B) the unit provided for review of the plans by a qualified  
 29 engineer and subsequently approved the plans; and

30 (C) all other requirements specified in rules adopted by the  
 31 board are met; or

32 (2) a sanitary sewer extension for and within a subdivision, if:

33 (A) a qualified professional surveyor who is registered  
 34 under IC 25-21.5 prepared the plans;

35 (B) the subdivision is being laid out or having been laid out  
 36 by the professional surveyor subject to IC 25-21.5-7;

37 (C) the unit provided for review of the plans by a qualified  
 38 engineer and subsequently approved the plans; and

39 (D) all other requirements specified in rules adopted by the  
 40 board are met;

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

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1 SECTION 144. IC 13-18-3-13 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. If a violation of ~~327~~  
3 ~~IC 15-5~~ **the department's construction storm water general**  
4 **permit** occurs, the department shall determine which person is  
5 responsible for committing the violation. ~~In making this determination;~~  
6 ~~the department shall, if appropriate, consider:~~

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

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

13 SECTION 145. IC 13-18-3-14, AS AMENDED BY P.L.130-2018,  
14 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2026]: Sec. 14. (a) The outstanding state resource water  
16 improvement fund is established. All money collected under section 2  
17 of this chapter and any money accruing to the fund are continuously  
18 appropriated to the fund to carry out the purposes of section 2 of this  
19 chapter. Money in the fund at the end of a state fiscal year does not  
20 revert to the state general fund, unless the outstanding state resource  
21 water improvement fund is abolished.

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

- 24 (1) The fund may be used by the department of environmental  
25 management to fund projects that will lead to overall  
26 improvement to the water quality of the affected outstanding  
27 state resource water.
- 28 (2) The treasurer of state may invest the money in the fund not  
29 currently needed to meet the obligations of the fund in the same  
30 manner as other public money may be invested.
- 31 (3) Any interest received accrues to the fund.
- 32 (4) The expenses of administering the fund shall be paid from  
33 the fund.

34 (c) ~~If money is disbursed from the outstanding state resource water~~  
35 ~~improvement fund in the previous state fiscal year or the commissioner~~  
36 ~~determines that the fund had a positive balance at the close of the~~  
37 ~~previous state fiscal year; Upon request by the house of~~  
38 ~~representatives or senate committees on environmental affairs or~~  
39 ~~the board,~~ the commissioner shall submit a status report on the fund  
40 to the ~~interim study committee on environmental affairs established by~~  
41 ~~IC 2-5-1.3-4,~~ in an electronic format under IC 5-14-6. ~~before November~~  
42 ~~1. If requested,~~ the report must include the following information:

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- 1 (1) Plans for the use and implementation of the outstanding state  
2 resource water improvement fund.  
3 (2) The balance in the fund.
- 4 SECTION 146. IC 13-18-3-15, AS ADDED BY P.L.81-2011,  
5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2026]: Sec. 15. (a) Subject to subsection (c), the board shall  
7 ~~amend 327 IAC 5 and 327 IAC 15 to eliminate:~~
- 8 (1) the requirement that NPDES general permit terms and  
9 conditions be contained in a rule; and  
10 (2) the terms and conditions of each NPDES general permit that  
11 is:  
12 (A) contained in that article; and  
13 (B) in effect on the effective date of this section.
- 14 (b) The department may develop and issue NPDES general  
15 permits in accordance with 40 CFR 122.28.
- 16 (c) After ~~327 IAC 5 and 327 IAC 15 are amended under~~  
17 **eliminating the requirement and terms and conditions described in**  
18 **subsection (a), the terms and conditions of an NPDES general permit**  
19 **under that article as they existed before the amendment remain in effect**  
20 **and are binding on any person regulated under the NPDES general**  
21 **permit until the person submits a notice of intent to be covered by an**  
22 **NPDES general permit developed and issued under subsection (b).**
- 23 (d) Any person regulated under an NPDES general permit on the  
24 effective date of the amendment required by subsection (a) must:  
25 (1) submit a notice of intent described in subsection (c) not later  
26 than ninety (90) days after the department makes the form of the  
27 notice of intent available to the person; or  
28 (2) apply for an NPDES individual permit ~~under 327 IAC 5 to~~  
29 maintain permit coverage required under the Clean Water Act.
- 30 (e) This section does not affect the authority of the board to adopt  
31 rules that authorize NPDES general permits.
- 32 SECTION 147. IC 13-18-4-2 IS REPEALED [EFFECTIVE JULY  
33 1, 2026]. ~~Sec. 2: A rule or determination made by the board or the~~  
34 ~~commissioner under sections 1 through 4 of this chapter shall be filed~~  
35 ~~of record in the office of the department.~~
- 36 SECTION 148. IC 13-18-4-4 IS REPEALED [EFFECTIVE JULY  
37 1, 2026]. ~~Sec. 4: The commissioner may take appropriate steps to~~  
38 ~~prevent any pollution that is determined to be unreasonable and against~~  
39 ~~public interests in view of the condition in any stream or other waters~~  
40 ~~of Indiana.~~
- 41 SECTION 149. IC 13-18-4-6, AS AMENDED BY P.L.263-2013,  
42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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- 1 JULY 1, 2026]: Sec. 6. (a) Whenever the commissioner determines that  
 2 a person:  
 3 (1) is violating; or  
 4 (2) is about to violate;  
 5 section 5 of this chapter, the department shall serve notice of the  
 6 commissioner's determination on the person in accordance with  
 7 IC 13-14-2-1.  
 8 (b) The commissioner shall include in the notice an order against  
 9 the person to:  
 10 (1) cease the violation; and  
 11 (2) abate the condition of pollution;  
 12 fixing in the order a reasonable time within which the correction and  
 13 abatement must take place.  
 14 (c) ~~Proceedings concerning an order issued under this section are~~  
 15 ~~governed by IC 4-21-5.~~  
 16 SECTION 150. IC 13-18-4-7 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Notwithstanding  
 18 any rules of the board, the commissioner shall allow for a mixing zone  
 19 in permits that involve a discharge into Lake Michigan if the applicant  
 20 can demonstrate to the commissioner that the mixing zone will not  
 21 cause harm to human health or aquatic life.  
 22 (b) For mixing zones allowed under subsection (a), surface water  
 23 quality standards for bioaccumulative chemicals of concern, **as defined**  
 24 **in 40 CFR 132.2**, shall be applied to the undiluted discharge, rather  
 25 than at a point outside the mixing zone.  
 26 SECTION 151. IC 13-18-9-4 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department  
 28 shall enforce this chapter under IC 13-30-3 or IC 13-14-2-6.  
 29 ~~The board shall adopt rules under IC 4-22-2 for the disposition~~  
 30 ~~of any detergent carried over on September 1, 1974. However,~~ The  
 31 commissioner may approve the use of phosphates by a manufacturer or  
 32 processor for cleaning plant or equipment upon application to the  
 33 commissioner by the manufacturer or processor. The commissioner  
 34 shall require phosphate removal from the water so used by criteria  
 35 established by the board.  
 36 SECTION 152. IC 13-18-10-2.1, AS AMENDED BY  
 37 P.L.199-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2026]: Sec. 2.1. (a) The department:  
 39 (1) shall make a determination on an application submitted  
 40 under section 2 of this chapter not later than ninety (90) days  
 41 after the date the department receives the completed application,  
 42 including all required supplemental information, unless the

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

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- 1 (A) Section 1.4(c)(5) of this chapter.  
 2 (B) Section 1.4(c)(6) of this chapter.  
 3 (f) Before making a determination to approve or deny an  
 4 application, the commissioner must consider the following factors:  
 5 (1) The nature and details of the acts attributed to the responsible  
 6 party.  
 7 (2) The degree of culpability of the responsible party.  
 8 (3) The responsible party's cooperation with the state, federal, or  
 9 foreign agencies involved in the investigation of the activities  
 10 involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6)  
 11 of this chapter.  
 12 (4) The responsible party's dissociation from any other persons  
 13 or entities convicted in a criminal enforcement action referred to  
 14 in section 1.4(c)(5) and 1.4(c)(6) of this chapter.  
 15 (5) Prior or subsequent self-policing or internal education  
 16 programs established by the responsible party to prevent acts,  
 17 omissions, or violations referred to in section 1.4(c)(5) and  
 18 1.4(c)(6) of this chapter.  
 19 (g) Except as provided in subsection (h), in taking action under  
 20 subsection (e), the commissioner must make separately stated findings  
 21 of fact to support the action taken. The findings of fact must:  
 22 (1) include a statement of ultimate fact; and  
 23 (2) be accompanied by a concise statement of the underlying  
 24 basic facts of record to support the findings.  
 25 (h) If the commissioner denies an application under subsection (e),  
 26 the commissioner is not required to explain the extent to which any of  
 27 the factors set forth in subsection (f) influenced the denial.  
 28 (i) The department may amend an approval under section 1 of this  
 29 chapter or revoke an approval under section 1 of this chapter:  
 30 (1) for failure to comply with:  
 31 (A) this chapter;  
 32 (B) rules adopted under this chapter;  
 33 (C) the water pollution control laws; or  
 34 (D) rules adopted under the water pollution control laws;  
 35 and  
 36 (2) as needed to prevent discharges of manure into the  
 37 environment that pollute or threaten to pollute the waters of the  
 38 state.  
 39 SECTION 153. IC 13-18-10-4, AS AMENDED BY P.L. 127-2009,  
 40 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2026]: Sec. 4. (a) The board may adopt rules under IC 4-22-2  
 42 and IC 13-14-9 and the department may adopt policies or statements

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1 under IC 13-14-1-11.5 that are necessary for the proper administration  
 2 of this chapter. The rules, policies, or statements may concern  
 3 construction, expansion, and operation of confined feeding operations  
 4 and may include uniform standards for:

5 (1) construction, expansion, and manure containment that are  
 6 appropriate for a specific site; and

7 (2) manure application and handling that are consistent with best  
 8 management practices:

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

11 (B) that are appropriate for a specific site; **and**

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

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

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

18 (A) the United States Department of Agriculture;

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

21 (C) the Midwest Plan Service; and

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

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

27 SECTION 154. IC 13-18-11-8, AS AMENDED BY P.L.128-2024,  
 28 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2026]: Sec. 8. (a) The commissioner may suspend or revoke  
 30 the certificate of an operator issued under this chapter ~~following a~~  
 31 ~~hearing under IC 13-15-7-3 and IC 4-21-5~~; if any of the following  
 32 conditions are found:

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

35 (2) Reasonable care, judgment, or the application of the  
 36 operator's knowledge or ability was not used in the performance  
 37 of the operator's duties.

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

40 (4) A certificate of the operator issued:

41 (A) under this chapter; or

42 (B) by any other state or jurisdiction for a purpose

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- 1 comparable to the purpose for which a certificate is issued  
 2 under this chapter;  
 3 has been revoked.
- 4 (5) The operator has been convicted of a crime related to a  
 5 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 (b) ~~A hearing and further proceedings shall be conducted in~~  
 11 ~~accordance with IC 4-15-10.5. A person aggrieved by the revocation~~  
 12 ~~or modification of a certificate of an operator may appeal the~~  
 13 ~~revocation or modification to the office of administrative law~~  
 14 ~~proceedings under IC 4-21.5-3.~~
- 15 SECTION 155. IC 13-18-12-2.2, AS AMENDED BY  
 16 P.L.250-2019, SECTION 23, IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. (a) ~~As used in this~~  
 18 ~~section:~~  
 19 (1) ~~"chemical toilet" has the meaning set forth in 327~~  
 20 ~~IAC 7.1-2-6; and~~  
 21 (2) ~~"sewage disposal system" has the meaning set forth in 327~~  
 22 ~~IAC 7.1-2-36;~~  
 23 ~~on February 1, 2016.~~
- 24 (b) ~~As used in this section, "septage management vehicle" means~~  
 25 ~~a vehicle used for the removal of septage from sewage disposal~~  
 26 ~~systems:~~
- 27 (c) ~~Notwithstanding 327 IAC 7.1-6-1, The invoice provided to a~~  
 28 ~~customer by the person who uses a septage management vehicle to~~  
 29 ~~remove septage from the customer's sewage disposal system need not~~  
 30 ~~show:~~  
 31 (1) the date on which the septage was removed from the sewage  
 32 disposal system; or  
 33 (2) the amount of septage removed from the sewage disposal  
 34 system;  
 35 if the sewage disposal system from which the septage is removed is a  
 36 ~~chemical toilet.~~ **portable sanitary unit.**
- 37 SECTION 156. IC 13-18-12-2.5, AS AMENDED BY  
 38 P.L.250-2019, SECTION 24, IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) The department  
 40 and the board may allow a person to use industrial waste products in a  
 41 land application operation or as ingredients in a soil amendment or soil  
 42 substitute to be land applied if:

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

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

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

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

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

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

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

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

22 SECTION 157. IC 13-18-12-3, AS AMENDED BY P.L.192-2023,  
 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2026]: Sec. 3. (a) ~~The board shall initiate;~~ **department shall**  
 25 **administer**, in accordance with IC 13-15, a septage management  
 26 permit program for all persons who offer to perform or are performing  
 27 septage management services.

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

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

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

40 SECTION 158. IC 13-18-16-3 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner  
 42 may ~~initiate action under IC 4-21-5-3 to~~ assess a civil penalty against

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1 a permit holder who fails to take action to correct or prevent  
2 contamination of the sanitary or chemical quality of the water supply  
3 after the permit holder knew or should have known that the action  
4 should be taken. The civil penalty assessed under this section may not  
5 exceed one thousand dollars (\$1,000) for each day of violation.

6 SECTION 159. IC 13-18-16-8, AS AMENDED BY P.L.233-2017,  
7 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2026]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2  
9 and IC 13-14-9 establishing requirements for public water systems,  
10 including the following:

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

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

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

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

23 SECTION 160. IC 13-18-17-3 IS REPEALED [EFFECTIVE  
24 JULY 1, 2026]. ~~Sec. 3: (a) The department, with the assistance of other  
25 state agencies as requested, shall establish and operate a groundwater  
26 quality clearinghouse within the department.~~

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

- 29 ~~(1) Receive complaints about groundwater contamination.~~
- 30 ~~(2) Screen reports of groundwater pollution.~~
- 31 ~~(3) Ensure that complaints and reports are adequately~~  
32 ~~investigated.~~
- 33 ~~(4) Provide information to the public about groundwater and~~  
34 ~~groundwater pollution.~~
- 35 ~~(5) Coordinate the management of groundwater quality data in~~  
36 ~~Indiana.~~

37 SECTION 161. IC 13-18-17-5, AS AMENDED BY P.L.56-2023,  
38 SECTION 129, IS AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The board shall adopt rules  
40 under IC 4-22-2 **and IC 13-14-9** establishing groundwater quality  
41 standards that include numeric and narrative criteria, a groundwater  
42 classification plan, and a method of determining where the

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1 groundwater quality standards must apply. The standards established  
2 under this subsection shall be used for the following purposes:

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

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

6 (3) To establish health protection goals for untreated water in  
7 water supply wells.

8 (4) To establish concentration limits for contaminants in ambient  
9 groundwater.

10 (b) Except as provided in subsection (c) and subject to subsection  
11 (d), the following agencies shall adopt rules under IC 4-22-2 to apply  
12 the groundwater quality standards established under this section to  
13 activities regulated by the agencies:

14 (1) The department.

15 (2) The department of natural resources.

16 (3) The Indiana department of health.

17 (4) The office of the state chemist.

18 (5) The department of homeland security.

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

23 (d) Any rule adopted by the executive board of the Indiana  
24 department of health is void to the extent that the rule applies the  
25 nitrate and nitrite numeric criteria included in groundwater quality  
26 standards established in rules adopted by the board under subsection  
27 (a) to onsite sewage systems.

28 SECTION 162. IC 13-18-17-6 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board shall  
30 adopt rules under IC 4-22-2 **and IC 13-14-9** to establish protection  
31 zones around community water system wells.

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

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

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

42 (1) an owner of land;

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

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

10 SECTION 163. IC 13-18-17-7 IS REPEALED [EFFECTIVE  
 11 JULY 1, 2026]. ~~Sec. 7: (a) The board shall adopt rules under IC 4-22-2~~  
 12 ~~for the construction and monitoring of surface impoundments,~~  
 13 ~~including pits, ponds, and lagoons, used for the storage or treatment of~~  
 14 ~~nonhazardous waste and wastewater.~~

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

17 SECTION 164. IC 13-18-27-1 IS REPEALED [EFFECTIVE  
 18 JULY 1, 2026]. ~~Sec. 1: As used in this chapter, "327 IAC 15-5" refers~~  
 19 ~~to the administrative rule of the environmental rules board in effect on~~  
 20 ~~March 25, 2019, concerning storm water runoff associated with~~  
 21 ~~construction activity.~~

22 SECTION 165. IC 13-18-27-3, AS ADDED BY P.L.248-2019,  
 23 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2026]: Sec. 3. As used in this chapter, "construction plan"  
 25 means a written plan that:

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

35 SECTION 166. IC 13-18-27-9, AS ADDED BY P.L.248-2019,  
 36 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2026]: Sec. 9. As used in this chapter, "project site owner"  
 38 means the person required to comply with ~~327 IAC 15-5~~, the general  
 39 permit, or the applicable ordinance of an MS4 community with respect  
 40 to a construction project. The term 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 167. IC 13-18-27-15, AS ADDED BY P.L.248-2019,  
 5 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2026]: Sec. 15. (a) Except as provided in subsection (b), an  
 7 MS4 community may not require erosion and sediment control  
 8 measures that are more stringent than the erosion and sediment control  
 9 measures required by ~~327 IAC 15-5~~ or the general permit.

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

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

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

25 SECTION 168. IC 13-18-27-16, AS ADDED BY P.L.248-2019,  
 26 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2026]: Sec. 16. (a) A review authority to which a construction  
 28 plan is submitted must make a preliminary determination whether the  
 29 construction plan is substantially complete before the end of:

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

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

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

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

40 (2) notifies the project site owner of its favorable preliminary  
 41 determination;

42 before the end of the tenth ~~working~~ **business** day after the day on which

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

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

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

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

- 39 (1) makes a preliminary determination that the construction plan  
 40 is substantially complete; and
- 41 (2) makes a conclusive unfavorable determination concerning  
 42 the construction plan under ~~327 IAC 15-5~~, the general permit or

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1 the applicable ordinance of the MS4 community;  
 2 the land disturbing activities of the construction project must stop when  
 3 the review authority notifies the project site owner of the review  
 4 authority's conclusive unfavorable determination concerning the  
 5 construction plan.

6 SECTION 169. IC 13-19-1-2, AS AMENDED BY P.L.97-2016,  
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2026]: Sec. 2. (a) The goal of the state is to encourage solid  
 9 waste source reduction, recycling, and other alternatives to conserve  
 10 environmental resources.

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

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

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

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

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

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

20 SECTION 170. IC 13-19-3-1, AS AMENDED BY P.L.120-2022,  
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2026]: Sec. 1. ~~(a)~~ The board shall do the following:

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

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

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

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

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

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

41 ~~(b) Until the amendments to 40 CFR 261 published by the United~~  
 42 ~~States Environmental Protection Agency in the Federal Register at 83~~

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1 FR 24664 et seq. are adopted by rule by the board under subsection  
 2 (a)(4); those amendments apply to the identification and listing of  
 3 hazardous waste in Indiana just as if the amendments were  
 4 incorporated by reference in 329 IAC 3-1-6-1.

5 SECTION 171. IC 13-19-3-3, AS AMENDED BY P.L.249-2023,  
 6 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2026]: Sec. 3. (a) As used in this section and section 3.1 of  
 8 this chapter, "coal combustion residuals" means fly ash, bottom ash,  
 9 boiler slag, and flue gas desulfurization materials generated from  
 10 burning coal for the purpose of generating electricity by electric  
 11 utilities and independent power producers.

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

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

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

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

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

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

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

34 (d) The department shall do the following:

35 (1) Establish a state permit program under Section 2301 of the  
 36 federal Water Infrastructure Improvements for the Nation Act  
 37 (42 U.S.C. 6945(d)) for the implementation in Indiana of the  
 38 federal CCR rule.

39 (2) Submit to the administrator of the United States  
 40 Environmental Protection Agency under 42 U.S.C.  
 41 6945(d)(1)(A) evidence of the state permit program.

42 (3) Take other necessary or appropriate actions to obtain

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

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1 accordance with Section 257.104 of the federal CCR rule. The  
 2 duty to pay the fee established by this subdivision does not apply  
 3 on an annual basis until three hundred sixty-five (365) days after  
 4 the initial one (1) time permit fee established by subdivision (1)  
 5 has been assessed.

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

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

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

12 (2) revenue from the fees charged under subsection (i);

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

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

23 SECTION 172. IC 13-19-3-3.1, AS ADDED BY P.L.120-2022,  
 24 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2026]: Sec. 3.1. Except as provided in section 3(c) of this  
 26 chapter, the rules adopted under ~~section 1(a)(1)~~ **section 1(1)** of this  
 27 chapter may not regulate the following:

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

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

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

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

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

37 (B) Bottom ash as an antiskid material.

38 (C) Raw material for manufacturing another product.

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

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

42 (F) A base in road construction.

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1 (G) Cover for coal processing waste disposal locations to  
 2 inhibit infiltration at surface and underground mines subject  
 3 to IC 14-34, so long as a demonstration is made in  
 4 concurrence with the department of natural resources that  
 5 the materials and methods to be employed are appropriate  
 6 for the intended use.

7 (H) Providing buffering or enhancing structural integrity for  
 8 refuse piles at surface and underground mines subject to  
 9 IC 14-34, so long as a demonstration is made in  
 10 concurrence with the department of natural resources that  
 11 the materials and methods to be employed are appropriate  
 12 for the intended use.

13 (I) Agricultural applications, when applied using  
 14 appropriate agronomic amounts to improve crop or  
 15 vegetative production.

16 SECTION 173. IC 13-19-3-7, AS AMENDED BY P.L.133-2012,  
 17 SECTION 133, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~The department and the board~~  
 19 ~~shall allow a person~~ **A permit is not required** to use foundry sand that  
 20 meets Type III criteria under 329 IAC 10-9 for the following activities:  
 21 ~~in accordance with guidance without requiring the person to obtain any~~  
 22 ~~permits from the department:~~

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

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

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

30 (4) For use:

31 (A) in a land application operation; or

32 (B) as a soil amendment;

33 if the application or amendment does not include the operation  
 34 of a landfill.

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

37 (A) Roads.

38 (B) Road shoulders.

39 (C) Parking lots.

40 (D) Floor slabs.

41 (E) Utility trenches.

42 (F) Bridge abutments.

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

22 SECTION 174. IC 13-19-3-9, AS ADDED BY P.L.189-2005,  
 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2026]: Sec. 9. (a) This section does not apply to an expansion  
 25 of a solid waste landfill:

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

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

33 SECTION 175. IC 13-19-4-9 IS REPEALED [EFFECTIVE JULY  
 34 1, 2026]. Sec. 9: IC 4-21-5 governs determinations, notice, hearings,  
 35 and appeal of determinations under this chapter.

36 SECTION 176. IC 13-20-1-5 IS REPEALED [EFFECTIVE JULY  
 37 1, 2026]. Sec. 5: The board shall adopt rules under IC 4-22-2 and  
 38 IC 13-14-9 to implement this chapter.

39 SECTION 177. IC 13-20-3-5 IS REPEALED [EFFECTIVE JULY  
 40 1, 2026]. Sec. 5: The board shall adopt rules under IC 4-22-2 and  
 41 IC 13-14-9 to implement this chapter.

42 SECTION 178. IC 13-20-6-9 IS REPEALED [EFFECTIVE JULY

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1 1, 2026]. ~~Sec. 9: The board shall adopt rules under IC 4-22-2 to~~  
 2 ~~implement this chapter.~~

3 SECTION 179. IC 13-20-8-1, AS AMENDED BY P.L.133-2012,  
 4 SECTION 139, IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2026]: Sec. 1. ~~The board shall adopt rules under~~  
 6 ~~IC 4-22-2 and IC 13-14-9 to regulate the construction and operation of~~  
 7 ~~incinerators under IC 13-14-8. The~~ **Any rules adopted by the board**  
 8 **for the construction and operation of incinerators under**  
 9 **IC 13-14-8** must incorporate by reference pertinent rules adopted by  
 10 the board concerning air pollution control.

11 SECTION 180. IC 13-20-10.5-1, AS ADDED BY P.L.189-2011,  
 12 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2026]: Sec. 1. (a) A person may not after June 30, 2011, start:

14 (1) construction of:

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

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

17 (2) expansion of:

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

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

20 without obtaining prior approval of the department.

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

27 SECTION 181. IC 13-20-10.5-2, AS ADDED BY P.L.189-2011,  
 28 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2026]: Sec. 2. ~~Except as provided in section 3 of this chapter,~~  
 30 ~~a biomass~~ **An** anaerobic digestion facility or a ~~biomass~~ gasification  
 31 facility for which the only input is biomass is not subject to regulation  
 32 as a solid waste processing facility.

33 SECTION 182. IC 13-20-10.5-3 IS REPEALED [EFFECTIVE  
 34 JULY 1, 2026]. ~~Sec. 3: The department may determine that a biomass~~  
 35 ~~anaerobic digestion facility or a biomass gasification facility for which~~  
 36 ~~the input is a combination of biomass and solid waste is subject to~~  
 37 ~~regulation as a solid waste processing facility.~~

38 SECTION 183. IC 13-20-10.5-3.5, AS ADDED BY P.L.27-2024,  
 39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2026]: Sec. 3.5. (a) The department shall make a  
 41 determination under section 1 of this chapter concerning prior approval  
 42 for the construction or expansion of ~~a biomass~~ **an** anaerobic digestion

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

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

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

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

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

18 SECTION 184. IC 13-20-13-3 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The  
 20 commissioner shall issue a waste tire storage site or waste tire  
 21 processing operation certificate of registration to a person that owns or  
 22 operates a waste tire storage site or waste tire processing operation if  
 23 the person complies with the requirements of this chapter and rules  
 24 adopted by the board under section 11 of this chapter.

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

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

- 29 (1) this chapter; and  
 30 (2) rules adopted by the board under this chapter;  
 31 including a compliance schedule.

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

- 34 (1) the application is incomplete;  
 35 (2) the applicant has failed to comply with the requirements of:  
 36 (A) this chapter;  
 37 (B) IC 13-20-14; or  
 38 (C) a rule adopted by the board under section 11 of this  
 39 chapter; or ~~under IC 13-20-14-6; or~~

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

41 SECTION 185. IC 13-20-13-5, AS AMENDED BY P.L.37-2012,  
 42 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 5. A person that obtains a certificate of  
 2 registration under section 3 of this chapter must do the following:

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

4 (A) The number of passenger tire equivalents received at  
 5 the waste tire storage site or by the waste tire processing  
 6 operation.

7 (B) The number and manner of disposal of the passenger  
 8 tire equivalents.

9 (2) Maintain contingency plans to protect public health and the  
 10 environment.

11 (3) If the person operates a waste tire storage site, maintain  
 12 financial assurance acceptable to the department necessary for  
 13 waste tire removal, in an amount specified in rules adopted by  
 14 the board under ~~section 11(b)(3)~~ **section 11** of this chapter.

15 (4) Maintain a copy of the certificate of registration at the site.

16 (5) Comply with applicable rules and requirements established  
 17 by the fire prevention and building safety commission for indoor  
 18 waste tire storage sites.

19 (6) Retain a copy of manifests received from a waste tire  
 20 transporter under IC 13-20-14 for at least one (1) year and make  
 21 a copy of the manifests available to the department upon request.

22 SECTION 186. IC 13-20-13-8, AS AMENDED BY P.L.37-2012,  
 23 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2026]: Sec. 8. (a) Except as provided in subsection (d)(2),  
 25 (d)(3), (d)(6), and (d)(7), the waste tire management fund is established  
 26 for the following purposes:

27 (1) The department may use not more than thirty-five percent  
 28 (35%) of the money deposited in the fund each year for:

29 (A) the removal and disposal of waste tires from sites where  
 30 the waste tires have been disposed of improperly; and

31 (B) operating the waste tire education program under  
 32 section 15 of this chapter.

33 (2) The department may use the remaining money deposited in  
 34 the fund each year to:

35 (A) provide grants and loans under section 9(b) of this  
 36 chapter to entities involved in waste tire management  
 37 activities; and

38 (B) pay the expenses of administering the programs  
 39 described in:

40 (i) subdivision (1)(B); and

41 (ii) clause (A).

42 (b) The expenses of administering the fund shall be paid from

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- 1 money in the fund.
- 2 (c) Money in the fund at the end of a state fiscal year does not
- 3 revert to the state general fund.
- 4 (d) Sources of money for the fund are the following:
- 5 (1) Fees paid under section 4(a)(6) of this chapter and
- 6 IC 13-20-14-5(c).
- 7 (2) Fees collected under section 7 of this chapter. All money
- 8 deposited in the fund under this subdivision may be used by the
- 9 department for waste reduction, recycling, removal, or
- 10 remediation projects.
- 11 (3) Costs and damages recovered from a person or other entity
- 12 under section 14 of this chapter or IC 13-20-14-8. All money
- 13 deposited in the fund under this subdivision may be used by the
- 14 department for removal and remediation projects.
- 15 (4) Fees established by the general assembly for the purposes of
- 16 this chapter.
- 17 (5) Appropriations made by the general assembly.
- 18 (6) Gifts and donations intended for deposit in the fund. A gift
- 19 or donation deposited in the fund under this subdivision may be
- 20 specified to be entirely for the use of the department.
- 21 (7) Civil penalties collected under IC 13-30-4 for violations of:
- 22 (A) this chapter;
- 23 (B) IC 13-20-14; and
- 24 (C) rules adopted under section 11 of this chapter. ~~and~~
- 25 ~~IC 13-20-14-6.~~
- 26 All money deposited in the fund under this subdivision may be
- 27 used by the department for eligible projects.
- 28 SECTION 187. IC 13-20-13-11, AS AMENDED BY P.L.27-2020,
- 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2026]: Sec. 11. (a) ~~The board shall adopt rules under~~
- 31 ~~IC 4-22-2 and IC 13-14-8 necessary to implement this chapter.~~
- 32 **(b) (a) The Any rules adopted under this section by the board for**
- 33 **waste tires and used tires** must include the following:
- 34 (1) Requirements for the registration of waste tire storage sites
- 35 and waste tire processing operations.
- 36 (2) Requirements concerning the following:
- 37 (A) The operation of waste tire storage sites and waste tire
- 38 processing operations.
- 39 (B) Proper storage and processing of waste tires.
- 40 (C) Contingency plans concerning the minimization of
- 41 hazards to human health and the environment at waste tire
- 42 storage sites and waste tire processing operations.

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- 1 (D) Record keeping guidelines concerning the quantity of
- 2 waste tires stored and processed at waste tire storage sites
- 3 and waste tire processing operations.
- 4 (E) The transportation of waste tires and loads containing
- 5 any combination of both waste tires and used tires.
- 6 (F) Reporting requirements concerning the transportation
- 7 of:
- 8 (i) waste tires; and
- 9 (ii) loads containing any combination of both waste
- 10 tires and used tires;
- 11 that include evidence of proper end point disposal or
- 12 processing of tires described in this clause.
- 13 (3) Financial assurance acceptable to the department necessary
- 14 for waste tire removal that a person that operates a waste tire
- 15 storage site must maintain. The rules shall provide for the use of
- 16 a corporate financial test that is substantially similar to the
- 17 corporate financial test set forth in 40 CFR 258.74(e) as an
- 18 optional financial assurance mechanism.
- 19 (4) The establishment of the fee required by section 4(a)(6) of
- 20 this chapter in an amount necessary to cover the costs incurred
- 21 in the following:
- 22 (A) Registering waste tire storage sites and waste tire
- 23 processing operations under this chapter.
- 24 (B) Administering this chapter.
- 25 (e) (b) The rules adopted under this section may establish
- 26 standards and procedures for the legitimate use, instead of disposal, of
- 27 waste tires, including standards and procedures concerning the
- 28 following:
- 29 (1) Proper storage and handling.
- 30 (2) Record keeping.
- 31 (3) Circumstances under which the use of a waste tire is not
- 32 considered a legitimate use.
- 33 SECTION 188. IC 13-20-14-5, AS AMENDED BY P.L.37-2012,
- 34 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2026]: Sec. 5. (a) A person may not act as a waste tire
- 36 transporter, as defined in IC 13-11-2-252, unless the person is
- 37 registered with the department as a waste tire transporter. To apply for
- 38 a certificate of registration as a waste tire transporter, a person must
- 39 submit the following to the department:
- 40 (1) The person's name.
- 41 (2) The address of the person's principal office.
- 42 (3) The addresses of any offices maintained by the person in

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- 1 Indiana.
- 2 (4) Evidence of financial assurance ~~maintained in accordance~~  
 3 ~~with rules adopted under section 6 of this chapter~~, in the amount  
 4 of at least ten thousand dollars (\$10,000). The financial  
 5 assurance must be in the form of:
- 6 (A) a bond for performance, executed by a corporate surety  
 7 licensed to do business in Indiana;  
 8 (B) a negotiable certificate of deposit; or  
 9 (C) a negotiable letter of credit;  
 10 payable to the department and conditional upon faithful  
 11 performance of the requirements of this chapter and the  
 12 registration.
- 13 (b) ~~The rules adopted under section 6 of this chapter~~ **department**  
 14 must adopt a manifest form and require a waste tire transporter to  
 15 prepare and carry a manifest based upon that form each time a waste  
 16 tire transporter transports waste tires. The format and wording of the  
 17 form must require a waste tire transporter to enter information in each  
 18 manifest indicating the source and number of waste tires to be  
 19 transported and the destination to which the waste tires are transported.
- 20 (c) A person who acts as a waste tire transporter in Indiana shall  
 21 pay an annual registration fee of twenty-five dollars (\$25) that shall be  
 22 deposited in the waste tire management fund and appropriated to the  
 23 department for the department's use in providing for the removal and  
 24 disposal of waste tires from sites where the waste tires have been  
 25 disposed of improperly.
- 26 (d) A waste tire transporter shall do the following:
- 27 (1) Retain a copy of a manifest described under this section for  
 28 at least one (1) year.
- 29 (2) Make a copy of a manifest described under this section  
 30 available to the department upon request.
- 31 (3) ~~Report annually to the department~~ **Record** the number of  
 32 passenger tire equivalents transported by the waste tire  
 33 transporter **and provide the records to the department upon**  
 34 **request.**
- 35 (4) Maintain financial assurance acceptable to the department in  
 36 accordance with subsection (a)(4).
- 37 (e) The commissioner may include in a certificate of registration  
 38 issued under this chapter conditions that ensure compliance with:
- 39 (1) this chapter; and  
 40 (2) rules adopted by the board under this chapter;  
 41 including a compliance schedule.
- 42 (f) The department may deny an application to register under this

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1 chapter if:

2 (1) the application is incomplete;

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

4 (A) this chapter;

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

6 (C) a rule adopted by the board under ~~section 6 of this~~

7 ~~chapter or under~~ IC 13-20-13-11; or

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

9 SECTION 189. IC 13-20-14-5.6, AS AMENDED BY

10 P.L.128-2024, SECTION 27, IS AMENDED TO READ AS

11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.6. (a) A certificate of

12 registration issued by the department under this chapter may be

13 revoked or modified by the commissioner, or by a designated staff

14 member of the department, after notification in writing is sent in

15 accordance with IC 13-14-2-1 to the holder of the certificate, for:

16 (1) failure to disclose all relevant facts;

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

18 (3) failure to correct, within the time established by the

19 department, a violation of:

20 (A) a condition of the registration;

21 (B) this chapter; or

22 (C) a rule adopted by the board. ~~under section 6 of this~~

23 ~~chapter.~~

24 (b) A person aggrieved by the revocation or modification of a

25 certificate of registration may appeal the revocation or modification to

26 the office of administrative law proceedings under IC 4-15-10.5.

27 Pending the decision resulting from a hearing under IC 4-21.5-3

28 concerning the revocation or modification, the registration remains in

29 force. However, subsequent to revocation or modification, the

30 commissioner may seek injunctive relief concerning the activity

31 described in the registration.

32 SECTION 190. IC 13-20-14-6 IS REPEALED [EFFECTIVE

33 JULY 1, 2026]. ~~Sec. 6. The board shall adopt rules under IC 4-22-2 and~~

34 ~~IC 13-14-9 to implement this chapter.~~

35 SECTION 191. IC 13-20-17.7-4, AS ADDED BY P.L.170-2006,

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

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

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

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

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

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

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

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1 commissioner.  
 2 (2) Not more than one hundred twenty (120) days after receiving  
 3 a plan, determine whether the entire plan complies with this  
 4 chapter and:  
 5 (A) if the entire plan complies with this chapter, approve  
 6 the plan in its entirety;  
 7 (B) if no part of the plan complies with this chapter, reject  
 8 the plan in its entirety; or  
 9 (C) if only part of the plan complies with this chapter,  
 10 approve that part and reject the rest of the plan.  
 11 (b) If a plan is approved in its entirety under subsection (a)(2)(A),  
 12 the motor vehicle manufacturers shall begin implementing the plan not  
 13 more than thirty (30) days after the date the plan is approved. If an  
 14 entire plan is rejected under subsection (a)(2)(B), the commissioner  
 15 shall inform the motor vehicle manufacturers why the plan was  
 16 rejected, and the manufacturers shall submit a new plan not more than  
 17 thirty (30) days after the commissioner informs the manufacturers that  
 18 the entire plan was rejected. If a plan is approved in part and rejected  
 19 in part under subsection (a)(2)(C), the manufacturers shall immediately  
 20 implement the approved part of the plan and submit a revision of the  
 21 rejected part of the plan not more than thirty (30) days after the  
 22 commissioner informs the manufacturers of the commissioner's partial  
 23 approval. The commissioner shall make a determination on a revised  
 24 plan not more than thirty (30) days after receiving the revised plan.  
 25 (c) Not more than two hundred forty (240) days after receiving a  
 26 plan developed by motor vehicle manufacturers under section 1 of this  
 27 chapter, the commissioner shall complete, on behalf of the  
 28 manufacturer, any part of the plan that has not yet been approved.  
 29 (d) After a plan has been approved under this section, the  
 30 commissioner shall:  
 31 (1) review the plan three (3) years after the original date of  
 32 approval of the plan and every three (3) years thereafter; and  
 33 (2) work with the motor vehicle manufacturers to agree with the  
 34 manufacturers on appropriate modifications to the plan.  
 35 (e) Motor vehicle manufacturers are not required to resubmit a  
 36 plan modified under subsection (d) to the commissioner for approval.  
 37 SECTION 192. IC 13-20-22-1, AS AMENDED BY P.L.250-2019,  
 38 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2026]: Sec. 1. (a) A fee is imposed on the disposal or  
 40 incineration of solid waste in a final disposal facility in Indiana. Except  
 41 as provided in section 14 of this chapter, the amount of the fee is as  
 42 follows:

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- 1 (1) For solid waste generated in Indiana, fifty cents (\$0.50) a ton.  
 2 (2) For solid waste generated outside Indiana:  
 3 (A) fifty cents (\$0.50) a ton; and  
 4 (B) if the board has adopted rules under subsection (b), an  
 5 additional amount imposed under the rules.  
 6 (b) The board may adopt rules to establish and impose a fee on the  
 7 disposal or incineration of solid waste that is:  
 8 (1) generated outside Indiana; and  
 9 (2) disposed of or incinerated in a final disposal facility in  
 10 Indiana.  
 11 If rules are adopted under this subsection, the fee shall be set at an  
 12 amount necessary to offset the costs incurred by the state or a county,  
 13 municipality, or township that can be attributed to the importation of  
 14 the solid waste into Indiana and the presence of the solid waste in  
 15 Indiana.  
 16 (c) If solid waste has been subject to a fee under this section, the  
 17 total amount of the fee paid shall be credited against any other fee to  
 18 which the solid waste may later be subject under this section.  
 19 (d) A fee may not be imposed upon material used as alternate daily  
 20 cover pursuant to ~~under~~ a permit issued by the department ~~under 329~~  
 21 ~~IC 10-20-13~~ or a rule adopted by the board.  
 22 SECTION 193. IC 13-20-25-1, AS ADDED BY P.L.126-2014,  
 23 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2026]: Sec. 1. The goal of the state is to recycle or divert at  
 25 least fifty percent (50%) of its municipal waste.  
 26 SECTION 194. IC 13-20-25-9, AS AMENDED BY P.L.147-2015,  
 27 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2026]: Sec. 9. (a) A recycler shall report the recycler's  
 29 recycling activities under this section. A recycler may elect to report  
 30 the recycler's recycling activities on an annual basis under subsection  
 31 (b). ~~or on a quarterly basis under subsection (c).~~  
 32 (b) A recycler that elects to report on an annual basis shall, in  
 33 2016 and each succeeding calendar year, before March 1, shall submit  
 34 to the commissioner a completed recycling activity report concerning  
 35 the recycling activities conducted by the recycler during the calendar  
 36 year that ended on the most recent December 31.  
 37 (c) A recycler may elect to report more frequently than is  
 38 required under subsection (a). that elects to report on a quarterly  
 39 basis shall, for the July through September quarter of 2014 and each  
 40 succeeding quarter, not more than thirty (30) days after the end of the  
 41 quarter, submit to the commissioner a completed recycling activity  
 42 report concerning the recycling activities conducted by the recycler

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1 during the quarter. A quarterly report submitted under this subsection  
2 must concern the recycling activities conducted by the recycler during  
3 the period of:

- 4 (1) July through September;
- 5 (2) October through December;
- 6 (3) January through March; or
- 7 (4) April through June.

8 (d) A recycler shall submit a separate recycling activity report  
9 under this section for each reporting period, whether annual or  
10 quarterly, period for each facility:

- 11 (1) that was owned or operated by the recycler; and
- 12 (2) at which the recycler conducted recycling activities;

13 during the reporting period.

14 (e) A person who operates a composting facility that must be  
15 registered under this chapter shall submit an annual report to the  
16 commissioner that indicates the volume of material processed by  
17 the composting facility during the preceding year.

18 SECTION 195. IC 13-20-25-11, AS AMENDED BY THE  
19 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL  
20 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2026]: Sec. 11. (a) Except as provided in subsection (b); A  
22 recycling activity report submitted to the commissioner under this  
23 chapter must be submitted on the uniform recycling activity report form  
24 posted in a format required by the commissioner on through the  
25 department's Internet web site website. under section 12 of this  
26 chapter.

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

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

- 37 (1) Provide for reporting of the:
  - 38 (A) name and location of; and
  - 39 (B) principal business activities conducted at;
 the recycler's establishment.
- 40 (2) Include:
  - 41 (A) an appropriate space for; and
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1           **(B) instructions requiring the completion of;**  
 2           **an appropriate certification, by signature of the recycler (if**  
 3           **the recycler is an individual) or a senior official with**  
 4           **management responsibility for the recycler (if the recycler is**  
 5           **not an individual), of the accuracy and completeness of the**  
 6           **recycling activity report.**

7           **(3) Provide for reporting of the quantity, in tons, of each type**  
 8           **of recyclable material listed in subsection (c) that was in**  
 9           **storage at the reporting recycler's establishment:**

10           **(A) at the start of the calendar year; and**

11           **(B) at the close of the calendar year.**

12           **(4) Provide for reporting of the quantity, in tons, of each type**  
 13           **of recyclable material listed in subsection (c) that was**  
 14           **transported from the reporting recycler's establishment, or**  
 15           **(in the case of a recycler that is a recyclable materials**  
 16           **broker) that was transported or delivered by arrangement of**  
 17           **the recycler, to any of the following:**

18           **(A) Other recyclers located in Indiana.**

19           **(B) Persons that are located in Indiana but are not**  
 20           **recyclers, including persons that may employ the**  
 21           **recyclable material as a raw material or a new product**  
 22           **without further recycling.**

23           **(C) Persons located outside Indiana.**

24           **(c) A uniform recycling activity report form posted on the**  
 25           **department's website under subsection (a) must specify that the**  
 26           **information to be reported by a recycler under subsection (b)(3)**  
 27           **and (b)(4) must be reported separately for each of the following**  
 28           **types of recyclable materials:**

29           **(1) Glass.**

30           **(2) Metal, including white goods (ferrous).**

31           **(3) Metal (nonferrous).**

32           **(4) Paper and paper products (all grades).**

33           **(5) Plastic and plastic products.**

34           **(6) Single stream recyclable materials.**

35           **(7) Any other distinct type of recyclable material not**  
 36           **specified in subdivisions (1) through (6).**

37           SECTION 196. IC 13-20-25-12 IS REPEALED [EFFECTIVE  
 38           JULY 1, 2026]. Sec. 12. (a) Not later than July 1, 2015, the  
 39           commissioner shall post on the department's Internet web site a  
 40           uniform recycling activity report form. The form must do the following:

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

42           **(A) name and location of; and**

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

41 SECTION 197. IC 13-20.5-1-4, AS AMENDED BY  
 42 P.L.200-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person may not operate as  
2 a collector of covered electronic devices from covered entities unless  
3 the person:

- 4 (1) has submitted to the department a completed registration  
5 form; ~~as required by 329 IAC 16-5-1~~; and
- 6 (2) otherwise complies with ~~329 IAC 16~~: **rules established by**  
7 **the board.**

8 (b) A registration submitted under this section:  
9 (1) is effective upon receipt by the department; and  
10 (2) must be submitted for a program year not later than March 1  
11 of the program year.

12 SECTION 198. IC 13-20.5-1-5, AS AMENDED BY  
13 P.L.200-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person may not recycle  
15 covered electronic devices generated by covered entities unless the  
16 person:

- 17 (1) has submitted to the department a completed registration  
18 form; ~~as required by 329 IAC 16-5-1~~; and
- 19 (2) otherwise complies with ~~329 IAC 16~~: **rules established by**  
20 **the board.**

21 (b) A registered recycler may conduct recycling activities that are  
22 consistent with this article.

23 (c) A registration submitted under this section:  
24 (1) is effective upon receipt by the department; and  
25 (2) must be submitted for a program year not later than March 1  
26 of the program year.

27 SECTION 199. IC 13-20.5-1-6, AS ADDED BY P.L.178-2009,  
28 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2026]: Sec. 6. The department may revoke the registration of  
30 a collector or recycler that violates either or both of the following:

- 31 (1) This article.
- 32 (2) ~~329 IAC 16~~: **Rules established by the board.**

33 SECTION 200. IC 13-20.5-3-1, AS AMENDED BY  
34 P.L.200-2017, SECTION 10, IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than  
36 March 1 of each year, a manufacturer shall report to the department the  
37 total weight in pounds of covered electronic devices that the  
38 manufacturer:

- 39 (1) collected from eligible entities and recycled; or
- 40 (2) arranged to have collected from eligible entities and  
41 recycled;

42 during the program year that ended on the immediately preceding

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- 1 December 31.
- 2 (b) Not later than March 1 of each year, a manufacturer shall
- 3 report the following to the department:
- 4 (1) The number of recycling credits the manufacturer purchased
- 5 and sold during the program year that ended on the immediately
- 6 preceding December 31.
- 7 (2) The number of recycling credits possessed by the
- 8 manufacturer that the manufacturer intends to use in the
- 9 calculation of its variable recycling fee under IC 13-20.5-2-1.
- 10 (3) The number of recycling credits the manufacturer retained at
- 11 the beginning of the program year that began on the immediately
- 12 preceding January 1.
- 13 (4) The ~~amount~~ **weight** in pounds of covered electronic devices
- 14 that the manufacturer arranged for a recycler to collect and
- 15 recycle during the program year that ended on the immediately
- 16 preceding December 31 and that were not converted to recycling
- 17 credits.

18 SECTION 201. IC 13-20.5-3-2, AS AMENDED BY  
 19 P.L.200-2017, SECTION 11, IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. Not later than each  
 21 March 1, a recycler of covered electronic devices shall do the  
 22 following:

- 23 (1) Report to the department separately the total weight in
- 24 pounds of covered electronic devices that were:
- 25 (A) recycled by the recycler; and
- 26 (B) taken by the recycler for final disposal;
- 27 during the program year that ended on the immediately
- 28 preceding December 31.
- 29 (2) Submit to the department a list of all collectors from whom
- 30 the recycler received covered electronic devices during the
- 31 program year that ended on the immediately preceding
- 32 December 31.
- 33 (3) Certify that the recycler has complied with IC 13-20.5-5 and
- 34 ~~329 IAC 16~~ **any applicable regulations** during the program year
- 35 that ended on the immediately preceding December 31.

36 SECTION 202. IC 13-20.5-4-1, AS AMENDED BY  
 37 P.L.200-2017, SECTION 13, IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A manufacturer shall  
 39 **do the following:**

- 40 (1) In each of the manufacturer's program years recycle or
- 41 arrange for the collection and recycling from covered entities of
- 42 an amount of covered electronic devices equal to at least sixty

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1 percent (60%) of the total weight of the manufacturer's video  
2 display devices sold to households as reported in the  
3 manufacturer's registration for the program year under  
4 IC 13-20.5-1-1(c)(4).

5 **(2) Conduct and document due diligence assessments of**  
6 **collectors and recyclers with which the manufacturer**  
7 **contracts to allow the manufacturer to comply with this**  
8 **chapter.**

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

- 11 (A) recycled;
  - 12 (B) partially recycled; or
  - 13 (C) sent to downstream recycling operations by the
  - 14 manufacturer;
- 15 are recycled in compliance with this article.

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

19 SECTION 203. IC 13-20.5-4-2 IS REPEALED [EFFECTIVE  
20 JULY 1, 2026]. Sec. 2: (a) A manufacturer shall conduct and document  
21 due diligence assessments of collectors and recyclers with which the  
22 manufacturer contracts to allow the manufacturer to comply with this  
23 chapter:

24 (b) A manufacturer shall maintain for three (3) years  
25 documentation showing that all covered electronic devices recycled;  
26 partially recycled; or sent to downstream recycling operations by the  
27 manufacturer are recycled in compliance with this article:

28 SECTION 204. IC 13-20.5-4-3 IS REPEALED [EFFECTIVE  
29 JULY 1, 2026]. Sec. 3: A manufacturer shall provide the department  
30 with contact information for an individual who can be contacted  
31 regarding the manufacturer's activities under this article:

32 SECTION 205. IC 13-20.5-7-3, AS ADDED BY P.L.178-2009,  
33 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2026]: Sec. 3. If the revenues in the electronic waste fund  
35 established by IC 13-20.5-2-3 exceed the amount that the department  
36 determines is necessary for efficient and effective administration of this  
37 article, the department shall recommend to the general assembly in a  
38 report submitted in an electronic format under IC 5-14-6 that:

- 39 (1) the registration fee under IC 13-20.5-2-1(a); or
- 40 (2) the proportion of sales of video display devices required to be
- 41 recycled under IC 13-20.5-4-1;

42 be lowered to reduce revenues collected in the subsequent state fiscal

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1 year by the estimated amount of the excess. **report to the standing**  
2 **committees with subject matter jurisdiction over environmental**  
3 **affairs for both the house of representatives and the senate.**

4 SECTION 206. IC 13-20.5-7-10 IS REPEALED [EFFECTIVE  
5 JULY 1, 2026]. Sec. 40: (a) Solid waste management districts shall  
6 conduct educational programs to provide information to the public  
7 concerning:

- 8 (1) reuse and recycling of electronic waste;
- 9 (2) collection programs available to the public for the disposal  
10 of electronic waste; and
- 11 (3) proper disposal of electronic waste.

12 (b) The department, with assistance from solid waste management  
13 districts and other appropriate persons, shall provide solid waste  
14 management districts with a curriculum model that includes  
15 educational core principles concerning the reuse, recycling, collection,  
16 and proper disposal of solid waste. Solid waste management districts  
17 shall implement educational programs that meet the minimum  
18 standards established by the department in the curriculum model.

19 SECTION 207. IC 13-21-1-3 IS REPEALED [EFFECTIVE JULY  
20 1, 2026]. Sec. 3: Revisions of the state plan must be implemented using  
21 the procedures set forth in section 4 of this chapter.

22 SECTION 208. IC 13-21-13-1, AS AMENDED BY P.L.104-2022,  
23 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2026]: Sec. 1. (a) A board may impose fees on the disposal of  
25 solid waste in a final disposal facility located within the district. A fee  
26 imposed by a board in a county with a population of more than one  
27 hundred twelve thousand (112,000) and less than one hundred twenty  
28 thousand (120,000) under this section may not exceed two dollars and  
29 fifty cents (\$2.50) a ton. A fee imposed by a board in other counties  
30 under this section may not exceed:

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

35 whichever is greater.

36 (b) The board shall do the following:

- 37 (1) Set the amount of fees imposed under this section after a  
38 public hearing.
- 39 (2) Give public notice of the hearing.

40 (c) If solid waste has been subject to a district fee under this  
41 section, the total amount of the fee that was paid shall be credited  
42 against a district fee to which the solid waste may later be subject

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1 under this section.

2 (d) Except as provided in section 4 of this chapter, fees imposed  
3 under this chapter shall be imposed uniformly on public facilities and  
4 on privately owned or operated facilities throughout the district.

5 (e) A resolution adopted by a board that establishes fees under this  
6 chapter may contain a provision that authorizes the board to impose a  
7 penalty of not more than five hundred dollars (\$500) per day because  
8 of:

- 9 (1) nonpayment of fees; or
- 10 (2) noncompliance with a condition in the resolution.

11 (f) A board may not impose fees for material used as alternate  
12 daily cover pursuant to a permit issued by the department under ~~329~~  
13 ~~IAC 10-20-13~~. **the rules adopted by the board.**

14 SECTION 209. IC 13-22-2-4 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall  
16 adopt rules under IC 4-22-2 and IC 13-14-8 on the proper and safe  
17 transportation, treatment, storage, and disposal of hazardous wastes.  
18 Whenever possible, the rules adopted under this section must allow for  
19 variation in Indiana with regard to population density, climate, and  
20 geology.

21 (b) Rules adopted under this section concerning incinerators used  
22 as hazardous waste facilities may establish requirements more stringent  
23 than the requirements for hazardous waste incinerators established by  
24 regulations adopted by the Administrator of the United States  
25 Environmental Protection Agency under the following statutes:

- 26 (1) The federal Resource Conservation and Recovery Act (42  
27 U.S.C. 6901 et seq.).
- 28 (2) The federal Clean Air Act (42 U.S.C. 7401 et seq.), as  
29 amended by the federal Clean Air Act Amendments of 1990  
30 (P.L.101-549). **amended.**

31 SECTION 210. IC 13-22-2-6 IS REPEALED [EFFECTIVE JULY  
32 1, 2026]. ~~Sec. 6: The board shall do the following:~~

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

37 SECTION 211. IC 13-22-3-3 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Before allowing  
39 the operation of a landfill for the disposal of hazardous waste, the  
40 commissioner and all the owners of the land upon which the landfill is  
41 located must execute and record a restrictive covenant upon the land  
42 involved. The department shall file the instrument imposing the

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1 restrictive covenant for record in the recorder's office in the county in  
2 which the landfill is located.

- 3 (b) The covenant must state that:
- 4 (1) the land has been or may be used as a landfill for disposal of
- 5 hazardous waste; and
- 6 (2) neither the property owners, agents, or employees, nor any of
- 7 their heirs, successors, lessees, or assignees, may engage in
- 8 filling, grading, excavating, building, drilling, or mining on the
- 9 property following the completion and closure of the landfill
- 10 without authorization of the commissioner.

11 (c) Before the commissioner grants an authorization for the  
12 activities prohibited in the covenant, the commissioner shall ~~review~~  
13 **consider** the following:

- 14 (1) The original design of the landfill.
- 15 (2) The type of operation.
- 16 (3) The hazardous waste deposited there.
- 17 (4) The state of decomposition of the hazardous wastes.

18 SECTION 212. IC 13-22-7.5-1, AS ADDED BY P.L.172-2005,  
19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2026]: Sec. 1. This chapter applies to a person that transports:

- 21 (1) a chemical munition ~~referred to in 329 IAC 3-1-6-3, as in~~  
22 ~~effect on January 1, 2005; as defined in IC 13-11-2-25; or~~
- 23 (2) hazardous waste derived from the bulk neutralization and  
24 destruction of the agent VX referred to in IC 13-11-2-25(6).

25 SECTION 213. IC 13-22-11-1 IS REPEALED [EFFECTIVE  
26 JULY 1, 2026]. Sec. 1. (a) ~~The office shall do the following:~~

- 27 ~~(1) Continuously gather information on secondary material~~  
28 ~~utilization or waste reduction practices and technology from~~  
29 ~~sources within and outside Indiana.~~
- 30 ~~(2) Provide information and advice on secondary material~~  
31 ~~utilization or waste reduction in response to a request from a~~  
32 ~~business or business organization that is active in Indiana.~~

33 (b) ~~In the absence of a request, the office may, at the direction of~~  
34 ~~the commissioner, present advice on secondary material utilization or~~  
35 ~~waste reduction to a business that:~~

- 36 ~~(1) is active in Indiana; and~~
- 37 ~~(2) in the judgment of the commissioner, could:~~
  - 38 ~~(A) significantly reduce;~~
  - 39 ~~(B) eliminate; or~~
  - 40 ~~(C) avoid;~~

41 ~~the generation and disposal of hazardous waste through waste~~  
42 ~~reduction or secondary material utilization under IC 13-22-11.5.~~

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

3 SECTION 214. IC 13-22-11-2 IS REPEALED [EFFECTIVE  
4 JULY 1, 2026]. Sec. 2: In directing the office to present advice to  
5 businesses under section 1(b) of this chapter, the commissioner shall  
6 establish a priority among types of businesses according to the  
7 following:

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

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

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

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

20 SECTION 215. IC 13-23-1-2, AS AMENDED BY P.L.38-2012,  
21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2026]: Sec. 2. (a) The board shall adopt rules under IC 4-22-2,  
23 IC 13-14-8, and IC 13-14-9 for the establishment and operation of the  
24 program established under section 1 of this chapter.

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

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

33 (1) Requirements for maintaining:  
34 (A) a leak detection system;  
35 (B) an inventory control system coupled with tank testing;  
36 or  
37 (C) a comparable system or method;  
38 designed to identify releases in a manner consistent with the  
39 protection of human health and the environment.

40 (2) Requirements for maintaining records of any:  
41 (A) monitoring;  
42 (B) leak detection system;

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- 1 (C) inventory control system or tank testing; or
- 2 (D) comparable system.
- 3 (3) Requirements for reporting of:
- 4 (A) any releases; and
- 5 (B) corrective action taken in response to a release.
- 6 (4) Requirements for ordering or taking corrective action in
- 7 response to a release.
- 8 (5) Requirements for closure of underground storage tanks to
- 9 prevent future releases of regulated substances into the
- 10 environment.
- 11 (6) Requirements for maintaining evidence of financial
- 12 responsibility for:
- 13 (A) taking corrective action; and
- 14 (B) compensating third parties for bodily injury and
- 15 property damage caused by sudden and nonsudden
- 16 accidental releases arising from the operation of an
- 17 underground storage tank.
- 18 (7) Standards of performance for new underground storage
- 19 tanks.
- 20 (8) Requirements for the following:
- 21 (A) Providing notice to the department of the existence of
- 22 operational and nonoperational underground storage tanks,
- 23 as required under 42 U.S.C. 6991a(a).
- 24 (B) Providing the information required on the form
- 25 prescribed under 42 U.S.C. 6991a(b)(2).
- 26 (C) Providing notice, by any person who sells a tank
- 27 intended to be used as an underground storage tank, to the
- 28 purchaser of that tank of the owner's notification
- 29 requirements established by this article and 42 U.S.C.
- 30 6991a(a).
- 31 (9) Requirements for the delivery prohibition program
- 32 prescribed under 42 U.S.C. 6991k, including:
- 33 (A) notice to owners or operators when an underground
- 34 storage tank is declared ineligible for delivery, deposit, or
- 35 acceptance of a regulated substance; and
- 36 (B) procedures to enforce the delivery prohibition that
- 37 include the use of a temporary emergency order under
- 38 IC 4-21.5-4 for violations of section 4(a) of this chapter.
- 39 SECTION 216. IC 13-23-3-1, AS AMENDED BY P.L.176-2023,
- 40 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2026]: Sec. 1. (a) The department shall, under rules adopted
- 42 by the board under IC 4-22-2 and IC 13-14-9, establish a certification

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- 1 program for persons who supervise, manage, or direct underground
- 2 storage tank or aboveground storage tank:
- 3 (1) installation or retrofitting;
- 4 (2) testing;
- 5 (3) cathodic protection procedures; or
- 6 (4) decommissioning.
- 7 (b) A person may be certified by the department if the person
- 8 submits evidence to the department that the person has successfully
- 9 completed:
- 10 (1) the International Fire Code ~~Institute Council~~ examination; or
- 11 (2) another appropriate examination approved by the department.
- 12 (c) The department may create a supplemental educational library
- 13 concerning proper installation and closure of underground storage
- 14 tanks or aboveground storage tanks, which includes the American
- 15 Petroleum Institute's series, "An Education and Certification Program
- 16 for Underground Storage Tank Professionals" and "API 653
- 17 Aboveground Storage Tank Inspector Certification Program".
- 18 SECTION 217. IC 13-23-3-2 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) To obtain a
- 20 certificate under section 1 of this chapter, a person must:
- 21 (1) take an examination that is approved;
- 22 (2) achieve a passing score on the examination that is
- 23 established; and
- 24 (3) pay any reasonable fees necessary to offset the costs incurred
- 25 by the ~~state fire marshal~~ **department** in administering the
- 26 examination and certification procedures that are established;
- 27 under rules adopted by the ~~fire prevention and building safety~~
- 28 ~~commission: board.~~
- 29 (b) An examination described under subsection (a) must cover the
- 30 following subjects:
- 31 (1) Relevant rules adopted by the
- 32 ~~(A) board and~~
- 33 ~~(B) fire prevention and building safety commission;~~
- 34 concerning underground storage tanks.
- 35 (2) Any other subjects approved under rules adopted by the fire
- 36 prevention and building safety commission.
- 37 (c) The ~~fire prevention and building safety commission board~~
- 38 shall adopt rules establishing the following:
- 39 (1) The number of times a person who fails an examination
- 40 described under this section may take the examination again.
- 41 (2) The period of time a person who fails an examination
- 42 described under this section must wait before taking the

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

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

10 SECTION 218. IC 13-23-4-1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The rules adopted  
12 under ~~IC 13-23-1-2(e)(6)~~ **IC 13-23-1-2(b)(6)** may allow evidence of  
13 financial responsibility in one (1) or a combination of the following  
14 forms:

- 15 (1) Insurance.
- 16 (2) Guarantee.
- 17 (3) Surety bond.
- 18 (4) Letter of credit.
- 19 (5) Qualification as a self-insurer.
- 20 (6) Any other method satisfactory to the commissioner and the  
21 Administrator of the United States Environmental Protection  
22 Agency.

23 SECTION 219. IC 13-23-4-2 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The rules adopted  
25 under ~~IC 13-23-1-2(e)(6)~~ **IC 13-23-1-2(b)(6)** may require the use of  
26 certain policy provisions or contract terms, including provisions or  
27 terms concerning the following:

- 28 (1) The minimum amount of coverage required for various  
29 classes and categories of underground storage tanks established  
30 under section 4 of this chapter.
- 31 (2) Conditions or defenses that are necessary or unacceptable in  
32 establishing evidence of financial responsibility.

33 SECTION 220. IC 13-23-4-4 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The rules adopted  
35 under ~~IC 13-23-1-2(e)(6)~~ **IC 13-23-1-2(b)(6)** may require a minimum  
36 amount of coverage for particular classes or categories of underground  
37 storage tanks containing petroleum. Minimum coverage amounts  
38 established under this subsection must be at least one million dollars  
39 (\$1,000,000) for each occurrence, with an appropriate aggregate  
40 amount.

41 (b) The board may by rule set minimum coverage amounts lower  
42 than the amount set forth in subsection (a) for underground storage

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- 1 tanks containing petroleum that are:
- 2 (1) not located at facilities engaged in the production, refining,
- 3 or marketing of petroleum; and
- 4 (2) not used to handle substantial quantities of petroleum.
- 5 (c) In adopting rules establishing classes and categories of
- 6 underground storage tanks containing petroleum for purposes of this
- 7 section, the board may consider the following factors:
- 8 (1) The:
- 9 (A) size, type, location, storage, and handling capacity of
- 10 underground storage tanks in the class or category; and
- 11 (B) volume of petroleum handled by those tanks.
- 12 (2) The:
- 13 (A) likelihood of release; and
- 14 (B) potential extent of damage from any release;
- 15 from underground storage tanks in the class or category.
- 16 (3) The economic impact of the limits on the owners and
- 17 operators of each class or category, particularly relating to the
- 18 small business segment of the petroleum marketing industry.
- 19 (4) The availability of methods of financial responsibility in
- 20 amounts greater than the amount established by this section.
- 21 (5) Any other factors that the board considers pertinent.
- 22 SECTION 221. IC 13-23-7-5, AS AMENDED BY P.L.96-2016,
- 23 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2026]: Sec. 5. The treasurer of state shall invest the money in
- 25 the ELTF not currently needed to meet the obligations of the ELTF in
- 26 the same manner as other public money may be invested. Interest that
- 27 accrues from these investments shall be deposited in the ELTF. ~~At least~~
- 28 ~~one (1) time each year, the treasurer of state shall provide the financial~~
- 29 ~~assurance board a report detailing the investments made under this~~
- 30 ~~section.~~
- 31 SECTION 222. IC 13-23-8-4, AS AMENDED BY P.L.9-2024,
- 32 SECTION 344, IS AMENDED TO READ AS FOLLOWS
- 33 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The administrator shall pay
- 34 ELTF claims that are:
- 35 (1) for costs related to eligible releases;
- 36 (2) submitted by eligible parties; and
- 37 (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.
- 38 (b) **The administrator, if appropriate, may allow** an eligible
- 39 ~~party may to~~ assign the **eligible party's** right to receive payment of an
- 40 ELTF claim to another person.
- 41 (c) Not more than forty-five (45) business days after an ELTF
- 42 claim is submitted, the administrator shall do one (1) of the following:

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- 1 (1) Approve the ELTF claim and, under IC 13-23-9-2(c),
- 2 forward the ELTF claim to the state comptroller for payment.
- 3 (2) Send to the claimant a written notice that:
- 4 (A) states that a correction, a clarification, or additional
- 5 information is needed before the ELTF claim can be
- 6 approved; and
- 7 (B) provides a clear explanation:
- 8 (i) of the correction, clarification, or additional
- 9 information that is needed; and
- 10 (ii) of why it is needed.
- 11 (3) Deny the claim and provide the claimant with a statement of
- 12 the reasons for the denial under IC 13-23-9-2(b).
- 13 SECTION 223. IC 13-23-9-1.7, AS AMENDED BY
- 14 P.L.149-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2026]: Sec. 1.7. (a) The administrator may pay
- 16 an ELTF claim for fifty percent (50%) of the costs of decommissioning
- 17 or replacing an underground petroleum storage tank, provided that:
- 18 (1) the applicant is the owner of the tank;
- 19 (2) such decommissioning or replacement is necessary, in the
- 20 judgment of the administrator, to protect human health and the
- 21 environment considering the age, obsolescence, and level of
- 22 deterioration of the tank; and
- 23 (3) the costs:
- 24 (A) are reasonable and cost effective; and
- 25 (B) result from or reimburse the claimant for work
- 26 performed decommissioning the tank or replacing the tank
- 27 with a new aboveground storage tank as defined in
- 28 IC 13-11-2-0.4 or underground storage tank as defined in
- 29 IC 13-11-2-241.
- 30 (b) **Subject to subsection (c)**, the expenses described in
- 31 subsection (a) that are paid from the ELTF in a state fiscal year may not
- 32 exceed:
- 33 (1) ten million dollars (\$10,000,000) each year for claims
- 34 submitted by applicants owning not more than twelve (12)
- 35 underground petroleum storage tanks;
- 36 (2) seven million five hundred thousand dollars (\$7,500,000)
- 37 each year for claims submitted by applicants owning more than
- 38 twelve (12) but not more than one hundred (100) underground
- 39 petroleum storage tanks; and
- 40 (3) two million five hundred thousand dollars (\$2,500,000) each
- 41 year for claims submitted by applicants owning more than one
- 42 hundred (100) underground petroleum storage tanks.

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1 (c) At the end of each state fiscal year, any funds that were  
 2 allocated for the decommissioning or replacement of underground  
 3 petroleum storage tanks, as described in subsection (b), but that were  
 4 not spent shall roll over to the next state fiscal year and be used to  
 5 decommission or replace underground petroleum storage tanks within  
 6 the same category as allocated in the prior state fiscal year pursuant to  
 7 subsection (b)(1), (b)(2), and (b)(3).

8 SECTION 224. IC 13-23-9-4 IS REPEALED [EFFECTIVE JULY  
 9 1, 2026]. ~~Sec. 4. If the administrator denies an ELTF claim under this  
 10 chapter, the claimant may appeal the denial under IC 4-21.5 to the  
 11 office of administrative law proceedings under IC 4-15-10.5.~~

12 SECTION 225. IC 13-23-11-2, AS AMENDED BY P.L.176-2023,  
 13 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2026]: Sec. 2. (a) The board consists of the following ~~nine (9)~~  
 15 **ten (10)** members:

- 16 (1) The administrator or the administrator's designee.
- 17 (2) One (1) member nominated by the treasurer of state in  
 18 consultation with the commissioner of the department of state  
 19 revenue.
- 20 (3) One (1) member representing the independent petroleum  
 21 wholesale distributor-marketer industry. ~~In making this  
 22 appointment, the governor may consider the recommendation of  
 23 the Indiana petroleum marketers and convenience store  
 24 association.~~
- 25 (4) One (1) member representing the petroleum refiner-supplier  
 26 industry. ~~In making this appointment, the governor may consider  
 27 the recommendation of the Indiana petroleum council.~~
- 28 (5) One (1) member of the financial lending community who has  
 29 experience with loan guaranty programs.
- 30 (6) One (1) member representing the convenience store operator  
 31 industry or independent petroleum retail distributor-marketer  
 32 industry. ~~In making this appointment, the governor may consider  
 33 the recommendation of the Indiana petroleum marketers and  
 34 convenience store association.~~
- 35 (7) One (1) member representing environmental interests.
- 36 (8) One (1) member representing an environmental consulting  
 37 firm that performs work involving underground storage tank or  
 38 aboveground storage tank corrective actions.
- 39 (9) One (1) member representing the property and casualty  
 40 insurance industry.
- 41 **(10) One (1) member representing airports.**
- 42 (b) The governor shall appoint the members specified in

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1 subsection (a)(2) through ~~(a)(9)~~ **(a)(10)** for terms of ~~two (2)~~ **four (4)**  
2 years.

3 **(c) The governor may consider nomination and**  
4 **recommendations for members appointed under subsection (a)(2)**  
5 **through (a)(10) from representative constituencies.**

6 SECTION 226. IC 13-23-11-4 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) If an appointed  
8 member of the board is not able to serve the member's full term, the  
9 governor shall appoint an individual to serve for the remainder of the  
10 unexpired term.

11 (b) The term of an appointed member of the board continues until  
12 the member's successor has been appointed. ~~and qualified.~~

13 **(c) No member may serve more than two (2) consecutive**  
14 **terms.**

15 SECTION 227. IC 13-23-11-6, AS AMENDED BY P.L. 113-2014,  
16 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2026]: Sec. 6. (a) The board must have a quorum to transact  
18 business. Five (5) members constitute a quorum.

19 (b) An affirmative vote of the majority of members present is  
20 required for the board to take action.

21 ~~(c) The board shall meet upon:~~  
22 ~~(1) the request of the chairperson; or~~  
23 ~~(2) the written request of three (3) of the board's members.~~

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

26 SECTION 228. IC 13-23-11-7, AS AMENDED BY P.L. 176-2023,  
27 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2026]: Sec. 7. (a) The board shall do the following:

29 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to do  
30 the following:

- 31 (A) Carry out the duties of the board under this article.
- 32 (B) Establish standards and procedures under which:
  - 33 (i) eligible parties may submit ELTF claims; and
  - 34 (ii) the administrator of the ELTF may pay ELTF
  - 35 claims.

36 (C) Establish standards for determining the reasonableness  
37 and cost effectiveness of corrective action for purposes of  
38 reimbursement from the ELTF under IC 13-23-9-1.5(a)(1).

39 (D) Establish standards for priorities in the payment of  
40 ELTF claims, including a priority for claims associated with  
41 releases from USTs and ASTs that pose an immediate and  
42 significant threat to the environment.

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

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1 SECTION 229. IC 13-23-11-9 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2026]: **Sec. 9. This chapter expires July 1,**  
4 **2031.**

5 SECTION 230. IC 13-23-13-1, AS AMENDED BY P.L.176-2023,  
6 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2026]: Sec. 1. (a) Subject to subsections (b)(1) and (d), the  
8 commissioner may, under rules adopted under IC 13-23-1-2:

- 9 (1) issue an order under IC 13-14-2-7 or IC 4-21.5-4; or
- 10 (2) proceed under IC 13-14-2-6;

11 to require the owner or operator of an underground storage tank or  
12 aboveground storage tank to undertake corrective action with respect  
13 to any release of a regulated substance.

14 (b) Except as provided in subsection (d), the commissioner may  
15 not, with respect to a release of petroleum from an underground storage  
16 tank or aboveground storage tank:

- 17 (1) take action under subsection (a); or
- 18 (2) if a reportable quantity of the released petroleum remains or  
19 may remain underground at the site of the underground storage  
20 tank or aboveground storage tank:

21 (A) request that the owner or operator of the underground  
22 storage tank or aboveground storage tank execute a  
23 restrictive covenant (as defined in IC 13-11-2-193.5)  
24 applying to the site of the underground storage tank or  
25 aboveground storage tank;

26 (B) make a determination of no further action being  
27 required at the site of the underground storage tank or  
28 aboveground storage tank; or

29 (C) approve closure, or its equivalent, of the site of the  
30 underground storage tank or aboveground storage tank;

31 unless the commissioner has received and reviewed the initial site  
32 characterization of the site of the release or an alternative evaluation is  
33 prepared for submittal to the commissioner in accordance with  
34 subsection (c) **and an evaluation of potential remedial activities to**  
35 **achieve remedial objectives including closure options,**  
36 **environmental deed restrictions, and remediation methods to**  
37 **achieve a no further action determination, including estimated**  
38 **costs and time frames sufficient for the commissioner to evaluate**  
39 **the adequacy of the proposed response.**

40 (c) When necessary and feasible as determined by a qualified  
41 environmental professional, an initial site characterization shall  
42 include:

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- 1 (1) site-specific geologic information obtained from a minimum
- 2 of three (3) continuously sampled soil borings; and
- 3 (2) hydrogeologic information, including depth to ground water
- 4 and ground water flow directions and gradients, obtained from
- 5 a minimum of three (3) monitoring wells screened across the
- 6 water table.

7 A qualified environmental professional, on behalf of the owner or  
 8 operator of an underground storage tank or an aboveground storage  
 9 tank from which there has been a release of petroleum, may submit for  
 10 approval by the commissioner an alternative procedure for initial site  
 11 characterization and request a waiver of the requirements in this  
 12 subsection. The commissioner may approve the request for a waiver  
 13 and alternative procedure only if the alternative procedure provides  
 14 substantially equal protection for human health and the environment.  
 15 If an initial site characterization does not define the nature and extent  
 16 of the contaminant plume, additional investigation shall be performed  
 17 when necessary and feasible as determined by a qualified  
 18 environmental professional.

19 (d) The commissioner may take action under subsection (a)  
 20 without having received and reviewed the initial site characterization  
 21 if the commissioner reasonably believes that the release from the  
 22 underground storage tank or aboveground storage tank creates a threat  
 23 to human health or the environment sufficient to necessitate action  
 24 under subsection (a) before the initial site characterization is submitted  
 25 to the department.

- 26 (e) If the commissioner:
- 27 (1) requires corrective action under subsection (a); and
  - 28 (2) determines that the corrective action will be done properly
  - 29 and promptly by the owner or operator of the underground
  - 30 storage tank or aboveground storage tank from which the release
  - 31 occurs;

32 the commissioner may enter into an agreed order with the owner or  
 33 operator to implement necessary corrective action.

34 SECTION 231. IC 13-23-13-2, AS AMENDED BY P.L. 176-2023,  
 35 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2026]: Sec. 2. The commissioner, under rules adopted under  
 37 IC 13-23-1-2, may undertake corrective action with respect to any  
 38 release of a regulated substance into the environment from an  
 39 underground storage tank or aboveground storage tank if:

- 40 (1) that action is necessary, in the judgment of the commissioner,
- 41 to protect human health and the environment; and
- 42 (2) at least one (1) of the following conditions exists:

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- 1 (A) A person cannot be found not later than ninety (90)
- 2 days after a suspected or confirmed release is identified (or
- 3 a shorter time necessary to protect human health and the
- 4 environment) who is:
  - 5 (i) an owner or operator of the underground storage
  - 6 tank or aboveground storage tank;
  - 7 (ii) subject to the rules concerning corrective action;
  - 8 and
  - 9 (iii) capable of properly carrying out corrective action
  - 10 with respect to the release.
- 11 (B) An existing situation requires prompt action by the
- 12 commissioner under this section to protect human health
- 13 and the environment.
- 14 (C) The cost of corrective action at the site of an
- 15 underground storage tank exceeds the amount of financial
- 16 responsibility required under ~~IC 13-23-1-2(e)(6)~~;
- 17 **IC 13-23-1-2(b)(6)**, IC 13-23-4-4, and IC 13-23-4-5 and,
- 18 considering the class or category of underground storage
- 19 tank from which the release occurred, expenditures by the
- 20 state are necessary to ensure an effective corrective action.
- 21 (D) The owner or operator of the underground storage tank
- 22 or aboveground storage tank has failed or refused to comply
- 23 with an order of the commissioner or a judgment of a court
- 24 of competent jurisdiction under section 1 of this chapter to
- 25 take corrective action with respect to the release.

26 SECTION 232. IC 13-23-13-9 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. In determining the  
 28 equities for seeking the recovery of costs under section 8 of this  
 29 chapter, the commissioner may consider the following:

- 30 (1) The amount of financial responsibility required to be
- 31 maintained under ~~IC 13-23-1-2(e)(6)~~. **IC 13-23-1-2(b)(6)**.
- 32 (2) The factors considered in establishing that amount for
- 33 underground storage tanks containing petroleum under
- 34 IC 13-23-4-4.

35 SECTION 233. IC 13-23-16-2, AS AMENDED BY P.L.176-2023,  
 36 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2026]: Sec. 2. If the department receives a report concerning:

- 38 (1) the discovery of released regulated substances at an
- 39 underground storage tank or aboveground storage tank site or in
- 40 the surrounding area under ~~329 IAC 9-4-1(1)~~; **40 CFR 280.50**;
- 41 or
- 42 (2) a spill or overfill under ~~329 IAC 9-4-4(a)~~; **40 CFR 280.53**;

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1 the department shall, not more than seven (7) days after receiving the  
2 report, provide notice of the release, spill, or overfill to the county  
3 health officer of each county in which the release, spill, or overfill  
4 occurred.

5 SECTION 234. IC 13-23-16-3, AS ADDED BY P.L.221-2007,  
6 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2026]: Sec. 3. Not more than seven (7) days after receiving a  
8 notice from the department under section 2 of this chapter, a county  
9 health officer shall **make a reasonable effort** to do the following:

10 (1) Publish notice of the release, spill, or overfill in a newspaper  
11 **or other media** of general circulation in the county health  
12 officer's county.

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

15 SECTION 235. IC 13-23-16-4, AS ADDED BY P.L.221-2007,  
16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2026]: Sec. 4. Notice provided by a county health officer  
18 under section 3 of this chapter must include:

19 (1) the same information reported to the department under ~~329~~  
20 ~~IAC 9-4-1(1) or 329 IAC 9-4-4(a)~~; **40 CFR 280.50 or 40 CFR**  
21 **280.53**; and

22 (2) any other information the county health officer considers  
23 necessary or appropriate.

24 SECTION 236. IC 13-24-1-1 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The  
26 commissioner may issue an order under:

- 27 (1) IC 13-14-2-7;
- 28 (2) IC 4-21.5-4; or
- 29 (3) IC 4-21.5-3-6;

30 to require an owner or operator or a responsible person to undertake  
31 removal or remedial action with respect to a release of petroleum at a  
32 petroleum facility.

33 (b) If the commissioner determines that the removal or remedial  
34 action will be done properly and promptly by the owner, operator, or  
35 responsible person, the commissioner may enter into an agreed order  
36 with the owner, operator, or responsible person to implement necessary  
37 removal or remedial action.

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

42 SECTION 237. IC 13-24-1-8 IS REPEALED [EFFECTIVE JULY

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1 1, 2026]. Sec. 8: IC ~~4-21.5~~ applies to:  
 2 (1) determinations;  
 3 (2) notices;  
 4 (3) hearings; and  
 5 (4) appeal determinations;  
 6 under this chapter.

7 SECTION 238. IC 13-25-2-6.5 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) The department  
 9 shall work with interested stakeholders, including the federal  
 10 government, the general public, members of the general assembly, and  
 11 businesses, to evaluate the feasibility of simplifying and expediting  
 12 notification under IC 13-25-2-6. Options to be evaluated include:

- 13 (1) connecting persons required to provide notice under  
 14 IC 13-25-2-6 with the National Response Center; and  
 15 (2) recommending any appropriate changes in federal law.  
 16 (b) The department shall implement an option evaluated under  
 17 subsection (a) if the option:  
 18 (1) is practical to implement;  
 19 (2) is technically feasible;  
 20 (3) is economically feasible;  
 21 (4) is protective of human health and the environment; and  
 22 (5) would adequately serve persons required to provide notice  
 23 under IC 13-25-2-6.

24 (c) The department shall provide a toll free long distance  
 25 telephone line through which a person required to provide notice under  
 26 IC 13-25-2-6 may contact ~~the office described in IC 13-13-3-1 of this~~  
 27 ~~chapter. the department.~~

28 SECTION 239. IC 13-25-4-11 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) After a response  
 30 is initiated under:

- 31 (1) section 9 of this chapter; or  
 32 (2) IC 13-24-1;

33 the ~~state department~~ may impose a lien on the property on which the  
 34 response is undertaken **or impose a restrictive covenant on a facility**  
 35 **or site where remediation objectives set forth in IC 13-25-5-8.5**  
 36 **have not been met.** The lien may secure the payment to the state of an  
 37 amount of money equal to the amount expended from the fund under  
 38 section 1(a)(3) of this chapter to finance the response.

39 (b) **The board may adopt rules under IC 4-22-2 and IC 13-14-9**  
 40 **to set forth procedures to allow the department to impose:**

- 41 (1) a lien; or  
 42 (2) a restrictive covenant;



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1 as described in this section.

2 SECTION 240. IC 13-25-4-12 IS REPEALED [EFFECTIVE  
3 JULY 1, 2026]. Sec. 12: For a lien arising under section 11 of this  
4 chapter to be perfected, notice of the lien must be filed in the office of  
5 the county recorder of the county in which the real property subject to  
6 the lien is located. Before notice of a lien may be filed in the office of  
7 the county recorder, the department shall provide notice of the  
8 intention to file the lien as provided by section 19 of this chapter.

9 SECTION 241. IC 13-25-4-13 IS REPEALED [EFFECTIVE  
10 JULY 1, 2026]. Sec. 13: The department shall provide notice of the  
11 filing of a lien to the owner of the property if the owner can be  
12 identified. If the owner of record cannot be identified, the department  
13 shall notify the tenant or other person having control of the property.

14 SECTION 242. IC 13-25-4-14 IS REPEALED [EFFECTIVE  
15 JULY 1, 2026]. Sec. 14: When a notice of a lien arising under section  
16 11 of this chapter is presented to the county recorder for filing, the  
17 county recorder shall enter the lien appropriately in the entry book and  
18 in the miscellaneous record. The entries made under this section must  
19 show the following:

- 20 (1) The date of filing;
- 21 (2) The book and page number or instrument number;
- 22 (3) The name of the person named in the notice;
- 23 (4) A legal description of the property if appropriate;
- 24 (5) A serial number or other identifying number given in the  
25 notice.

26 SECTION 243. IC 13-25-4-15 IS REPEALED [EFFECTIVE  
27 JULY 1, 2026]. Sec. 15: (a) Subject to subsection (b), when a  
28 certificate of discharge of a lien arising under section 11 of this chapter  
29 or IC 13-7-8.7-10.7 (before its repeal) is:

- 30 (1) issued by an employee or a designated agent of the  
31 department; and
- 32 (2) presented for filing in the office of the county recorder of the  
33 county where the notice of lien was filed;

34 the county recorder shall record the certificate of discharge as a release  
35 of the lien.

36 (b) To be recorded under this section, the certificate must refer to  
37 the county recorder's book and page number or instrument number  
38 under which the lien was recorded.

39 SECTION 244. IC 13-25-4-16 IS REPEALED [EFFECTIVE  
40 JULY 1, 2026]. Sec. 16: When recording a release of a lien under  
41 section 15 of this chapter, the county recorder shall inscribe, in the  
42 margin of each entry made to record the lien under section 14 of this

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chapter, a reference to the place where the release is recorded:

SECTION 245. IC 13-25-4-17 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 17: Upon:

- (1) the recording of the certificate of discharge as a release under section 15 of this chapter; and
- (2) the inscribing of the references to the release under section 16 of this chapter;

a certificate of discharge of a lien arising under section 11 of this chapter operates as a full discharge and satisfaction of the lien unless the references to the release inscribed under section 15 of this chapter specifically note the release as a partial lien release:

SECTION 246. IC 13-25-4-18 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 18: A lien created under section 11 of this chapter or IC 13-7-8.7-10.7 (before its repeal) continues until the earlier of the following:

- (1) The full discharge and satisfaction of the lien.
- (2) The expiration of a ten (10) year period from the date of the creation of the lien unless an action to foreclose the lien is pending.

SECTION 247. 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 248. 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

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1 (B) 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 (b) For the purposes of a hearing conducted under this section and  
 8 IC 4-21.5, an administrative law judge is the ultimate authority.  
 9 SECTION 249. IC 13-25-4-21 IS REPEALED [EFFECTIVE  
 10 JULY 1, 2026]. Sec. 21: If an owner requests a hearing under section  
 11 20 of this chapter, the state may not impose a lien on the owner's real  
 12 property under section 11 of this chapter until the commissioner  
 13 determines after the hearing that there is probable cause to believe that:  
 14 (1) a removal or a remedial action was conducted on the real  
 15 property under this chapter or IC 13-24-1; and  
 16 (2) if the removal or the remedial action was conducted under  
 17 this chapter, the owner of the real property would be subject to  
 18 liability under 42 U.S.C. 9607 (Section 107 of the federal  
 19 Comprehensive Environmental Response, Compensation, and  
 20 Liability Act);  
 21 SECTION 250. IC 13-25-4-22 IS REPEALED [EFFECTIVE  
 22 JULY 1, 2026]. Sec. 22: If the department provides a county recorder  
 23 with a copy of a written notice under section 19(b) of this chapter, the  
 24 department shall retrieve the copy of the written notice from the county  
 25 recorder on the date a lien is imposed on the real property described in  
 26 the written notice. However:  
 27 (1) if:  
 28 (A) a hearing is not held under section 20 of this chapter  
 29 and IC 4-21.5; and  
 30 (B) a lien is not imposed:  
 31 (i) on the real property described in the notice; and  
 32 (ii) by the date indicated in the notice;  
 33 the department shall retrieve the copy of the notice on the day  
 34 after the date the lien was to be imposed on the real property; or  
 35 (2) if:  
 36 (A) a hearing is held under section 20 of this chapter and  
 37 IC 4-21.5; and  
 38 (B) a lien is not imposed on the real property described in  
 39 the notice;  
 40 the department shall retrieve the copy of the notice on the day  
 41 after the date the commissioner determines that a lien may not be  
 42 imposed on the real property.

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1 SECTION 251. IC 13-25-5-6 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If an applicant's  
 3 application is rejected under section 5 of this chapter **because the**  
 4 **application is incomplete**, the applicant may ~~do the following:~~

5 ~~(1) Appeal the department's decision under IC 4-21.5.~~

6 ~~(2) If the application is rejected because the application is not~~  
 7 ~~complete~~, submit a completed application without submitting an  
 8 additional application fee.

9 (b) If an applicant's application is rejected and the applicant:

10 (1) does not appeal the rejection; or

11 (2) loses an appeal concerning the rejection;

12 the department shall refund the unexpended part of the applicant's  
 13 application fee.

14 SECTION 252. IC 13-25-5-8 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Before the  
 16 department evaluates a proposed voluntary remediation work plan, the  
 17 applicant who submitted the work plan and the commissioner must  
 18 enter into a voluntary remediation agreement that sets forth the terms  
 19 and conditions of the evaluation and the implementation of the work  
 20 plan. A voluntary remediation agreement must include the following:

21 (1) Provisions for the following:

22 (A) A requirement that the department provide the applicant  
 23 with an itemized list of estimated costs the department may  
 24 incur under this chapter.

25 (B) The recovery of all reasonable costs that:

26 (i) are incurred by the department in the review and  
 27 oversight of the work plan;

28 (ii) are attributable to the voluntary remediation  
 29 agreement; and

30 (iii) exceed the fee submitted by the applicant under  
 31 section 2 of this chapter.

32 (C) A schedule of payments to be made by the applicant to  
 33 the department to recover the costs to the department.

34 (2) A mechanism to resolve disputes arising from the evaluation,  
 35 analysis, and oversight of the implementation of the work plan,  
 36 including any of the following:

37 (A) Arbitration.

38 (B) Adjudication under IC 4-21.5.

39 (C) A dispute resolution procedure provided under the  
 40 Indiana Rules of Court.

41 (3) A provision concerning the indemnification of the parties.

42 (4) A provision concerning retention of records.

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- 1 (5) A timetable for the department to do the following:
- 2 (A) Reasonably review and evaluate the adequacy of the
- 3 work plan.
- 4 (B) Make a determination concerning the approval or
- 5 rejection of the work plan.
- 6 (6) A provision concerning applicable interagency coordination.
- 7 (7) A provision specifying the proposed remediation objectives
- 8 to be achieved on the site, as described in section 8.5 of this
- 9 chapter.
- 10 (8) ~~The A~~ requirement that the applicant submit to the
- 11 department a proposed voluntary remediation work plan
- 12 ~~(A) not later than one hundred eighty (180) days one (1)~~
- 13 ~~year~~ after the date the voluntary remediation agreement is
- 14 signed. ~~or~~
- 15 ~~(B) after a longer period if the extension is agreed to by the~~
- 16 ~~department and the applicant.~~
- 17 (9) Any other conditions considered necessary by the
- 18 commissioner or the applicant concerning the effective and
- 19 efficient implementation of this chapter.
- 20 (b) If an agreement is not reached between an applicant and the
- 21 commissioner within a reasonable time after good faith negotiations
- 22 have begun between the applicant and the commissioner:
- 23 (1) the applicant or the commissioner may withdraw from the
- 24 negotiations; and
- 25 (2) the department shall refund the unexpended part of the
- 26 applicant's application fee.
- 27 SECTION 253. IC 13-25-5-11 IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Before the
- 29 commissioner approves or rejects a proposed voluntary remediation
- 30 work plan under section 10 of this chapter, the commissioner must:
- 31 (1) notify local government units located in a county affected by
- 32 the proposed voluntary remediation work plan of the work plan;
- 33 (2) provide that a copy of the proposed voluntary remediation
- 34 work plan be ~~placed in at least one (1) public library in a county~~
- 35 ~~affected by the work plan; published electronically on the~~
- 36 ~~department's website; and~~
- 37 (3) publish a notice requesting comments concerning the
- 38 proposed voluntary remediation work plan.
- 39 (b) A comment period of at least thirty (30) days must follow
- 40 publication of a notice under this section. During a comment period,
- 41 interested persons may do the following:
- 42 (1) Submit written comments to the commissioner concerning

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1 the proposed voluntary remediation work plan.  
2 (2) Request a public hearing concerning the proposed voluntary  
3 remediation work plan.

4 (c) If the commissioner receives at least one (1) written request,  
5 the commissioner may hold a public hearing in the geographical area  
6 affected by the proposed voluntary remediation work plan on the  
7 question of whether to approve or reject the work plan. The  
8 commissioner shall consider all written comments and public  
9 testimony.

10 SECTION 254. IC 13-25-5-15 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant  
12 who submitted an approved voluntary remediation work plan proceeds  
13 with the work plan, the department or a person under contract with the  
14 department shall do the following:

15 (1) Oversee and review the implementation of the voluntary  
16 remediation work plan.

17 (2) Make regular reports to the commissioner concerning the  
18 remediation.

19 (b) Upon submission of a report to the commissioner, the  
20 commissioner may evaluate the remedial action to verify the action  
21 is achieving project goals. If project goals are not met, the  
22 commissioner may require modification of the voluntary  
23 remediation work plan.

24 (c) If the parties are unable to agree to a modification as  
25 provided for in subsection (b) within one hundred eighty (180)  
26 days, the commissioner or applicant may withdraw the project  
27 from the voluntary remediation work program. Projects  
28 withdrawn from the voluntary remediation work program may be  
29 referred to the state clean-up program.

30 SECTION 255. IC 13-25-5-16 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If the  
32 commissioner determines that an applicant has successfully completed  
33 a voluntary remediation work plan approved under this chapter, the  
34 commissioner shall certify that the work plan has been completed by  
35 issuing the applicant a certificate of completion.

36 (b) The issuance of a certificate of completion under this section  
37 is a final agency action for purposes of IC 4-21.5.

38 (c) A person who receives a certificate under this section shall  
39 attach a copy of the certificate to the recorded deed that concerns the  
40 property on which the remediation took place.

41 (d) If the commissioner determines that an applicant has not  
42 successfully completed a voluntary remediation work plan

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1 **approved under this chapter, the commissioner shall notify the**  
2 **applicant of this determination under IC 4-21.5.**

3 SECTION 256. IC 13-25-5-17 IS REPEALED [EFFECTIVE  
4 JULY 1, 2026]. ~~Sec. 17. If the commissioner determines that an~~  
5 ~~applicant has not successfully completed a voluntary remediation work~~  
6 ~~plan approved under this chapter, the commissioner shall notify the~~  
7 ~~applicant of this determination under IC 4-21.5.~~

8 SECTION 257. IC 13-26-2-5 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Upon the  
10 determination of the department that a sufficient petition has been filed  
11 in accordance with this chapter, the commissioner shall appoint a  
12 hearing officer. ~~who does not have to be a state employee. If the~~  
13 ~~hearing officer is not a full-time state employee, the hearing officer is~~  
14 ~~entitled to be paid reasonable:~~

- 15 (1) expenses; and
  - 16 (2) per diem;
- 17 for each day or part of a day in actual attendance at a meeting or  
18 hearing or in performance of duties. ~~The reasonable per diem and~~  
19 ~~expenses are valid claims against the department.~~

20 SECTION 258. IC 13-26-8-4, AS AMENDED BY P.L.165-2018,  
21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2026]: Sec. 4. (a) This section applies to the addition of  
23 territory to a regional sewage or solid waste district other than at the  
24 request of an eligible entity described in section 1 of this chapter. This  
25 section does not apply to a regional water district.

26 (b) To add territory to a district already established, the board of  
27 the district must file with the department a motion adopted by the board  
28 requesting the addition of territory to the district. If the motion is for  
29 the addition of territory to a regional sewage district, the board, not  
30 later than ten (10) days after filing the motion with the department,  
31 must also file a copy of the motion in the office of:

- 32 (1) the executive of each governmental entity having territory
  - 33 within the territory proposed to be added to the regional sewage
  - 34 district; and
  - 35 (2) the executive of a city or town having:
    - 36 (A) a municipal sewage works under IC 36-9-23; or
    - 37 (B) a public sanitation department under IC 36-9-25;
- 38 if the territory proposed to be added to the regional sewage  
39 district includes territory within the extraterritorial jurisdiction  
40 of the municipal sewage works or public sanitation department.

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

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- 1 (1) the same procedure must be used to add territory to the
- 2 district as is provided for the establishment of a district under
- 3 IC 13-26-2; and
- 4 (2) the department shall proceed in the same manner that is set
- 5 forth in IC 13-26-2, IC 13-26-4, IC 13-26-6, and IC 13-26-7.
- 6 (d) Not more than one hundred eighty (180) days after the date a
- 7 motion is filed with the department under subsection (b) to add
- 8 territory to a district already established, if a petition is filed with the
- 9 department that is signed by a majority of the freeholders within the
- 10 area proposed to be added and indicating that the freeholders are
- 11 opposed to the addition of the area by the district:
- 12 (1) the department may not proceed under subsection (c); and
- 13 (2) the territory may not be added to the district.
- 14 (e) For purposes of subsection (c):
- 15 (1) the commissioner is not required to appoint a hearing officer
- 16 under IC 13-26-2-5;
- 17 (2) the board shall:
- 18 (A) provide the notice of; and
- 19 (B) conduct;
- 20 the hearing required under IC 13-26-2-6; and
- 21 (3) instead of making findings and recommendations under
- 22 IC 13-26-2-8, the board shall submit documentary evidence to
- 23 the commissioner to prove the:
- 24 (A) notice was provided; and
- 25 (B) hearing was conducted;
- 26 by the board as required under subdivision (2).
- 27 SECTION 259. IC 13-27-2-2 IS REPEALED [EFFECTIVE JULY
- 28 1, 2026]. ~~Sec. 2: The commissioner shall appoint an assistant~~
- 29 ~~commissioner to head the division.~~
- 30 SECTION 260. IC 13-27-2-3 IS REPEALED [EFFECTIVE JULY
- 31 1, 2026]. ~~Sec. 3: The commissioner shall hire employees of the~~
- 32 ~~division.~~
- 33 SECTION 261. IC 13-27-2-4 IS REPEALED [EFFECTIVE JULY
- 34 1, 2026]. ~~Sec. 4: (a) The commissioner may appoint liaison advisory~~
- 35 ~~panels to assist the division in the functions of the division. Individual~~
- 36 ~~panels must include members representing different areas of interest in~~
- 37 ~~and potential support of pollution prevention and environmentally~~
- 38 ~~related technical assistance, including the following:~~
- 39 (1) ~~Industry.~~
- 40 (2) ~~Education.~~
- 41 (3) ~~Environmental and public interest groups.~~
- 42 (4) ~~State government.~~

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- 1 (5) Local government officials associated with state programs for
- 2 pollution prevention.
- 3 (6) Organized labor.
- 4 (b) A member of a liaison advisory panel is not entitled to the
- 5 minimum salary per diem provided by IC 4-10-11-2.1(b). The member
- 6 is, however, entitled to reimbursement for traveling expenses as
- 7 provided under IC 4-13-1-4 and other expenses actually incurred in
- 8 connection with the member's duties as provided in the state policies
- 9 and procedures established by the Indiana department of administration
- 10 and approved by the budget agency.
- 11 SECTION 262. IC 13-27-2-5 IS REPEALED [EFFECTIVE JULY
- 12 1, 2026]. Sec. 5: The commissioner and the assistant commissioner,
- 13 through coordinated effort, shall do the following:
- 14 (1) Periodically review state environmental programs and
- 15 projects for their ability and progress in promoting multimedia
- 16 industrial pollution prevention.
- 17 (2) Assist the division of air, the division of water, and the
- 18 division of solid and hazardous waste management in
- 19 identifying, within planned and existing regulatory programs of
- 20 the department, obstacles to pollution prevention and
- 21 opportunities to promote and assist in pollution prevention;
- 22 including the following:
- 23 (A) Encouraging regulatory flexibility to afford businesses
- 24 the opportunity to develop or implement pollution
- 25 prevention technologies and practices.
- 26 (B) Performing pollution prevention impact analyses of
- 27 administrative rules before proposed rules are published
- 28 and before final adoption.
- 29 (C) Exploring permanent funding for the program.
- 30 (3) Promote increased coordination between the divisions of the
- 31 department and between the department and other governmental
- 32 regulatory programs with responsibilities and duties relating to
- 33 toxic materials and environmental wastes; including, to the
- 34 fullest extent possible, the following:
- 35 (A) Joint planning processes.
- 36 (B) Joint research and studies.
- 37 (C) Joint public hearings.
- 38 (D) Joint hazard assessments.
- 39 (E) Joint environmental and workplace impact statements.
- 40 (F) Joint pollution prevention impact analyses for existing
- 41 and proposed administrative rules.
- 42 (4) Develop policies and programs to reduce the following by

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- 1 means of industrial pollution prevention:
- 2 (A) Generation of municipal wastes.
- 3 (B) Generation of household hazardous wastes and
- 4 pollutants.
- 5 (C) Use of toxic materials in consumer products.
- 6 (5) Provide general information about, and actively publicize the
- 7 advantages of and developments in, pollution prevention and the
- 8 requirements of this article.
- 9 (6) Assist businesses that seek information, guidance, planning
- 10 assistance, or recommendations for pollution prevention by
- 11 providing technical information to those businesses at
- 12 production or commercial locations.
- 13 (7) Work with existing environmental regulatory programs to
- 14 make use of existing information gathering systems that may
- 15 assist the division in assessing the progress of pollution
- 16 prevention statewide.
- 17 (8) Grant or deny applications for pollution prevention grants
- 18 under section 10 of this chapter.
- 19 (9) Provide source reduction and recycling technical assistance
- 20 and administer the Indiana recycling grants program established
- 21 under IC 13-20-22-2.
- 22 SECTION 263. IC 13-27-2-5.1 IS ADDED TO THE INDIANA
- 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 24 [EFFECTIVE JULY 1, 2026]: **Sec. 5.1. The department may do the**
- 25 **following:**
- 26 (1) Periodically review state environmental programs and
- 27 projects for their ability and progress in promoting
- 28 multimedia industrial pollution prevention.
- 29 (2) Remove obstacles to pollution prevention.
- 30 (3) Develop and implement pollution prevention and
- 31 environmental recognition programs to incentivize:
- 32 (A) communities;
- 33 (B) salvage facilities;
- 34 (C) marinas;
- 35 (D) companies; and
- 36 (E) other entities;
- 37 that exceed environmental regulatory requirements.
- 38 (4) Assist businesses that seek:
- 39 (A) information;
- 40 (B) guidance;
- 41 (C) planning assistance; or
- 42 (D) recommendations;

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1           **for pollution prevention by providing technical information**  
 2           **to those businesses.**  
 3           **(5) Work with existing environmental regulatory programs**  
 4           **to make use of existing information gathering systems that**  
 5           **may assist the department in assessing the progress of**  
 6           **pollution prevention.**  
 7           **(6) Provide source reduction and recycling technical**  
 8           **assistance and administer the Indiana recycling grants**  
 9           **program established under IC 13-20-22-2.**  
 10          SECTION 264. IC 13-27-2-6 IS REPEALED [EFFECTIVE JULY  
 11          1, 2026]. Sec. 6: The division shall assist other governmental regulatory  
 12          programs in devising:  
 13                  (1) standards;  
 14                  (2) administrative rules; and  
 15                  (3) permits;  
 16          based on goals and principles of pollution prevention:  
 17          SECTION 265. IC 13-27-2-7 IS REPEALED [EFFECTIVE JULY  
 18          1, 2026]. Sec. 7: To facilitate the use and coordination of reporting  
 19          requirements, the commissioner may seek unified reporting and  
 20          permitting authority from the United States Environmental Protection  
 21          Agency with respect to federal toxic material, waste management, and  
 22          pollution control laws and regulations in effect on January 1, 1990,  
 23          including the following:  
 24                  (1) The federal Clean Air Act (42 U.S.C. 7401 et seq.);  
 25                  (2) The Federal Water Pollution Control Act (33 U.S.C. 1251 et  
 26                  seq.);  
 27                  (3) The federal Toxic or Hazardous Substance Control Act (15  
 28                  U.S.C. 2601 et seq.);  
 29                  (4) The federal Solid Waste Disposal Act (42 U.S.C. 6901 et  
 30                  seq.);  
 31                  (5) The federal Comprehensive Environmental Response,  
 32                  Compensation, and Liability Act (42 U.S.C. 9601 et seq.);  
 33          SECTION 266. IC 13-27-2-9 IS AMENDED TO READ AS  
 34          FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) To:  
 35                  (1) promote pollution prevention statewide by all industries and  
 36                  companies; and  
 37                  (2) assist in obtaining information on the progress of multimedia  
 38                  reduction of environmental wastes and related environmental  
 39                  policies and programs;  
 40          the commissioner shall establish and operate a state information  
 41          clearinghouse for pollution prevention.  
 42                  (b) The commissioner shall use the clearinghouse established

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1 under this section to do the following:

2 (1) Collect and compile the following:

3 (A) Information from organizations receiving grants under

4 this article.

5 (B) Information from the published technical literature.

6 (2) Mount active outreach and educational programs to further

7 the development and adoption of principles and techniques of

8 pollution prevention.

9 (c) The clearinghouse established under this section must include

10 data on the operation and effectiveness of industry pollution prevention

11 programs. The ~~division~~ **department** shall permit and facilitate free use

12 of this data by businesses, governmental agencies, and the general

13 public. A business may not be required to submit information of a

14 proprietary nature to the clearinghouse or to a governmental program

15 funded under this article.

16 ~~(d) The division shall provide information for the clearinghouse~~

17 ~~established under this section:~~

18 SECTION 267. IC 13-27-2-11 IS REPEALED [EFFECTIVE

19 JULY 1, 2026]. ~~Sec. 11: The division shall sponsor pilot projects to~~

20 ~~develop and demonstrate innovative techniques for clean~~

21 ~~manufacturing. The results of pilot projects sponsored under this~~

22 ~~section shall be made available for use by the public. However,~~

23 ~~information about a pilot project that is considered proprietary by a~~

24 ~~manufacturer involved in the pilot project may not be disclosed to the~~

25 ~~public.~~

26 SECTION 268. IC 13-27-2-13 IS REPEALED [EFFECTIVE

27 JULY 1, 2026]. ~~Sec. 13: The commissioner may:~~

28 ~~(1) order all hearings and investigations necessary for the~~

29 ~~administration of this article; and~~

30 ~~(2) advise and assist other governmental units on matters of~~

31 ~~planning or program administration within the scope of the~~

32 ~~commissioner's powers, duties, and objectives under this article.~~

33 SECTION 269. IC 13-27-7-3 IS AMENDED TO READ AS

34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Programs

35 implemented by the ~~division:~~ **department:**

36 (1) must encourage pollution prevention; and

37 (2) may not discourage the use of recycling or treatment

38 techniques determined to be acceptable for pollution that has not

39 been prevented.

40 SECTION 270. IC 13-28-3-2, AS AMENDED BY P.L.53-2014,

41 SECTION 128, IS AMENDED TO READ AS FOLLOWS

42 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The assistance program

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- 1 established under this chapter shall do the following:
- 2 (1) ~~Designate an individual to serve as a liaison and ombudsman~~  
 3 ~~to the regulated community to~~ Assist the regulated community  
 4 with specific regulatory or permit matters pending with the  
 5 department.
- 6 (2) Provide assistance to new and existing businesses and small  
 7 municipalities in identifying:
- 8 (A) applicable environmental rules and regulations; and  
 9 (B) permit requirements;  
 10 that apply to new and existing businesses and small  
 11 municipalities.
- 12 (3) Develop and distribute educational materials regarding:
- 13 (A) environmental requirements;  
 14 (B) compliance methods;  
 15 (C) voluntary environmental audits;  
 16 (D) pollution control technologies; and  
 17 (E) other compliance issues;  
 18 including standardized forms and procedures for completing  
 19 permit applications.
- 20 (4) Provide public outreach and training sessions in cooperation  
 21 with representatives of the business and municipal communities  
 22 regarding existing and future state and federal environmental  
 23 requirements.
- 24 (5) Develop and operate a clearinghouse to respond to inquiries  
 25 from businesses and municipalities concerning applicable  
 26 environmental rules, regulations, and requirements.
- 27 (6) Provide technical assistance concerning pollution control  
 28 techniques to local and state governmental entities and  
 29 businesses and distribute educational materials regarding  
 30 pollution prevention developed by the ~~pollution prevention~~  
 31 ~~division established by IC 13-27-2-1.~~ **department.**
- 32 (7) Provide administrative and technical support for the  
 33 compliance advisory panel established by IC 13-13-7.1-1.
- 34 (8) Conduct other activities as required to:
- 35 (A) improve regulatory compliance; and  
 36 (B) promote cooperation and assistance in meeting  
 37 environmental requirements.
- 38 (b) The assistance program may ~~establish~~ **provide** limited onsite  
 39 assistance to provide compliance information **and technical assistance**  
 40 to a small business or small municipality, subject to the confidentiality  
 41 provisions of section 4 of this chapter. The assistance program may use  
 42 money from the environmental management special fund to implement

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1 this subsection. The assistance program may limit the number of  
 2 inspections per year and restrict onsite assistance to specific programs.

3 SECTION 271. IC 13-28-3-7 IS ADDED TO THE INDIANA  
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2026]: **Sec. 7. As part of the technical and**  
 6 **compliance assistance program, the department shall establish a**  
 7 **small business stationary source technical assistance program as**  
 8 **required under Section 507 of the federal Clean Air Act (42 U.S.C.**  
 9 **7661f).**

10 SECTION 272. IC 13-28-4-11, AS AMENDED BY P.L.130-2018,  
 11 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2026]: Sec. 11. (a) The department shall maintain statistics on  
 13 the use of environmental audit reports in department compliance and  
 14 enforcement activities, including statistics on:

- 15 (1) ~~the number of times the reports are disclosed to the~~  
 16 ~~department;~~
- 17 (2) ~~the number and types of violations disclosed to the~~  
 18 ~~department through the reports; and~~
- 19 (3) ~~the civil penalties collected for the violations. and~~
- 20 (4) ~~the time necessary for the violations to be corrected.~~

21 The department shall report annually to the interim study committee on  
 22 environmental affairs established by IC 2-5-1.3-4 in an electronic  
 23 format under IC 5-14-6 on the use of environmental audit reports.

24 (b) The department shall propose an enforcement policy, pursuant  
 25 to IC 13-14-1-11.5, that provides relief from civil penalties for a  
 26 voluntary disclosure that results from an internal environmental audit.  
 27 In developing this enforcement policy, the department shall consider  
 28 similar policies implemented by:

- 29 (1) the United States Environmental Protection Agency; and
- 30 (2) states contiguous to Indiana.

31 SECTION 273. IC 13-28-5-2 IS REPEALED [EFFECTIVE JULY  
 32 1, 2026]. ~~Sec. 2. The program must provide the following:~~

- 33 ~~(1) Education, training, and information on permit and~~  
 34 ~~compliance requirements of the federal Clean Air Act (42 U.S.C.~~  
 35 ~~7401 et seq.);~~
- 36 ~~(2) Standardized forms and procedures for completing permit~~  
 37 ~~applications;~~
- 38 ~~(3) An ombudsman for small businesses.~~

39 SECTION 274. IC 13-28-5-3 IS REPEALED [EFFECTIVE JULY  
 40 1, 2026]. ~~Sec. 3. The ombudsman described in section 2 of this chapter~~  
 41 ~~shall assist as necessary each small business that applies for assistance~~  
 42 ~~with the following:~~

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1           (1) Specific regulatory matters pending before the department.  
2           (2) Permit applications.  
3           SECTION 275. IC 13-28-5-4 IS REPEALED [EFFECTIVE JULY  
4 1, 2026]. Sec. 4. The department may establish the technical and  
5 environmental compliance assistance program required by this chapter  
6 as part of the technical and compliance assistance program established  
7 under IC 13-28-3.  
8           SECTION 276. IC 13-29-1-13 IS REPEALED [EFFECTIVE  
9 JULY 1, 2026]. Sec. 13. The board shall adopt under IC 4-22-2 and  
10 IC 13-14-9 the rules necessary to implement this chapter.  
11           SECTION 277. IC 13-30-1-2 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A citizen, a  
13 partnership, a corporation, a limited liability company, an association,  
14 or a public officer or agency, as a condition precedent to maintaining  
15 an action, must give notice in writing by registered or certified mail to:  
16           (1) the department of natural resources;  
17           (2) (1) the department; and  
18           (3) (2) the attorney general.  
19           (b) The attorney general shall promptly notify all state  
20 administrative agencies having jurisdiction over or control of the  
21 pollution, impairment, destruction, or protection of the environment for  
22 which relief is sought.  
23           SECTION 278. IC 13-30-2-1, AS AMENDED BY P.L.133-2012,  
24 SECTION 158, IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not do any of the  
26 following:  
27           (1) Discharge, emit, cause, allow, or threaten to discharge, emit,  
28 cause, or allow any contaminant or waste, including any noxious  
29 odor, either alone or in combination with contaminants from  
30 other sources, into:  
31           (A) the environment; or  
32           (B) any publicly owned treatment works;  
33 in any form that causes or would cause pollution that violates or  
34 would violate rules, standards, or discharge or emission  
35 requirements adopted by the board under the environmental  
36 management laws.  
37           (2) Increase the quantity or strength of a discharge of  
38 contaminants into the waters or construct or install a sewer or  
39 sewage treatment facility or a new outlet for contaminants into  
40 the waters of Indiana without prior approval of the department.  
41           (3) Deposit any contaminants upon the land in a place and  
42 manner that creates or would create a pollution hazard that

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- 1 violates or would violate a rule adopted by the board.
- 2 (4) Deposit or cause or allow the deposit of any contaminants or
- 3 solid waste upon the land, except through the use of sanitary
- 4 landfills, incineration, composting, garbage grinding, or another
- 5 method acceptable to the board.
- 6 (5) Dump or cause or allow the open dumping of garbage or of
- 7 any other solid waste in violation of rules adopted by the board.
- 8 (6) Dispose of solid waste in, upon, or within the limits of or
- 9 adjacent to a public highway, state park, state nature preserve, or
- 10 recreation area or in or immediately adjacent to a lake or stream,
- 11 except:
- 12 (A) in proper containers provided for sanitary storage of the
- 13 solid waste; or
- 14 (B) as a part of a sanitary landfill operation or other land
- 15 disposal method approved by the department.
- 16 (7) Construct, install, operate, conduct, or modify, without prior
- 17 approval of the department, any equipment or facility of any type
- 18 that may:
- 19 (A) cause or contribute to pollution; or
- 20 (B) be designed to prevent pollution.
- 21 However, the commissioner or the board may approve
- 22 experimental uses of any equipment, facility, or pollution control
- 23 device that is considered necessary for the further development
- 24 of the state of the art of pollution control.
- 25 (8) Conduct any salvage operation or open dump by open
- 26 burning or burn, cause, or allow the burning of any solid waste
- 27 in a manner that violates either:
- 28 (A) the air pollution control laws; or
- 29 (B) the rules adopted by the board.
- 30 (9) Commence construction of a proposed hazardous waste
- 31 facility without having first:
- 32 (A) filed an application for; and
- 33 (B) received;
- 34 a permit from the department.
- 35 (10) Commence or engage in the operation of a hazardous waste
- 36 facility without having first obtained a permit from the
- 37 department.
- 38 (11) Deliver any hazardous waste to a hazardous waste facility
- 39 that:
- 40 (A) is not approved; or
- 41 (B) does not hold a permit from the department.
- 42 (12) Cause or allow the transportation of a hazardous waste

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1 without a manifest if a manifest is required by law.  
 2 (13) Violate any:  
 3 (A) condition;  
 4 (B) limitation; or  
 5 (C) stipulation;  
 6 placed upon a certificate of environmental compatibility by the  
 7 hazardous waste facility site approval authority or any other  
 8 provision of IC 13-22-10.  
 9 (14) Apply or allow the application of used oil to any ground  
 10 surface, except for purposes of treatment in accordance with a  
 11 permit issued by the department under any of the following:  
 12 (A) IC 13-15. ~~except IC 13-15-9.~~  
 13 (B) IC 13-17-11.  
 14 (C) IC 13-18-18.  
 15 (D) IC 13-20-1.  
 16 (15) Commence construction of a solid waste incinerator without  
 17 first obtaining a permit from the department under IC 13-20-8.  
 18 (16) Commence operation of a solid waste incinerator without  
 19 first obtaining the approval of the department under IC 13-20-8.  
 20 SECTION 279. IC 13-30-10-1.5, AS AMENDED BY  
 21 P.L.181-2018, SECTION 14, IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as  
 23 provided in subsection (b), a person regulated under IC 13-22 who  
 24 knowingly:  
 25 (1) transports hazardous waste to an unpermitted facility;  
 26 (2) treats, stores, or disposes of hazardous waste without a  
 27 permit issued by the department under IC 13-22; or  
 28 (3) transports, treats, stores, disposes, recycles, or causes to be  
 29 transported used oil regulated under rules adopted by the board  
 30 without a manifest or in violation of the standards established by  
 31 the department for the management of used oil;  
 32 commits a Class B misdemeanor.  
 33 (b) Notwithstanding the maximum fine provisions of IC 35-50-3-3,  
 34 criminal fines for a person convicted of an offense described in  
 35 subsection (a) shall be assessable in a maximum amount of not less  
 36 than ten thousand dollars (\$10,000) per day per violation.  
 37 (c) Except as provided in subsection (d), a person regulated under  
 38 IC 13-17 who knowingly violates:  
 39 (1) any applicable requirements of IC 13-17-4, IC 13-17-5,  
 40 IC 13-17-6, ~~IC 13-17-7~~, IC 13-17-8, IC 13-17-9, IC 13-17-10, or  
 41 IC 13-17-13 or of rules of the board implementing the chapters  
 42 referred to in this subdivision;

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- 1 (2) any condition of a permit issued by the department under
- 2 IC 13-17; or
- 3 (3) any fee or filing requirement in IC 13-17, including the
- 4 requirement to file an application for a permit under IC 13-17;
- 5 commits a Class C misdemeanor.
- 6 (d) Notwithstanding the maximum fine provisions of IC 35-50-3-4,
- 7 criminal fines for a person convicted of an offense described in
- 8 subsection (c) shall be assessable in a maximum amount of not less
- 9 than ten thousand dollars (\$10,000) per day per violation.
- 10 (e) Except as provided in subsection (f), a person who willfully or
- 11 negligently violates:
  - 12 (1) any applicable standards or limitations of IC 13-18-3-2.4,
  - 13 IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or
  - 14 IC 13-18-16 or of rules of the board implementing the chapters
  - 15 referred to in this subdivision;
  - 16 (2) any condition of a National Pollutant Discharge Elimination
  - 17 System permit issued by the department under IC 13-18-19 or
  - 18 rules adopted by the board under IC 13-18-19;
  - 19 (3) any National Pollutant Discharge Elimination System Permit
  - 20 filing requirement under IC 13-18-19; or
  - 21 (4) any condition of a permit issued by the department in
  - 22 accordance with the requirements of 33 U.S.C. 1344;
  - 23 commits a Class A misdemeanor.
  - 24 (f) Notwithstanding the maximum fine provisions of IC 35-50-3-2,
  - 25 criminal fines for a person convicted of an offense described in
  - 26 subsection (e) shall be assessable in a maximum amount of not less
  - 27 than ten thousand dollars (\$10,000) per day per violation.
  - 28 (g) A person who willfully or recklessly violates any applicable
  - 29 standards or limitations of IC 13-18-8 commits a Class B misdemeanor.
  - 30 (h) A person who willfully or recklessly violates any applicable
  - 31 standards or limitations of IC 13-18-9, IC 13-18-10, or IC 13-18-10.5
  - 32 commits a Class C misdemeanor.
  - 33 (i) A person who:
    - 34 (1) knowingly commits any act described in subsection (a), (c),
    - 35 or (e); and
    - 36 (2) knows that commission of the act places another person in
    - 37 imminent danger of death or serious bodily injury;
    - 38 commits a Level 4 felony. However, the offense is a Level 3 felony if
    - 39 it results in serious bodily injury to any person, and a Level 2 felony if
    - 40 it results in the death of any person.
    - 41 (j) It shall be a defense to an offense described in subsection (i)
    - 42 that the person charged:

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1           (1) did not know; or  
 2           (2) could not reasonably have been expected to know;  
 3 that the violation would place another person in imminent danger or  
 4 threat of serious bodily injury. For the purposes of subsection (i), a  
 5 person is responsible only for the person's own actual awareness or  
 6 actual belief, and knowledge by another person may not be attributed  
 7 to the person.

8           (k) The penalties under this section apply regardless of whether a  
 9 person uses electronic submissions or paper documents to accomplish  
 10 the actions described in this section.

11           SECTION 280. [EFFECTIVE UPON PASSAGE] **(a) The**  
 12 **legislative services agency shall prepare legislation for introduction**  
 13 **in the 2027 regular session of the general assembly to make any**  
 14 **necessary amendments to the Indiana Code to conform to the**  
 15 **amendments made by this act.**

16           **(b) This SECTION expires July 1, 2027.**

17           SECTION 281. **An emergency is declared for this act.**

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