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SENATE BILL No. 277

Proposed Changes to January 29, 2026 printing by AM027721

DIGEST OF PROPOSED AMENDMENT

Indiana department of environmental management. Removes SECTIONS changing "may" to "shall".

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

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

1 SECTION 1. IC 4-22-2-28.1, AS AMENDED BY P.L.249-2023,
 2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 28.1. (a) The following definitions apply
 4 throughout this section:
 5 (1) "Coordinator" refers to the small business regulatory
 6 coordinator assigned to a rule by an agency under subsection (b).
 7 (2) "Director" refers to the director or other administrative head
 8 of an agency.
 9 (3) "Small business" has the meaning set forth in IC 5-28-2-6.
 10 (b) For each rulemaking action and rule finally adopted as a result
 11 of a rulemaking action by an agency, the agency shall assign one (1)
 12 staff person to serve as the agency's small business regulatory
 13 coordinator with respect to the proposed or adopted rule. The agency
 14 shall assign a staff person to a rule under this subsection based on the
 15 person's knowledge of, or experience with, the subject matter of the
 16 rule. A staff person may serve as the coordinator for more than one (1)
 17 rule proposed or adopted by the agency if the person is qualified by
 18 knowledge or experience with respect to each rule. The first public
 19 comment period notice published under section 23 of this chapter must
 20 include the name, address, telephone number, and electronic mail

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) electronically through electronic gateway access.

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

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

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

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

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

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

35 (2) prepare a report that sets forth:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (1) any confined feeding of:

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

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

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

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

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

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

33 (A) water pollution control laws;

34 (B) any rules of the board; or

35 (C) IC 13-18-10.

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

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

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

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

5 (1) A hazardous waste facility.

6 (2) An incinerator.

7 (3) A solid waste landfill.

8 (4) A transfer station.

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

11 ~~(1) emits; or~~

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

13 ~~a regulated air pollutant.~~

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

16 ~~(1) a single site; or~~

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

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

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

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

31 ~~(1) located on a single site or on contiguous or adjacent sites;
 32 and~~

33 ~~(2) owned or operated by:~~

34 ~~(A) the same person; or~~

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

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

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

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

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

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

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

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

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

- 26 (1) IC 13-23-4-1 or IC 13-23-4-2; and
- 27 (2) the rules adopted under ~~IC 13-23-1-2(c)(6).~~ **[**
28 **IC 13-23-1-2(b)(6).**

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

- 34 (1) meets the criteria ~~in 327 IAC 5-13-2(f);~~ **set forth in the**
35 **applicable rules or regulations;** and
- 36 (2) has been approved by the commissioner in accordance with ~~<~~
37 ~~>~~ **[** ~~327 IAC 5-13-4;~~ **the applicable rules or regulations.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (b) "Small business" does not include a business subject to
 26 electronic waste regulation under ~~329 IAC 16-6-1~~ **IC 13-20.5**.

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

- 38 (1) solid or dissolved material in:
 - 39 (A) domestic sewage; or
 - 40 (B) irrigation return flows or industrial discharges;
- 41 that are point sources subject to permits under Section 402 of the
 42 Federal Water Pollution Control Act Amendments (33 U.S.C.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 ~~(A) Population growth.~~

10 ~~(B) (A) High-density urbanization.~~

11 ~~(C) (B) Industrial expansion.~~

12 ~~(D) (C) Resource exploitation.~~

13 ~~(E) (D) New and expanding technological advances.~~

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

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

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

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

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

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

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

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

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

41 (6) Enhance the quality of renewable resources and approach the
42 maximum attainable recycling of depletable resources.

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1 SECTION 42. IC 13-12-4-5, AS AMENDED BY P.L.133-2012,
2 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 5. To the fullest extent possible:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 > SECTION <50>[49]. IC 13-13-2-3 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner
30 may establish an ad hoc group to study and make recommendations
31 regarding critical environmental issues. The ad hoc group may include
32 the following:

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

39 SECTION 5<4>[0]. IC 13-13-3-1 IS REPEALED [EFFECTIVE
40 JULY 1, 2026]. Sec. 1: The department must include the following
41 offices:

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

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- 1 (2) An office for communications with the public.
- 2 (3) A hearings office, including the department's hearing
- 3 officers.
- 4 (4) An office to conduct investigations.
- 5 ~~← SECTION 52. IC 13-13-3-2, AS AMENDED BY P.L.114-2008,~~
- 6 ~~SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
- 7 ~~JULY 1, 2026]: Sec. 2. The department must ~~may~~ include the~~
- 8 ~~following divisions:~~
- 9 ~~— (1) An air pollution control division. **An office of air quality.**~~
- 10 ~~— (2) A water pollution control division. **An office of water**~~
- 11 ~~**quality.**~~
- 12 ~~— (3) A solid waste management division. **An office of land**~~
- 13 ~~**quality.**~~
- 14 ~~— (4) An administrative services division. **An office of legal**~~
- 15 ~~**counsel.**~~
- 16 ~~— (5) A division of pollution prevention. **An office of program**~~
- 17 ~~**support.**~~
- 18 > SECTION 5 ~~↔~~ [1]. IC 13-13-5-1 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. Except as provided
- 20 in IC 14-37, the department is designated as the following:
- 21 (1) The water pollution agency for Indiana for all purposes of the
- 22 Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in
- 23 effect January 1, 1988, and the federal Safe Drinking Water Act
- 24 (42 U.S.C. 300f through 300j) in effect January 1, 1988.
- 25 (2) The solid waste agency for Indiana for all purposes of the
- 26 federal Resource Conservation and Recovery Act (42 U.S.C.
- 27 6901 et seq.) in effect January 1, 1988.
- 28 (3) The air pollution control agency for Indiana for all purposes
- 29 of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as
- 30 amended. ~~↔~~ [] by the federal Clean Air Act Amendments of
- 31 1990 (P.L.101-549).
- 32 (4) The state agency with responsibility concerning the Midwest
- 33 Interstate Compact on Low-Level Radioactive Waste under
- 34 IC 13-29-1.
- 35 (5) The state agency with responsibility concerning the federal
- 36 Comprehensive Environmental Response, Compensation, and
- 37 Liability Act of 1980, as amended by the federal Superfund
- 38 Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601
- 39 through 9675) as in effect on January 1, 1993, and concerning 40
- 40 CFR 300.505, Subpart F of the National Oil and Hazardous
- 41 Substances Pollution Contingency Plan.
- 42 (6) The state agency with responsibility concerning the federal

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

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

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

16 SECTION 5~~5~~[3]. IC 13-13-7.1-1, AS ADDED BY P.L.53-2014,
17 SECTION 119, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2026]: Sec. 1. The compliance advisory panel
19 is established **to carry out the duties required by 42 U.S.C. 7661f.**

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

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

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

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

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

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

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

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

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

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

23 SECTION 5 ~~4~~ [5]. IC 13-13-7.1-3, AS AMENDED BY
24 P.L.42-2024, SECTION 98, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The term of a member
26 appointed to the panel under section 2(1) or 2(2) of this chapter is two
27 (2) years and expires June 30 of each odd-numbered year.

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

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

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

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

42 SECTION 5 ~~8~~ [6]. IC 13-13-7.1-5, 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. 5. The individual serving on the
 3 panel under ~~section 2(4)~~ **section 2(6)** of this chapter is a nonvoting
 4 member.

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

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

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

24 ~~>~~ SECTION ~~62~~[59]. IC 13-13-7.1-13, AS AMENDED BY
 25 P.L.42-2024, SECTION 103, IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. Except as provided
 27 in section 9 of this chapter, the expenses of the panel shall be paid from
 28 appropriations to the department. ~~of environmental management.~~

29 SECTION 6~~3~~[0]. IC 13-13-7.1-14 IS REPEALED [EFFECTIVE
 30 JULY 1, 2026]. Sec. 14: ~~The panel shall submit an annual report to the~~
 31 ~~legislative council in an electronic format under IC 5-14-6.~~

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

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

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

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

42 (b) All powers, duties, and liabilities are transferred from the

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1 entities abolished under subsection (a) to the environmental rules board
2 established by section 3 of this chapter effective January 1, 2013.

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

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

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

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

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

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

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

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

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

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

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

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

33 SECTION 6 ~~5~~ [2], IC 13-13-8-4, AS AMENDED BY
34 P.L.250-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board consists of the
36 following ~~sixteen (16)~~ **eighteen (18)** members:

37 (1) The following ex officio members:

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

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

42 (C) The lieutenant governor: **director of the state**

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

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1 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2026]: Sec. 7. (a) An appointed member of the board serves
3 a term of four (4) years. **A member may not serve more than two (2)**
4 **consecutive terms.**

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

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

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

20 ~~< SECTION 69. IC 13-13-8-10, AS ADDED BY P.L.133-2012,~~
21 ~~SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
22 ~~JULY 1, 2026]: Sec. 10. The governor shall annually select: **may**~~
23 ~~**designate:**~~

24 ~~— (1) one (1) of the appointed members of the board to serve as~~
25 ~~chairperson; and~~

26 ~~— (2) another of the appointed members to serve as vice~~
27 ~~chairperson.~~

28 > SECTION ~~<70>~~[66]. IC 13-13-8-11, AS ADDED BY
29 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. Each member of the
31 board shall fully disclose any potential conflicts of interest ~~relating to~~
32 ~~permits or enforcement orders and~~ **recuse themselves as appropriate**
33 **for particular matters before the board** under the:

34 (1) federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended; <

35 > [] by the Clean Air Act Amendments of 1990;

36 (2) federal Resource Conservation and Recovery Act (42 U.S.C.
37 6901 et seq.);

38 (3) federal Comprehensive Environmental Response,
39 Compensation, and Liability Act of 1980, as amended by the
40 federal Superfund Amendments and Reauthorization Act of
41 1986 (42 U.S.C. 9601 through 9675);

42 (4) federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

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1 and
2 (5) federal Safe Drinking Water Act (42 U.S.C. 300f through
3 300j).

4 SECTION ~~71~~[67]. IC 13-13-8-13, AS ADDED BY
5 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) The board may
7 select, from a list of three (3) qualified individuals recommended by
8 the governor, an independent third party who is not an employee of the
9 state to serve as legal counsel.

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

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

19 SECTION ~~72~~[68]. IC 13-13-8-14, AS ADDED BY
20 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. The board may
22 establish advisory committees for the purpose of giving advice on any
23 matters pertaining to the business of the board. **Board members may**
24 **also be members of an advisory committee.** A member appointed to
25 an advisory committee, **who is not a member of the board,** shall serve
26 at the pleasure of the board and is not entitled to a salary, per diem, or
27 reimbursement of expenses.

28 SECTION ~~73~~[69]. IC 13-14-1-5 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The department shall
30 develop and implement a ~~program of public awareness and~~
31 ~~participation to assure maximum programs to maximize public~~
32 **awareness, participation, and** citizen involvement in the evolution
33 and continuation of the environmental programs of the state.

34 SECTION ~~74~~[70]. IC 13-14-1-7, AS AMENDED BY
35 P.L.133-2012, SECTION 75, IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The commissioner
37 shall prepare the proposed budget of the department and, **if necessary,**
38 the board.

39 ~~SECTION 75. IC 13-14-1-9, AS AMENDED BY P.L.133-2012,~~
40 ~~SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
41 ~~JULY 1, 2026]: Sec. 9. (a) The commissioner shall ~~may~~ issue permits,~~
42 ~~licenses, orders, and variances as authorized by:~~

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

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

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

5 SECTION 7~~↔~~[3]. IC 13-14-1-11.7, AS ADDED BY
6 P.L.218-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2026]: Sec. 11.7. (a) ~~Before July 1 of each year,~~
8 The department shall ~~report:~~ **make available in an electronic format:**

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

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

25 SECTION 7~~↔~~[4]. IC 13-14-1-13 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) The
27 commissioner shall establish and administer monitoring and reporting
28 requirements as necessary to carry out the duties and to exercise the
29 powers provided in the following:

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

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

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

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

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- 1 ~~(C) Composting;~~
- 2 ~~(D) Solid waste minimization;~~
- 3 ~~(E) Solid waste reduction;~~
- 4 ~~(F) Hazardous waste minimization;~~
- 5 ~~(G) Hazardous waste reduction;~~
- 6 ~~(2) Assist in the development and implementation of public~~
- 7 ~~education programs on:~~
- 8 ~~(A) source separation;~~
- 9 ~~(B) recycling;~~
- 10 ~~(C) composting;~~
- 11 ~~(D) solid waste reduction;~~
- 12 ~~(E) solid waste minimization;~~
- 13 ~~(F) hazardous waste minimization;~~
- 14 ~~(G) hazardous waste reduction; and~~
- 15 ~~(H) other alternatives to final disposal in landfills.~~
- 16 ~~(3) Take action in any other matter involving:~~
- 17 ~~(A) solid waste minimization;~~
- 18 ~~(B) solid waste reduction;~~
- 19 ~~(C) hazardous waste minimization; or~~
- 20 ~~(D) hazardous waste reduction;~~
- 21 ~~as directed by the commissioner.~~
- 22 > SECTION ~~81~~ [75]. IC 13-14-1-17 IS REPEALED [EFFECTIVE
- 23 JULY 1, 2026]. Sec. 17. (a) Before November 1 of each year, the
- 24 department shall submit an annual report to the governor and to the
- 25 legislative council in an electronic format under IC 5-14-6:
- 26 (b) The report under subsection (a) must include the following:
- 27 (1) A summary of the:
- 28 (A) reviews conducted; and
- 29 (B) agreements approved;
- 30 in the preceding state fiscal year under IC 13-17-13.
- 31 (2) Information on the following:
- 32 (A) Waste tire management as required by IC 13-20-13.
- 33 (B) The status of the waste tire management fund and the
- 34 programs funded by the fund.
- 35 (C) Recommendations for revisions to waste tire
- 36 management programs.
- 37 (3) An evaluation of the actions taken by the department to
- 38 improve the department's process of issuing permits that must
- 39 include the following information:
- 40 (A) A description of the reduction or increase in the backlog
- 41 of permit applications in each department permit program
- 42 during the preceding twelve (12) month period.

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

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

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

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

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

SECTION ~~82~~ [76]. IC 13-14-2-1, AS AMENDED BY P.L.263-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) This section applies to any:

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

under this title.

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

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

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

(e) The department:

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

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

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

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

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1 **(6) Approval, denial, revocations, modification, or renewal**
 2 **of permits.**
 3 **(7) Denial of a claim under the petroleum storage tank excess**
 4 **liability trust fund established by IC 13-23-7-1.**
 5 **(h) The department shall include in written communications**
 6 **as appropriate information regarding the process by which an**
 7 **agency action described in subsection (g) is reviewed.**
 8 SECTION ~~83~~ [77]. IC 13-14-2-9, AS ADDED BY
 9 P.L.220-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) This section applies to a
 11 restrictive covenant created in connection with a remediation project
 12 conducted under:
 13 (1) IC 13-23;
 14 (2) IC 13-24;
 15 (3) IC 13-25-4; or
 16 (4) IC 13-25-5.
 17 (b) If:
 18 (1) a change of conditions or an advancement in science or
 19 technology permits a modification of the conditions and
 20 restrictions imposed by a restrictive covenant; and
 21 (2) the modification of the conditions and restrictions imposed
 22 by the restrictive covenant would not increase the potential
 23 hazards to human health or the environment;
 24 the commissioner may, under subsection (c), authorize the filing in the
 25 office of the county recorder of a supplemental recording recognizing
 26 the modification of the conditions and restrictions of the restrictive
 27 covenant to reflect the change in conditions or advancement in science
 28 or technology.
 29 (c) The commissioner may authorize the filing of a supplemental
 30 recording under subsection (b) if the owner of the real property that is
 31 subject to the restrictive covenant submits to the department:
 32 (1) a written request for the modification of the covenant;
 33 (2) a copy of the proposed modification of the restrictive
 34 covenant; and
 35 (3) information indicating why the covenant should be modified.
 36 The information submitted under subdivision (3) must be sufficient to
 37 enable the department to determine whether the proposed modification
 38 of the restrictive covenant will increase the potential hazards to human
 39 health or the environment. The commissioner may request additional
 40 information from the owner of the real property if necessary to the
 41 making of a determination under this subsection.
 42 ~~(d) The board shall adopt rules under IC 4-22-2 and IC 13-14-9~~

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1 providing for the recovery of administrative and personnel expenses
2 incurred by the state in evaluating proposed modifications of restrictive
3 covenants under this section.

4 SECTION ~~84~~ [78]. IC 13-14-3-1 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department
6 shall ~~encourage~~ and advise local governmental units referred to in
7 IC 13-11-2-158 in developing facilities or establishing standards for the
8 following:

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

13 SECTION ~~85~~ [79]. IC 13-14-4 IS REPEALED [EFFECTIVE
14 JULY 1, 2026]. (Notice to Department of Plans and Programs
15 Affecting the Environment).

16 SECTION 8~~6~~ [0]. IC 13-14-5-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. **(a) Except as**
18 **provided in section 3 of this chapter,** The designated agent of the
19 department conducting the inspection must provide the property owner
20 **or representative of the property owner** with the following:

- 21 (1) **Before completing an inspection of property under**
22 **IC 13-14-2-2, If a representative of the inspected facility is**
23 **available at the time of inspection,** an oral report of the
24 inspection that includes any specific matters discovered during
25 the inspection that the designated agent of the department
26 believes may be a violation of a law or of a permit issued by the
27 department **before completing an inspection of property**
28 **under IC 13-14-2-2.**

- 29 (2) Not later than forty-five (45) calendar days after the
30 inspection, a written summary of the oral report given under
31 subdivision (1).

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

35 SECTION 8~~7~~ [1]. IC 13-14-5-3 IS REPEALED [EFFECTIVE
36 JULY 1, 2026]. Sec. 3: If the designated agent of the department
37 completes the inspection at a time when the property owner is not
38 available to receive an oral report under section 2 of this chapter, the
39 designated agent shall send a written summary of the inspection in
40 accordance with IC 13-14-2-1 to the property owner not later than
41 forty-five (45) calendar days following the inspection.

42 SECTION 8~~8~~ [2]. IC 13-14-5-5 IS REPEALED [EFFECTIVE

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1 JULY 1, 2026]. ~~Sec. 5: The board shall adopt rules under IC 4-22-2 and~~
 2 ~~IC 13-14-9 to administer this chapter and IC 13-30-7.~~

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

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

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

15 SECTION ~~90~~^[84]. IC 13-14-8-1, AS AMENDED BY
 16 P.L.93-2024, SECTION 115, IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board may:

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

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

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

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

30 SECTION ~~91~~^[85]. IC 13-14-8-3 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A rule or standard
 32 adopted by a board may:

- 33 (1) make different provisions as required by varying
 34 circumstances and conditions for different contaminant sources
 35 and for different geographical areas;
 36 (2) ~~be made applicable to sources outside Indiana that:~~
 37 **appropriately consider:**

- 38 (A) ~~are causing;~~ **background;**
 39 (B) ~~are contributing to;~~ **interstate;** or
 40 (C) ~~could cause or contribute to;~~ **international sources of;**
 41 **environmental pollution; in Indiana;** and

- 42 (3) make provision for abatement standards and procedures:

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- 1 (A) concerning occurrences, emergencies, or pollution; or
- 2 (B) on other short term conditions constituting an acute
- 3 danger to health or to the environment.

4 ~~< SECTION 92. IC 13-14-8-4 IS AMENDED TO READ AS~~
 5 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. In adopting rules and~~
 6 ~~establishing standards, a the board shall take into account may~~
 7 ~~consider the following:~~

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

24 > SECTION ~~<93>~~[86]. IC 13-14-8-5, AS AMENDED BY
 25 P.L.133-2012, SECTION 87, IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Any person may
 27 present written proposals for the adoption, amendment, or repeal of a
 28 rule by the board. A proposal presented under this section must be:

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

33 (b) If a **majority of the voting members** of the board finds that
 34 the proposal

- 35 ~~(1) is not plainly devoid of merit; meritorious and authorized~~
 36 ~~under this title, and~~
- 37 ~~(2) does not deal with a subject on which a hearing was held~~
 38 ~~within the previous six (6) months of the submission of the~~
 39 ~~proposal;~~

40 the board ~~< shall <may>~~ give notice and hold a hearing on the
 41 proposal.

42 SECTION ~~<94>~~[87]. IC 13-14-8-6 IS AMENDED TO READ AS

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

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

11 (c) A person who:

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

13 (2) requests notice;

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

16 SECTION ~~95~~ [88]. IC 13-14-8-7, AS AMENDED BY
 17 P.L.250-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~(a) Without limiting the~~
 19 ~~generality of the regulatory authority of the board under this title;~~ The
 20 board may adopt rules under IC 4-22-2 and IC 13-14-9 prescribing the
 21 following:

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

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

26 (A) the discharge of any contaminants;

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

28 (i) facility;

29 (ii) equipment; or

30 (iii) device;

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

32 (C) the operation of any:

33 (i) facility;

34 (ii) equipment; or

35 (iii) device;

36 to control or to prevent pollution.

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

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

40 (A) water wells;

41 (B) water holes; and

42 (C) drainage holes;

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- 1 to protect ground water against contamination.
- 2 (5) Alert criteria and abatement standards for pollution episodes
- 3 or emergencies constituting an acute danger to health or to the
- 4 environment, including priority lists for terminating activities
- 5 that contribute to the hazard, whether or not the activities would
- 6 meet all discharge requirements of the board under normal
- 7 conditions.
- 8 (6) Requirements and procedures for the inspection of any
- 9 equipment, facility, vehicle, vessel, or aircraft that may cause or
- 10 contribute to pollution.
- 11 (7) Requirements and standards for equipment and procedures
- 12 for:
- 13 (A) monitoring contaminant discharges at their sources;
- 14 (B) the collection of samples; and
- 15 (C) the collection, reporting, and retention, in accordance
- 16 with record retention schedules adopted under IC 5-15-5.1,
- 17 of data resulting from that monitoring.
- 18 (8) Standards or requirements to control:
- 19 (A) the discharge; or
- 20 (B) the pretreatment;
- 21 of contaminants introduced or discharged into publicly owned
- 22 treatment works.
- 23 (9) Fees, in accordance with IC 13-16-1.
- 24 **(10) Any other matter authorized by this title.**
- 25 (b) If the board is required to adopt new rules or amend existing
- 26 rules to implement an amendment to the federal Resource Conservation
- 27 and Recovery Act or an amendment to or addition of a National
- 28 Emission Standard for Hazardous Air Pollutants under the federal
- 29 Clean Air Act, the board shall adopt the new rules or amend the
- 30 existing rules not more than nine (9) months after the date the federal
- 31 law becomes effective. This subsection does not limit the board's
- 32 authority to amend at any time the rules adopted under this subsection.
- 33 SECTION ~~96~~ [89]. IC 13-14-8-10 IS AMENDED TO READ AS
- 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. ~~A~~ **The** board may
- 35 adopt rules under IC 4-22-2 to specify the following with respect to any
- 36 of the board's rules:
- 37 (1) Criteria to define what constitutes an undue hardship or
- 38 burden, as used in section 8 of this chapter, for the purposes of
- 39 that rule.
- 40 (2) Procedures for making determinations on applications for
- 41 variances from that rule.
- 42 SECTION 9 ~~9~~ [0]. IC 13-14-8-11, AS AMENDED BY

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

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

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

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

30 (c) The final determination on a site-specific limitation will be part
31 of the NPDES permit decision under ~~327 IAC 5-8-1~~ **IC 13-15.**

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

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

39 ~~SECTION 99. IC 13-14-8-11.6, AS AMENDED BY~~
40 ~~P.L.113-2014, SECTION 63, IS AMENDED TO READ AS~~
41 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.6. (a) A discharger~~
42 ~~is not required to obtain a state permit for the modification or~~

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1 ~~construction of a water pollution treatment or control facility if the~~
 2 ~~discharger has an effective:~~

3 ~~— (1) National Pollutant Discharge Elimination System (NPDES)~~
 4 ~~industrial permit for direct discharges to surface water; or~~

5 ~~— (2) industrial waste pretreatment permit not issued by the~~
 6 ~~department for discharges to a publicly owned treatment works.~~

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

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

16 > SECTION ~~<100>~~[92]. IC 13-14-9-0.1 IS REPEALED
 17 [EFFECTIVE JULY 1, 2026]. Sec. 0.1. The amendments made to
 18 sections 3 and 4 of this chapter by P.L.100-2006 apply only to proposed
 19 rules for which the department of environmental management provides
 20 notice under section 3 of this chapter, as amended by P.L.100-2006,
 21 after June 30, 2006.

22 SECTION ~~<101>~~[93]. IC 13-14-9-3, AS AMENDED BY
 23 P.L.249-2023, SECTION 52, IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Before publication
 25 of the notice described in IC 4-22-2-23, the department may provide
 26 notice in the Indiana Register of a public comment period regarding
 27 potential rulemaking. A notice provided under this section must do the
 28 following:

29 (1) Identify the authority under which the proposed rule is to be
 30 adopted.

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

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

35 (B) state whether each alternative listed under clause (A)
 36 creates:

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

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

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- 1 (C) state the extent to which each alternative listed under
- 2 clause (A) differs from federal law;
- 3 (D) include any information known to the department about
- 4 the potential fiscal impact of each alternative under clause
- 5 (A) that creates:
 - 6 (i) a restriction or requirement more stringent **or**
 - 7 **burdensome** than a restriction or requirement imposed
 - 8 under federal law; or
 - 9 (ii) a restriction or requirement in a subject area in
 - 10 which federal law does not impose restrictions or
 - 11 requirements; and
 - 12 (E) set forth the basis for each alternative listed under
 - 13 clause (A).
- 14 (3) Describe the relevant statutory or regulatory requirements or
- 15 restrictions relating to the subject matter of the proposed rule
- 16 that exist before the adoption of the proposed rule.
- 17 (4) Request the submission of alternative ways to achieve the
- 18 purpose of the proposed rule.
- 19 (5) Request the submission of comments, including suggestions
- 20 of specific language for the proposed rule.
- 21 (6) Include a detailed statement of the issue to be addressed by
- 22 adoption of the proposed rule.
- 23 SECTION ~~102~~[94]. IC 13-14-9-4, AS AMENDED BY
- 24 P.L.93-2024, SECTION 116, IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) In addition to the
- 26 requirements of IC 4-22-2-23 and (if applicable) IC 4-22-2-24, the
- 27 notice of public comment period submitted by the department to the
- 28 publisher must do the following:
 - 29 (1) Contain a summary of the response of the department to
 - 30 written comments submitted under section 3 of this chapter, if
 - 31 applicable.
 - 32 (2) Request the submission of comments, including suggestions
 - 33 of specific amendments to the language contained in the
 - 34 proposed rule.
 - 35 (3) Identify each element of the proposed rule that imposes a
 - 36 restriction or requirement on persons to whom the proposed rule
 - 37 applies that:
 - 38 (A) is more stringent **or burdensome** than a restriction or
 - 39 requirement imposed under federal law; or
 - 40 (B) applies in a subject area in which federal law does not
 - 41 impose a restriction or requirement.
 - 42 (4) With respect to each element identified under subdivision

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

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(B) implementing new policies or procedures;
in response to an emergency situation.

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

~~— (1) the health of persons; or~~
~~— (2) the welfare of persons whose livelihood is endangered;~~

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

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

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

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

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

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

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

~~SECTION 104. IC 13-14-11-5, AS AMENDED BY P.L. 133-2012, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The board shall adopt rules requiring the execution of a confidentiality agreement ~~department may execute confidentiality agreements~~ with persons employed, contracted, or subcontracted by the department that is enforceable by:~~

~~— (1) the state; and~~

~~— (2) the submitter of the information.~~

> SECTION ~~<105>~~[\[95\]](#). IC 13-14-12-4, AS AMENDED BY P.L. 9-2024, SECTION 341, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) **Upon request by:**

(1) the commissioner;

(2) the standing committees of the house of representatives or the senate concerned with the environment; or

(3) the board;

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

(b) The report must:

(1) include the beginning and ending balance, disbursements,

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- 1 and receipts, including accrued interest or other investment
- 2 earnings of the fund;
- 3 (2) comply with accounting standards under IC 4-13-2-7(a)(1);
- 4 and
- 5 (3) be available to the public.

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

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

12 SECTION ~~<106>~~[96]. IC 13-15-1-1, AS AMENDED BY
13 P.L.133-2012, SECTION 95, IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall
15 establish requirements for the issuance of permits to control air
16 pollution, ~~noise, and atomic radiation~~, including the following:

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

25 SECTION ~~<107>~~[97]. IC 13-15-1-2, AS AMENDED BY
26 P.L.133-2012, SECTION 96, IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The board shall
28 establish requirements for the issuance of permits to control water
29 pollution, ~~and atomic radiation~~, including the following:

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

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

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- 1 issued under IC 14-34.
- 2 SECTION ~~<108>~~[98]. IC 13-15-1-3, AS AMENDED BY
- 3 P.L.100-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2026]: Sec. 3. The board shall establish
- 5 requirements for the issuance of permits to control solid waste **and**
- 6 hazardous waste, ~~and atomic radiation~~, including the following:
- 7 (1) Permits to control or limit the disposal of any contaminants
- 8 onto or into the land.
- 9 (2) Permits for the construction, installation, or modification of
- 10 facilities, equipment, or devices:
- 11 (A) to control or limit any discharge, emission, or disposal
- 12 of contaminants into the land; or
- 13 (B) for the storage, treatment, processing, transferring, or
- 14 disposal of solid waste or hazardous waste.
- 15 (3) Permits for the operation of facilities, equipment, or devices:
- 16 (A) to control or limit the discharge, emission, transfer, or
- 17 disposal of any contaminants into the land; or
- 18 (B) for the storage, transportation, treatment, processing,
- 19 transferring, or disposal of solid waste or hazardous waste.
- 20 (4) Permits for the disposal of coal combustion residuals in
- 21 landfills and surface impoundments.
- 22 SECTION ~~<109>~~[99]. IC 13-15-1-3.2, AS ADDED BY
- 23 P.L.120-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS
- 24 [EFFECTIVE JULY 1, 2026]: Sec. 3.2. (a) A transfer station or any
- 25 facility that holds a valid permit or authorization to haul, treat, store,
- 26 dispose of, or ship hazardous waste may haul, transfer, consolidate,
- 27 process, ship, or otherwise manage solid waste without also holding a
- 28 permit to haul, transfer, process, or ship solid waste.
- 29 (b) A hazardous waste treatment, storage, or disposal facility that
- 30 holds a valid permit to haul, treat, store, dispose of, or ship hazardous
- 31 waste may haul, transfer, treat, store, dispose of, process, or ship solid
- 32 waste without also holding a permit to haul, transfer, treat, store,
- 33 dispose of, process, or ship solid waste.
- 34 (c) Solid waste that is managed:
- 35 (1) at a transfer station; or
- 36 (2) at any facility that holds a valid permit to haul, treat, store,
- 37 dispose of, or ship hazardous waste;
- 38 shall not be stored, treated, or disposed of in direct contact with
- 39 hazardous waste.
- 40 (d) If any portion of a quantity of solid waste that is managed:
- 41 (1) at a transfer station; or
- 42 (2) at any facility that holds a valid permit to haul, treat, store,

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

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

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

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

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

18 ~~SECTION 111. IC 13-15-2-2, AS AMENDED BY P.L.133-2012;~~
19 ~~SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
20 ~~JULY 1, 2026]: Sec. 2. (a) The board may adopt rules under IC 4-22-2~~
21 ~~and IC 13-14-9 to allow the department to issue permits that do the~~
22 ~~following:~~

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

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

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

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

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

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

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

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1 ~~— (1) Authorization of emission trading;~~
 2 ~~— (2) Consolidated reporting mechanisms;~~
 3 ~~— (3) Third party certifications;~~
 4 ~~— (4) Multimedia regulation;~~
 5 ~~— (5) Other conditions consistent with subsection (a);~~
 6 ~~— (c) The rules adopted under this section must provide that a permit~~
 7 ~~issued under the rules adopted under this section meets the following~~
 8 ~~criteria:~~
 9 ~~— (1) Activities conducted under the permit must result in greater~~
 10 ~~overall environmental protection than would otherwise be~~
 11 ~~achieved under applicable law;~~
 12 ~~— (2) Upon issuance of a permit, all limits, conditions, and~~
 13 ~~standards contained in the permit are enforceable under~~
 14 ~~IC 13-30-3;~~
 15 ~~— (3) The permit applicant must give notice in accordance with~~
 16 ~~IC 13-15-8, and the commissioner shall **may** give notice to the~~
 17 ~~public and provide an opportunity to comment on the proposed~~
 18 ~~permit in accordance with IC 13-15-5;~~
 19 ~~— (d) The rules adopted under this section must allow The~~
 20 ~~department **shall strive** to give priority to applications involving~~
 21 ~~permits that are issued as described in this section based on:~~
 22 ~~— (1) the degree of environmental benefit that may be obtained~~
 23 ~~under the permit;~~
 24 ~~— (2) the potential application of any innovative control~~
 25 ~~technologies or regulatory procedures that may be made~~
 26 ~~available to other permit applicants and permit holders; and~~
 27 ~~— (3) other criteria that the board may establish;~~
 28 ~~— (e) The rules adopted under this section must be consistent with~~
 29 ~~federal law for federally authorized or delegated permit programs;~~
 30 > SECTION 1<12>[\[00\]](#). IC 13-15-3-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A permit issued
 32 under:
 33 (1) this article; ~~(except IC 13-15-9);~~
 34 (2) IC 13-17-11;
 35 (3) IC 13-18-18; or
 36 (4) IC 13-20-1;
 37 may be issued for any period determined by the department to be
 38 appropriate but not to exceed five (5) years.
 39 (b) Except as provided in federal law, a valid permit that has been
 40 issued under this chapter that concerns an activity of a continuing
 41 nature may be renewed for a period of not more than ten (10) years as
 42 determined by the department. The board shall adopt rules

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1 implementing this subsection.
 2 (c) The commissioner may delegate authority to issue or deny
 3 permits to a designated staff member.
 4 SECTION ~~<H3>~~[101]. IC 13-15-3-3 IS AMENDED TO READ
 5 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A public
 6 hearing shall be held on the question of:
 7 (1) the issuance of an original or renewal permit for a hazardous
 8 waste disposal facility under IC 13-22-3; or
 9 (2) the issuance of an original permit for a solid waste disposal
 10 facility or a solid waste incinerator regulated under IC 13-20-8;
 11 as provided in subsection (b).
 12 (b) A public hearing shall be held under subsection (a) upon:
 13 (1) the request of the applicant;
 14 (2) the filing of a petition requesting a public hearing that is
 15 signed by one hundred (100) adult individuals who:
 16 (A) reside in the county where the proposed or existing
 17 facility is or is to be located; or
 18 (B) own real property within one (1) mile of the site of the
 19 proposed or existing facility; or
 20 (3) the **motion determination** of the commissioner.
 21 (c) The public hearing authorized by this section does not
 22 constitute an agency action under IC 4-21.5.
 23 SECTION 1~~<H4>~~[02]. IC 13-15-3-4 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. If the petition under
 25 section 3(b)(2) of this chapter requests that the public hearing be
 26 conducted at a location within a county affected by a proposed permit,
 27 the department shall **attempt to** conduct the public hearing at that
 28 location.
 29 SECTION 1~~<H5>~~[03]. IC 13-15-4-1, AS AMENDED BY
 30 P.L.113-2014, SECTION 64, IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as
 32 provided in sections 2, 3, and 6 of this chapter, the commissioner shall
 33 approve or deny an application filed with the department after July 1,
 34 1995, within the following number of days:
 35 (1) Three hundred sixty-five (365) days for an application
 36 concerning the following **waste permits**:
 37 (A) A new hazardous waste or solid waste landfill.
 38 (B) A new hazardous waste or solid waste incinerator.
 39 (C) A major modification of a solid waste landfill.
 40 (D) A major modification of a solid waste incinerator.
 41 (E) A new hazardous waste treatment or storage facility.
 42 (F) A new Part B permit issued under 40 CFR 270 et seq.

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

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- 1 as defined in 326 IAC 2-2);
- 2 ~~(C) Registration of an air pollution facility: for an air~~
- 3 **pollution permit.**
- 4 (8) Sixty (60) days for an application concerning the following:
- 5 (A) A Class 1 modification under 40 CFR 270.42 requiring
- 6 prior written approval, to a hazardous waste:
- 7 (i) landfill;
- 8 (ii) incinerator;
- 9 (iii) treatment facility; or
- 10 (iv) storage facility.
- 11 (B) Any other permit not specifically described in this
- 12 section for which the application fee exceeds forty-nine
- 13 dollars (\$49) and for which a time frame has not been
- 14 established under section 3 of this chapter.
- 15 (b) When a person holding a valid permit concerning an activity
- 16 of a continuing nature has made a timely and sufficient application for
- 17 a renewal permit, ~~under the rules of one (1) of the boards~~, the
- 18 commissioner shall approve or deny the application on or before the
- 19 expiration date stated in the permit for which renewal is sought.
- 20 SECTION 1 ~~16~~ [04]. IC 13-15-4-2, AS AMENDED BY
- 21 P.L.1-2007, SECTION 127, IS AMENDED TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section does not apply
- 23 to permit applications described in section 1(a)(1) or 1(a)(2) of this
- 24 chapter.
- 25 (b) **Unless otherwise specified in applicable rules or laws**, if the
- 26 department determines that a public hearing should be held under:
- 27 (1) IC 13-15-3-3; or
- 28 (2) any other applicable rule or law;
- 29 the commissioner has thirty (30) days in addition to the number of days
- 30 provided for in section 1 of this chapter in which to approve or deny the
- 31 application.
- 32 SECTION 1 ~~17~~ [05]. IC 13-15-4-3, AS AMENDED BY
- 33 P.L.93-2024, SECTION 117, IS AMENDED TO READ AS
- 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~A~~ **The** board may
- 35 adopt a rule under IC 4-22-2 that changes a period described under
- 36 section 1 of this chapter within which the commissioner must approve
- 37 or deny an application:
- 38 (1) if:
- 39 (A) the general assembly enacts a statute;
- 40 (B) ~~a~~ **the** board adopts a rule; or
- 41 (C) the federal government enacts a statute or adopts a
- 42 regulation;

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1 that imposes a new requirement concerning a class of
 2 applications that makes it infeasible for the commissioner to
 3 approve or deny the application within the period;
 4 (2) if:
 5 (A) the general assembly enacts a statute;
 6 (B) ~~a~~ **the** board adopts a rule; or
 7 (C) the federal government enacts a statute or adopts a
 8 regulation;
 9 that establishes a new permit program for which a period is not
 10 described under section 1 of this chapter; or
 11 (3) if some other significant factor concerning a class of
 12 applications makes it infeasible for the commissioner to approve
 13 or deny the application within the period.
 14 (b) If ~~a~~ **the** board adopts a rule described in subsection (a) as a
 15 provisional rule under IC 4-22-2-37.1 or as an interim rule under
 16 IC 4-22-2-37.2, the board shall
 17 ~~(1) include the variance procedures in the rule. and~~
 18 ~~(2) review the permits or licenses granted during the period the~~
 19 ~~rule is in effect after the rule expires.~~
 20 If ~~a~~ **the** board adopts a provisional rule or an interim rule under this
 21 subsection, the period described in section 1 of this chapter is
 22 suspended during the rulemaking process.
 23 SECTION 1 ~~<18>~~ [06]. IC 13-15-4-4 IS REPEALED [EFFECTIVE
 24 JULY 1, 2026]. Sec. 4. An application for a permit renewal that
 25 includes a modification shall be reviewed within the period applicable
 26 to the modification.
 27 SECTION 1 ~~<19>~~ [07]. IC 13-15-4-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Sections 1 through ~~<~~
 29 ~~[4] 3~~ and section 6 of this chapter do not alter the procedures and
 30 time frames set forth in the hazardous waste permit modification rules
 31 adopted by the department, except to the extent that sections 1
 32 through ~~<>~~ ~~[4] 3~~ and 6 of this chapter establish specific calendar day
 33 time frames where no time frame exists under the rules.
 34 SECTION ~~<120>~~ [108]. IC 13-15-4-6, AS AMENDED BY
 35 P.L.133-2012, SECTION 102, IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Notwithstanding
 37 the periods specified in sections 1 through ~~4 3~~ of this chapter and this
 38 section, a person proposing to construct, modify, or operate any
 39 equipment, facility, or pollution control device that is demonstrated to
 40 achieve pollution control or pollution prevention in excess of
 41 applicable federal, state, or local requirements may apply to the
 42 commissioner for an interim permit to construct, modify, or operate the

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1 equipment, facility, or pollution control device.

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

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

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

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

11 SECTION 1 ~~2+~~ [09]. IC 13-15-4-10, AS AMENDED BY
12 P.L.27-2024, SECTION 3, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2026]: Sec. 10. The commissioner may suspend
14 the processing of an application, and the period described under
15 sections 1 through 6 of this chapter is suspended, if one (1) of the
16 following occurs:

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

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

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

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

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

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1 (b) The commissioner may:
 2 (1) consult with the applicant regarding the advisability of
 3 proceeding under this section; and
 4 (2) document the communications.
 5 SECTION ~~124~~ [112]. IC 13-15-4-16 IS AMENDED TO READ
 6 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If an
 7 applicant chooses to proceed under section 11(b)(2) ~~or 11(b)(3)~~ of this
 8 chapter, the applicant or a consultant shall prepare and submit to the
 9 commissioner the draft permit and any required supporting technical
 10 justification for the permit not later than thirty-five (35) ~~working~~
 11 **business** days after
 12 ~~(1) the applicant has notified the commissioner that the applicant~~
 13 ~~has chosen to proceed under section 11(b)(2) of this chapter; or~~
 14 ~~(2) the department and the applicant have authorized a~~
 15 ~~consultant to begin work under section 11(b)(3) 11(b)(2) of this~~
 16 ~~chapter.~~
 17 (b) Subject to subsection (c), the commissioner shall:
 18 (1) approve, with or without revision; or
 19 (2) deny;
 20 the draft permit not later than twenty-five (25) ~~working~~ **business** days
 21 after receiving the draft permit.
 22 (c) If notice of opportunity for public comment or public hearing
 23 is required under applicable law before a permit decision can be issued,
 24 the commissioner shall comply with all public participation
 25 requirements and:
 26 (1) approve, with or without revision; or
 27 (2) deny;
 28 the draft permit not later than fifty-five (55) ~~working~~ **business** days
 29 after receipt of the draft permit.
 30 (d) If the commissioner denies the draft permit, the commissioner
 31 shall specify the reasons for the denial.
 32 (e) If an applicant has elected to have a draft permit prepared
 33 under section ~~11(b)(3) 11(b)(2)~~ of this chapter and:
 34 (1) the consultant fails to submit a draft permit and supporting
 35 technical justification to the commissioner; or
 36 (2) the commissioner fails to approve or deny the draft permit;
 37 within the applicable time specified under subsection (a), (b), or (c),
 38 the department shall refund the applicant's permit application fee not
 39 later than twenty-five (25) ~~working~~ **business** days after expiration of
 40 the applicable period.
 41 (f) The commissioner and the applicant may mutually agree to
 42 extend the deadlines in this section.

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1 SECTION 1 ~~25~~ [13]. IC 13-15-5-1.5, AS ADDED BY
 2 P.L.66-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2026]: Sec. 1.5. Not later than ten (10) days
 4 after the last day of a public comment period under this article or
 5 applicable rules of the board, the commissioner may decide, based on
 6 information received during the public comment period, to hold a
 7 public hearing ~~or meeting~~ before the issuance or denial of a permit. If
 8 the commissioner decides to hold a public hearing ~~or meeting~~ under
 9 this section, the department shall:

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

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

15 SECTION 1 ~~26~~ [14]. IC 13-15-6-1, AS AMENDED BY
 16 P.L.128-2024, SECTION 18, IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than
 18 fifteen (15) days after being served the notice provided by the
 19 commissioner under IC 13-15-5-3:

20 (1) the permit applicant; or

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

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

32 SECTION 1 ~~27~~ [15]. IC 13-15-7-3, AS AMENDED BY
 33 P.L.128-2024, SECTION 20, IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A person aggrieved
 35 by the revocation or modification of a permit may appeal the revocation
 36 or modification to the office of administrative law proceedings for an
 37 administrative review under IC 4-21.5-3. Pending the decision resulting
 38 from the hearing under IC 4-21.5-3 concerning the permit revocation,
 39 ~~or modification~~, the permit remains in force. However, the
 40 commissioner may seek injunctive relief with regard to the activity
 41 described in the permit while the decision resulting from the hearing
 42 is pending.

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~~< SECTION 128. IC 13-15-7-4, AS AMENDED BY P.L.133-2012, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This section applies to a facility that:~~

~~— (1) has been issued an operating permit by the board; commissioner; or~~
~~— (2) is operating without a permit but has made a timely and complete application for a permit under IC 13-17-8-10.~~

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

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

~~— (2) The changes do not exceed emissions:~~

~~— (A) expressed as a rate of emissions; or~~

~~— (B) expressed as total emissions;~~

~~allowable under the permit.~~

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

> SECTION 1<29>[16]. IC 13-15-9-1 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 1: A person may not:

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

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

without a permit from the department.

SECTION 1<30>[17]. IC 13-15-9-2 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 2: (a) The board may adopt rules under IC 4-22-2 and IC 13-14-9 establishing:

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

(2) requirements for the operation of nuclear facilities.

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

(1) air pollution from nuclear facilities;

(2) water pollution from nuclear facilities; or

(3) other environmental problems associated with nuclear facilities.

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1 SECTION ~~<131>~~[118]. IC 13-15-9-3, AS AMENDED BY
2 P.L.133-2012, SECTION 105, IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A person proposing
4 to construct:

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

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

12 SECTION 1 ~~<32>~~[19]. IC 13-15-9-4 IS REPEALED [EFFECTIVE
13 JULY 1, 2026]. Sec. 4. (a) The commissioner, on behalf of the board,
14 may conduct a public hearing at a time and place to be determined by
15 the department on the environmental effects of the proposed operation:

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

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

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

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

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

28 ~~< SECTION 134. IC 13-15-10-1, AS AMENDED BY P.L.133-2012,
29 SECTION 108, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall may adopt rules
31 to establish a department operated training and certification program
32 for the following:~~

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

39 ~~< SECTION 135. IC 13-15-10-4, AS AMENDED BY P.L.133-2012,
40 SECTION 110, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2026]: Sec. 4. The board shall may adopt rules
42 under IC 4-22-2 and IC 13-14-9 to implement this chapter. The rules~~

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

11 > SECTION 1 ~~<36>~~ [21]. IC 13-17-3-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall
 13 provide assistance on air pollution matters to towns, cities, and
 14 counties. **The commissioner shall make the commissioner's best**
 15 **efforts to assist and cooperate with other groups interested in and**
 16 **affected by air pollution.**

17 SECTION 1 ~~<37>~~ [22]. IC 13-17-3-4, AS AMENDED BY
 18 P.L.181-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall adopt rules
 20 under IC 4-22-2 and IC 13-14-9 that are:

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

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

- 32 (1) environmental significance of;
 - 33 (2) federal requirements for federally delegated or approved
 - 34 programs concerning; and
 - 35 (3) need for opportunity for public participation on;
- 36 the permits or permit modifications.

37 (c) The board may adopt rules to require sources to report
 38 hazardous air pollutant emissions if the reporting is necessary to
 39 demonstrate compliance with emissions and other performance
 40 standards established under 42 U.S.C. 7412 or 42 U.S.C. 7429. The
 41 board may ~~<>~~ ~~Amend 326 IAC 2-6~~ **adopt rules** to allow the
 42 department to request hazardous air pollutant emissions data from

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1 individual sources for the purpose of site specific studies of hazardous
2 air pollutant:

- 3 (1) emissions; and
4 (2) impacts.

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

8 SECTION ~~138~~ [123]. IC 13-17-3-8 IS REPEALED
9 [EFFECTIVE JULY 1, 2026]. Sec. 8: The board shall carry out other
10 duties imposed by law.

11 SECTION 1~~39~~ [24]. IC 13-17-3-9 IS REPEALED [EFFECTIVE
12 JULY 1, 2026]. Sec. 9: (a) The commissioner shall assist and cooperate
13 with other groups interested in and affected by air pollution.

14 (b) The commissioner may do the following:

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

- 16 (A) other state agencies;
17 (B) towns, cities, and counties;
18 (C) industries;
19 (D) other states;
20 (E) the federal government; and
21 (F) affected groups;

22 in the prevention and control of new and existing air
23 contamination sources within Indiana.

24 (2) Encourage and conduct studies, investigations, and research
25 relating to the following:

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

29 (3) Collect and disseminate information relating to the
30 following:

- 31 (A) Air pollution.
32 (B) The prevention and control of air pollution.

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

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

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

42 (7) Represent the state in all matters pertaining to plans;

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1 procedures, or negotiations for interstate compacts in relation to
2 the control of air pollution.

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

6 SECTION 1~~40~~[25]. IC 13-17-5-9, AS AMENDED BY
7 P.L.104-2022, SECTION 81, IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) After December
9 31, 2006, The board may not adopt a rule under air pollution control
10 laws that requires motor vehicles to undergo a periodic test of emission
11 characteristics in the following counties:

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

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

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

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

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

39 (1) in attainment of the national ambient air quality
40 standards; or

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

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1 SECTION 1 41[26]. IC 13-17-5-10, AS ADDED BY
2 P.L.187-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: Sec. 10. Not later than December 31,
4 2025, the department shall do the following:

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

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

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

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

15 (C) Meet emissions goals.

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

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

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

27 SECTION 142[127]. IC 13-17-6-10, AS AMENDED BY
28 P.L.128-2024, SECTION 22, IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) If the
30 commissioner finds that an asbestos project is not being performed in
31 accordance with air pollution control laws or rules adopted under air
32 pollution control laws, the commissioner may enjoin further work on
33 the asbestos project without prior notice or hearing by delivering a
34 notice to:

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

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

- 38 (1) specifically enumerate the violations of law that are
- 39 occurring on the asbestos project; and
- 40 (2) prohibit further work on the asbestos project until the
- 41 violations enumerated under subdivision (1) cease and the notice
- 42 is rescinded by the commissioner.

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

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

9 SECTION 1 ~~43~~ [28]. IC 13-17-6-11 IS AMENDED TO READ
10 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The
11 commissioner may ~~under IC 4-21.5~~ reprimand an asbestos contractor
12 or asbestos worker or suspend or revoke the license of an asbestos
13 contractor or the accreditation of an asbestos worker for the following
14 reasons:

- 15 (1) Fraudulently or deceptively obtaining or attempting to obtain
- 16 a license or accreditation under this chapter.
- 17 (2) Failing to meet the qualifications for a license or
- 18 accreditation or failing to comply with the requirements of air
- 19 pollution control laws or rules adopted under air pollution
- 20 control laws.
- 21 (3) Failing to meet an applicable federal or state standard for the
- 22 abatement, removal, or encapsulation of asbestos.

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

- 26 (1) Employs a person who is not accredited under this chapter.
- 27 (2) Permits a person who is not accredited under this chapter to
- 28 work on an asbestos project.

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

31 SECTION 1 ~~44~~ [29]. IC 13-17-7 IS REPEALED [EFFECTIVE
32 JULY 1, 2026]. (Clean Air Act Permit Compliance Program).

33 SECTION 1 ~~45~~ [30]. IC 13-17-10-1 IS AMENDED TO READ
34 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may
35 not incinerate PCB in an incinerator unless the person

- 36 (1) holds a permit issued by the commissioner specifically
- 37 authorizing the incineration of PCB in the incinerator. ~~and~~
- 38 (2) has received the recommendation of the local plan
- 39 commission that has jurisdiction over the area in which the
- 40 incinerator is located and the county executive of the county in
- 41 which the incinerator is located has approved the incineration of
- 42 the PCB or, if an appropriate local plan commission does not

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1 exist, the county executive of the county in which the incinerator
2 is located has approved the incineration of the PCB.

3 SECTION 1~~46~~[31]. IC 13-17-10-2 IS REPEALED
4 [EFFECTIVE JULY 1, 2026]. Sec. 2: The commissioner may not:

5 (1) issue; or
6 (2) consider an application for;
7 a permit specifically authorizing the incineration of PCB until the study
8 required by section 3 of this chapter is concluded.

9 SECTION 1~~47~~[32]. IC 13-17-10-3 IS REPEALED
10 [EFFECTIVE JULY 1, 2026]. Sec. 3: The department, in cooperation
11 with the United States Environmental Protection Agency; an applicant
12 for a permit issued under this chapter; and a city or town in which an
13 incinerator described under section 1 of this chapter is or will be
14 located; shall conduct a study of alternative PCB technologies. The
15 study must include an assessment of the efficacy and the technical and
16 economic feasibility of the following:

17 (1) Alternative technologies such as the following:
18 (A) The application of lime to break down PCB.
19 (B) The low temperature thermal disorption process.
20 (C) Disorption and vaporization extraction.
21 (D) Plasma torch technology.
22 (E) Bacterial remediation.
23 (2) Other technologies identified by the commissioner as having
24 possible value in the treatment or disposal of PCB in Indiana.

25 SECTION 1~~48~~[33]. IC 13-17-10-4 IS REPEALED
26 [EFFECTIVE JULY 1, 2026]. Sec. 4: (a) The study required by section
27 3 of this chapter must be concluded before January 1, 1996.

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

30 (1) present the report to:
31 (A) the governor; and
32 (B) the general assembly; and
33 (2) make copies of the report available to the public.

34 SECTION ~~149~~[134]. IC 13-17-12-4 IS REPEALED
35 [EFFECTIVE JULY 1, 2026]. Sec. 4: An air pollution control agency
36 shall submit annual reports as requested by the department.

37 SECTION ~~150~~[135]. IC 13-17-15-6 IS REPEALED
38 [EFFECTIVE JULY 1, 2026]. Sec. 6: A unit described in section 4 of
39 this chapter is not required to have a separate approval under
40 IC 13-17-7 if the unit:

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

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

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- 1 (2) The department:
- 2 (A) in identifying the surface water as described in
- 3 subsection (c), identifies the pollutant or pollutants under
- 4 consideration for the establishment of the total maximum
- 5 daily load; and
- 6 (B) determines, after identifying the pollutant or pollutants
- 7 as described in clause (A), that one (1) or more other
- 8 pollutants should be under consideration for establishment
- 9 of the total maximum daily load.
- 10 (e) The department complies with subsection (d) if the department
- 11 does the following before making a pollutant or pollutants the subject
- 12 of consideration for the establishment of the total maximum daily load:
- 13 (1) Determines and demonstrates that either or both of the
- 14 following apply:
- 15 (A) The surface water does not attain water quality
- 16 standards (as established ~~in 327 IAC 2-1 and 327~~
- 17 ~~IAC 2-1.5) by rule~~) due to an individual pollutant, multiple
- 18 pollutants, pollution, or an unknown cause of impairment.
- 19 (B) The surface water:
- 20 (i) receives a thermal discharge from one (1) or more
- 21 point sources; and
- 22 (ii) does not have or maintain a balanced indigenous
- 23 population of shellfish, fish, and wildlife.
- 24 (2) Posts on the department's ~~Internet web site~~ **website** the
- 25 determination referred to in subdivision (1).
- 26 (3) Makes the determination referred to in subdivision (1)
- 27 available for public comment for at least forty-five (45) days.
- 28 (4) Presents the determination referred to in subdivision (1) to
- 29 the commissioner for final approval after the comment period
- 30 under subdivision (3).
- 31 SECTION 1 ~~<52>~~ [\[37\]](#). IC 13-18-3-1, AS AMENDED BY
- 32 P.L.133-2012, SECTION 125, IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall
- 34 adopt rules for the control and prevention of pollution in waters of
- 35 Indiana. ~~with any substance:~~
- 36 ~~(1) that is deleterious to:~~
- 37 (A) the public health; or
- 38 (B) the prosecution of any industry or lawful occupation; or
- 39 ~~(2) by which:~~
- 40 (A) any fish life or any beneficial animal or vegetable life
- 41 may be destroyed; or
- 42 (B) the growth or propagation of fish life or beneficial

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1 ~~animal or vegetable life is prevented or injuriously affected.~~
2 SECTION ~~<153>~~[138]. IC 13-18-3-2, AS AMENDED BY
3 P.L.112-2016, SECTION 17, IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board may
5 adopt rules under IC 4-22-2 that are necessary to the implementation
6 of:
7 (1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et
8 seq.), as in effect January 1, 1988; and
9 (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through
10 300j), as in effect January 1, 1988;
11 except as provided in IC 14-37.
12 (b) "Degradation" has the meaning set forth in IC 13-11-2-50.5.
13 (c) "Outstanding national resource water" has the meaning set
14 forth in IC 13-11-2-149.5.
15 (d) "Outstanding state resource water" has the meaning set forth
16 in IC 13-11-2-149.6.
17 (e) "Watershed" has the meaning set forth in IC 14-8-2-310.
18 (f) The board may designate a water body as an outstanding state
19 resource water by rule if the board determines that the water body has
20 a unique or special ecological, recreational, or aesthetic significance.
21 (g) Before the board may adopt a rule designating a water body as
22 an outstanding state resource water, the board must consider the
23 following:
24 (1) Economic impact analyses, presented by any interested party,
25 taking into account future population and economic development
26 growth.
27 (2) The biological criteria scores for the water body, using
28 factors that consider fish communities, macro invertebrate
29 communities, and chemical quality criteria using representative
30 biological data from the water body under consideration.
31 (3) The level of current urban and agricultural development in
32 the watershed.
33 (4) Whether the designation of the water body as an outstanding
34 state resource water will have a significant adverse effect on
35 future population, development, and economic growth in the
36 watershed, if the water body is in a watershed that has more than
37 three percent (3%) of its land in urban land uses or serves a
38 municipality with a population greater than five thousand
39 (5,000).
40 (5) Whether the designation of the water body as an outstanding
41 state resource water is necessary to protect the unique or special
42 ecological, recreational, or aesthetic significance of the water

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- 1 body.
- 2 (h) Before the board may adopt a rule designating a water body as
3 an outstanding state resource water, the board must make available to
4 the public a written summary of the information considered by the
5 board under subsections (f) and (g), including the board's conclusions
6 concerning that information.
- 7 (i) **Upon request by the house of representatives or senate**
8 **committees on environmental affairs**, the commissioner shall
9 present ~~↔~~ ~~[~~ a summary of the comments received from the comment
10 period and information that supports a water body designation as an
11 outstanding state resource water to the interim study committee on
12 environmental affairs established by IC 2-5-1.3-4 in an electronic
13 format under IC 5-14-6. ~~not later than one hundred twenty (120) days~~
14 ~~after the rule regarding the designation is finally adopted by the board.~~
- 15 (j) Notwithstanding any other provision of this section, the
16 designation of an outstanding state resource water in effect on January
17 1, 2000, remains in effect.
- 18 (k) For a water body designated as an outstanding state resource
19 water, the board shall provide by rule procedures that will:
- 20 (1) prevent degradation; and
21 (2) allow for increases and additions in pollutant loadings from
22 an existing or new discharge if:
- 23 (A) there will be an overall improvement in water quality
24 for the outstanding state resource water as described in this
25 section; and
26 (B) the applicable requirements of rules adopted by the
27 board under this section are met.
- 28 (l) The procedures provided by rule under subsection (k) must
29 include the following:
- 30 (1) A definition of significant lowering of water quality that
31 includes a de minimis quantity of additional pollutant load:
- 32 (A) for which a new or increased permit limit is required;
33 and
34 (B) below which antidegradation implementation
35 procedures do not apply.
- 36 (2) Provisions allowing the permittee to choose application of
37 one (1) of the following for each activity undertaken by the
38 permittee that will result in a significant lowering of water
39 quality in the outstanding state resource water:
- 40 (A) Implementation of a water quality project in the
41 watershed of the outstanding state resource water that will
42 result in an overall improvement of the water quality of the

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

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

9 (q) Subsection (r) applies to:

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

13 (2) an application for a modification or renewal of an NPDES
 14 permit;

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

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

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

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

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

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

31 (2) The unemployment rate.

32 (3) The median household income.

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

34 (5) Community housing needs.

35 (6) Change in population.

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

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

39 (9) Correction of a public health, safety, or environmental
 40 problem.

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

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

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

14 **(w) The board may adopt rules under IC 4-22-2 to establish a**

15 **process to designate a water body as a limited use water as**

16 **described in 40 CFR 131.12.**

17 SECTION 1~~54~~[39]. IC 13-18-3-2.5, AS AMENDED BY

18 P.L.54-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS

19 [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) A CSO wet weather limited

20 use subcategory is established for waters affected by receiving

21 combined sewer overflows, as specified in an approved long term

22 control plan. The CSO wet weather limited use subcategory applies to

23 a specific water body after implementation of an approved long term

24 control plan for the combined sewer system whose overflow discharges

25 affect those waters is implemented and the conditions of subsection (b)

26 are satisfied. The following requirements apply to the CSO wet weather

27 limited use subcategory:

28 (1) The water quality based requirements associated with the

29 CSO wet weather limited use subcategory that apply to waters

30 affected by wet weather combined sewer overflows are

31 determined by an approved long term control plan for the

32 combined sewer system. The water quality based requirements

33 remain in effect during the time and to the physical extent that

34 the recreational use designation that applied to the waters

35 immediately before the application to the waters of the CSO wet

36 weather limited use subcategory is not attained, but for not more

37 than four (4) days after the date the overflow discharge ends.

38 (2) At all times other than those described in subdivision (1), the

39 water quality criteria associated with the appropriate recreational

40 use designation that applied to the waters immediately before the

41 application to the waters of the CSO wet weather limited use

42 subcategory apply unless there is a change in the use designation

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- 1 as a result of a use attainability analysis.
- 2 (b) The CSO wet weather limited use subcategory applies if:
- 3 (1) the department has approved a long term control plan for the
- 4 NPDES permit holder for the combined sewer system;
- 5 (2) the approved long term control plan:
- 6 (A) is incorporated into:
- 7 (i) the NPDES permit holder's NPDES permit; or
- 8 (ii) an order of the commissioner under IC 13-14-2-6;
- 9 (B) satisfies the requirements of section 2.3 of this chapter;
- 10 and
- 11 (C) specifies the water quality based requirements that
- 12 apply to combined sewer overflows during and immediately
- 13 following wet weather events, as provided in subsection
- 14 (a)(1);
- 15 (3) the NPDES permit holder has implemented the approved
- 16 long term control plan; and
- 17 (4) subject to subsection (c), 40 CFR 131.10, 40 CFR 131.20,
- 18 and 40 CFR 131.21 are satisfied.
- 19 (c) For purposes of subsection (b)(4), 40 CFR 131.10 may be
- 20 satisfied by including appropriate data and information in the long term
- 21 control plan.
- 22 (d) The department shall implement the CSO wet weather limited
- 23 use subcategory and associated water quality based requirements under
- 24 this section when the subcategory and requirements are approved by
- 25 the United States Environmental Protection Agency. The department
- 26 shall seek approval of the United States Environmental Protection
- 27 Agency in a timely manner.
- 28 (e) The NPDES permit holder shall monitor its discharges and the
- 29 water quality in the affected receiving stream periodically as provided
- 30 in the long term control plan. The NPDES permit holder shall provide
- 31 all such information to the department.
- 32 (f) In conjunction with a review of its long term control plan under
- 33 section 2.4 of this chapter, the NPDES permit holder shall review
- 34 information generated after the use attainability analysis was approved
- 35 by the department to determine whether the conclusion of the use
- 36 attainability analysis is still valid. The NPDES permit holder shall
- 37 provide the results of the review to the department.
- 38 (g) The board shall adopt rules under IC 13-14-8 and IC 13-14-9
- 39 to implement this section. ~~before October 1, 2006.~~
- 40 SECTION 1 ~~55~~ [40]. IC 13-18-3-2.6, AS ADDED BY
- 41 P.L.54-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS
- 42 [EFFECTIVE JULY 1, 2026]: Sec. 2.6. (a) Where appropriate, permits

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1 shall contain schedules of compliance requiring the permittee to take
 2 specific steps to achieve expeditious compliance with applicable
 3 standards, limitations, and other requirements.

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

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

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

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

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

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

31 SECTION 1~~56~~[41]. IC 13-18-3-5 IS REPEALED [EFFECTIVE
 32 JULY 1, 2026]. ~~Sec. 5. The board shall carry out other duties imposed~~
 33 ~~by law.~~

34 SECTION 1~~57~~[42]. IC 13-18-3-11 IS REPEALED
 35 [EFFECTIVE JULY 1, 2026]. ~~Sec. 11. Since the water pollution~~
 36 ~~control laws are necessary for the public health, safety, and welfare, the~~
 37 ~~water pollution control laws shall be liberally construed to effectuate~~
 38 ~~the purposes of the water pollution control laws.~~

39 SECTION 1~~58~~[43]. IC 13-18-3-12, AS AMENDED BY
 40 P.L.113-2014, SECTION 70, IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. The ~~board shall~~
 42 ~~adopt rules providing that whenever~~ **department may not require a**

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1 **permit, permission, or review from a person submits who develops**
 2 **plans to a unit concerning the design or construction of:**

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

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

21 SECTION 1 ~~59~~ [44]. IC 13-18-3-13 IS AMENDED TO READ
 22 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. If a violation of
 23 ~~327 IAC 15-5~~ **the department's construction storm water general**
 24 **permit** occurs, the department shall determine which person is
 25 responsible for committing the violation. ~~In making this determination,~~
 26 ~~the department shall, if appropriate, consider:~~

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

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

33 SECTION 1 ~~60~~ [45]. IC 13-18-3-14, AS AMENDED BY
 34 P.L.130-2018, SECTION 64, IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) The outstanding
 36 state resource water improvement fund is established. All money
 37 collected under section 2 of this chapter and any money accruing to the
 38 fund are continuously appropriated to the fund to carry out the purposes
 39 of section 2 of this chapter. Money in the fund at the end of a state
 40 fiscal year does not revert to the state general fund, unless the
 41 outstanding state resource water improvement fund is abolished.

42 (b) The outstanding state resource water improvement fund shall

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- 1 be administered as follows:
- 2 (1) The fund may be used by the department of environmental
- 3 management to fund projects that will lead to overall
- 4 improvement to the water quality of the affected outstanding
- 5 state resource water.
- 6 (2) The treasurer of state may invest the money in the fund not
- 7 currently needed to meet the obligations of the fund in the same
- 8 manner as other public money may be invested.
- 9 (3) Any interest received accrues to the fund.
- 10 (4) The expenses of administering the fund shall be paid from
- 11 the fund.
- 12 (c) ~~If money is disbursed from the outstanding state resource water~~
- 13 ~~improvement fund in the previous state fiscal year or the commissioner~~
- 14 ~~determines that the fund had a positive balance at the close of the~~
- 15 ~~previous state fiscal year; Upon request by the house of~~
- 16 ~~representatives or senate committees on environmental affairs or~~
- 17 ~~the board, the commissioner shall submit a status report on the fund~~ <
- 18 > ~~to the interim study committee on environmental affairs established~~
- 19 ~~by IC 2-5-1.3-4, in an electronic format under IC 5-14-6. before~~
- 20 ~~November 1. If requested, the report must include the following~~
- 21 ~~information:~~
- 22 (1) Plans for the use and implementation of the outstanding state
- 23 resource water improvement fund.
- 24 (2) The balance in the fund.
- 25 SECTION ~~<161>~~ [146]. IC 13-18-3-15, AS ADDED BY
- 26 P.L.81-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) Subject to subsection (c), the
- 28 board shall ~~<>~~ ~~amend 327 IAC 5 and 327 IAC 15 to eliminate:~~
- 29 (1) the requirement that NPDES general permit terms and
- 30 conditions be contained in a rule; and
- 31 (2) the terms and conditions of each NPDES general permit that
- 32 is:
- 33 (A) contained in that article; and
- 34 (B) in effect on the effective date of this section.
- 35 (b) The department may develop and issue NPDES general
- 36 permits in accordance with 40 CFR 122.28.
- 37 (c) After ~~327 IAC 5 and 327 IAC 15 are amended under~~
- 38 **eliminating the requirement and terms and conditions described in**
- 39 **subsection (a), the terms and conditions of an NPDES general permit**
- 40 **under that article as they existed before the amendment remain in effect**
- 41 **and are binding on any person regulated under the NPDES general**
- 42 **permit until the person submits a notice of intent to be covered by an**

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- 1 NPDES general permit developed and issued under subsection (b).
 2 (d) Any person regulated under an NPDES general permit on the
 3 effective date of the amendment required by subsection (a) must:
 4 (1) submit a notice of intent described in subsection (c) not later
 5 than ninety (90) days after the department makes the form of the
 6 notice of intent available to the person; or
 7 (2) apply for an NPDES individual permit ~~under 327 IAC 5~~ to
 8 maintain permit coverage required under the Clean Water Act.
 9 (e) This section does not affect the authority of the board to adopt
 10 rules that authorize NPDES general permits.
 11 SECTION 1 ~~<62>~~ [47]. IC 13-18-4-2 IS REPEALED [EFFECTIVE
 12 JULY 1, 2026]. ~~Sec. 2: A rule or determination made by the board or~~
 13 ~~the commissioner under sections 1 through 4 of this chapter shall be~~
 14 ~~filed of record in the office of the department.~~
 15 SECTION 1 ~~<63>~~ [48]. IC 13-18-4-4 IS REPEALED [EFFECTIVE
 16 JULY 1, 2026]. ~~Sec. 4: The commissioner may take appropriate steps~~
 17 ~~to prevent any pollution that is determined to be unreasonable and~~
 18 ~~against public interests in view of the condition in any stream or other~~
 19 ~~waters of Indiana.~~
 20 SECTION ~~<164>~~ [149]. IC 13-18-4-6, AS AMENDED BY
 21 P.L.263-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Whenever the commissioner
 23 determines that a person:
 24 (1) is violating; or
 25 (2) is about to violate;
 26 section 5 of this chapter, the department shall serve notice of the
 27 commissioner's determination on the person in accordance with
 28 IC 13-14-2-1.
 29 (b) The commissioner shall include in the notice an order against
 30 the person to:
 31 (1) cease the violation; and
 32 (2) abate the condition of pollution;
 33 fixing in the order a reasonable time within which the correction and
 34 abatement must take place.
 35 (c) ~~Proceedings concerning an order issued under this section are~~
 36 ~~governed by IC 4-21-5.~~
 37 SECTION ~~<165>~~ [150]. IC 13-18-4-7 IS AMENDED TO READ
 38 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a)
 39 Notwithstanding any rules of the board, the commissioner shall allow
 40 for a mixing zone in permits that involve a discharge into Lake
 41 Michigan if the applicant can demonstrate to the commissioner that the
 42 mixing zone will not cause harm to human health or aquatic life.

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

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

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

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

15 ~~(3) The rules must be consistent with applicable safety and fire~~
 16 ~~code laws.~~

17 > SECTION 1 ~~<67>~~ [51]. IC 13-18-9-4 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department
 19 shall enforce this chapter under IC 13-30-3 or IC 13-14-2-6.

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

27 SECTION 1 ~~<68>~~ [52]. IC 13-18-10-2.1, AS AMENDED BY
 28 P.L.199-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2026]: Sec. 2.1. (a) The department:

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

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

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

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

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- 1 involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6)
 2 of this chapter.
- 3 (4) The responsible party's dissociation from any other persons
 4 or entities convicted in a criminal enforcement action referred to
 5 in section 1.4(c)(5) and 1.4(c)(6) of this chapter.
- 6 (5) Prior or subsequent self-policing or internal education
 7 programs established by the responsible party to prevent acts,
 8 omissions, or violations referred to in section 1.4(c)(5) and
 9 1.4(c)(6) of this chapter.
- 10 (g) Except as provided in subsection (h), in taking action under
 11 subsection (e), the commissioner must make separately stated findings
 12 of fact to support the action taken. The findings of fact must:
- 13 (1) include a statement of ultimate fact; and
 14 (2) be accompanied by a concise statement of the underlying
 15 basic facts of record to support the findings.
- 16 (h) If the commissioner denies an application under subsection (e),
 17 the commissioner is not required to explain the extent to which any of
 18 the factors set forth in subsection (f) influenced the denial.
- 19 (i) The department may amend an approval under section 1 of this
 20 chapter or revoke an approval under section 1 of this chapter:
- 21 (1) for failure to comply with:
- 22 (A) this chapter;
 23 (B) rules adopted under this chapter;
 24 (C) the water pollution control laws; or
 25 (D) rules adopted under the water pollution control laws;
 26 and
- 27 (2) as needed to prevent discharges of manure into the
 28 environment that pollute or threaten to pollute the waters of the
 29 state.
- 30 SECTION 1~~69~~[53]. IC 13-18-10-4, AS AMENDED BY
 31 P.L.127-2009, SECTION 10, IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board may
 33 adopt rules under IC 4-22-2 and IC 13-14-9 and the department may
 34 adopt policies or statements under IC 13-14-1-11.5 that are necessary
 35 for the proper administration of this chapter. The rules, policies, or
 36 statements may concern construction, expansion, and operation of
 37 confined feeding operations and may include uniform standards for:
- 38 (1) construction, expansion, and manure containment that are
 39 appropriate for a specific site; and
 40 (2) manure application and handling that are consistent with best
 41 management practices:
 42 (A) designed to reduce the potential for manure to be

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1 conveyed off a site by runoff or soil erosion; and
2 (B) that are appropriate for a specific site; and
3 **(C) accurately reflect differences between dry and liquid**
4 **manure.**

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

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

- 9 (A) the United States Department of Agriculture;
- 10 (B) the Natural Resources Conservation Service of the
- 11 United States Department of Agriculture;
- 12 (C) the Midwest Plan Service; and
- 13 (D) postsecondary educational institution extension
- 14 bulletins; and

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

18 ~~< SECTION 170. IC 13-18-11-1.5, AS AMENDED BY~~
19 ~~P.L.133-2012, SECTION 128, IS AMENDED TO READ AS~~
20 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. The board shall~~
21 ~~may adopt regulations to implement certification programs for~~
22 ~~operators of water treatment plants or water distribution systems. The~~
23 ~~certification program for the operators shall be classified in accordance~~
24 ~~with the complexity, size, and source of the water for the treatment~~
25 ~~system and the complexity and size for the distribution system.~~

26 > SECTION 1<71>^[54]. IC 13-18-11-8, AS AMENDED BY
27 P.L.128-2024, SECTION 24, IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The
29 commissioner may suspend or revoke the certificate of an operator
30 issued under this chapter following a hearing under IC 13-15-7-3 and
31 IC 4-21-5, if any of the following conditions are found:

- 32 (1) The operator has practiced fraud or deception in any state or
- 33 other jurisdiction.
- 34 (2) Reasonable care, judgment, or the application of the
- 35 operator's knowledge or ability was not used in the performance
- 36 of the operator's duties.
- 37 (3) The operator is incompetent or unable to properly perform
- 38 the operator's duties.
- 39 (4) A certificate of the operator issued:
- 40 (A) under this chapter; or
- 41 (B) by any other state or jurisdiction for a purpose
- 42 comparable to the purpose for which a certificate is issued

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

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

14 SECTION 1 ~~<72>~~ [55]. IC 13-18-12-2.2, AS AMENDED BY
 15 P.L.250-2019, SECTION 23, IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. (a) ~~As used in this~~
 17 ~~section:~~

- 18 (1) "chemical toilet" has the meaning set forth in 327
 19 IAC 7.1-2-6; and
 20 (2) "sewage disposal system" has the meaning set forth in 327
 21 IAC 7.1-2-36;

22 on February 1, 2016.

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

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

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

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

36 SECTION 1 ~~<73>~~ [56]. IC 13-18-12-2.5, AS AMENDED BY
 37 P.L.250-2019, SECTION 24, IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) The department
 39 and the board may allow a person to use industrial waste products in a
 40 land application operation or as ingredients in a soil amendment or soil
 41 substitute to be land applied if:

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

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

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

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

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1 concentration in 327 IAC 6.1, require that an industrial
 2 waste product or the finished soil amendment, soil
 3 substitute, or material to be land applied satisfies:
 4 (i) the department's remediation closure guidance; or
 5 (ii) any other standards other than criteria in 327
 6 IAC 6.1;

7 (3) for any pollutant present in the industrial waste products that
 8 does not have a pollutant limit or concentration in 327 IAC 6.1,
 9 shall consider the benefits of the finished soil amendment, soil
 10 substitute, or material to be land applied as compared to the
 11 measurable risks to human health and the environment based on
 12 the anticipated use of the finished soil amendment, soil
 13 substitute, or material to be land applied; and
 14 (4) shall require an application for a permit for the land
 15 application of industrial waste products to include
 16 characterization of individual industrial waste products at the
 17 point of waste generation before mixing the waste streams.

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

21 SECTION ~~<174>~~ [157]. IC 13-18-12-3, AS AMENDED BY
 22 P.L.192-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~The board shall initiate;~~
 24 **department shall administer,** in accordance with IC 13-15, a septage
 25 management permit program for all persons who offer to perform or are
 26 performing septage management services.

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

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

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

39 ~~<SECTION 175. IC 13-18-12-4, AS AMENDED BY P.L. 112-2016;~~
 40 ~~SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
 41 ~~JULY 1, 2026]: Sec. 4. (a) The board shall, may, in accordance with~~
 42 ~~IC 13-14-9, adopt rules to establish the following:~~

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1 ~~(1) Standards for the following:~~
 2 ~~(A) The issuance of permits for:~~
 3 ~~(i) septage management under section 3 of this chapter;~~
 4 ~~and~~
 5 ~~(ii) land application of authorized septage, solid waste,~~
 6 ~~and industrial waste products.~~
 7 ~~(B) Transportation, storage, treatment, and disposal of~~
 8 ~~septage.~~
 9 ~~(2) Procedures and standards for approval of sites for land~~
 10 ~~application.~~
 11 ~~(b) The board may designate a county or city health agency as the~~
 12 ~~board's agent to approve land application sites in accordance with rules~~
 13 ~~adopted under this section.~~
 14 > SECTION 1<76>[\[58\]](#). IC 13-18-16-3 IS AMENDED TO READ
 15 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The
 16 commissioner may initiate action under IC 4-21-5-3 to assess a civil
 17 penalty against a permit holder who fails to take action to correct or
 18 prevent contamination of the sanitary or chemical quality of the water
 19 supply after the permit holder knew or should have known that the
 20 action should be taken. The civil penalty assessed under this section
 21 may not exceed one thousand dollars (\$1,000) for each day of violation.
 22 SECTION 1<77>[\[59\]](#). IC 13-18-16-8, AS AMENDED BY
 23 P.L.233-2017, SECTION 22, IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The board shall
 25 adopt rules under IC 4-22-2 and IC 13-14-9 establishing requirements
 26 for public water systems, including the following:
 27 (1) The requirement to obtain a permit for the construction,
 28 installation, or modification of facilities, equipment, or devices
 29 for any public water system.
 30 (2) The requirement to obtain a permit for the operation of
 31 sources, facilities, equipment, or devices for any public water
 32 system.
 33 (b) The board shall adopt a permit by rule for water main
 34 extensions<=>[\[\]](#)(as defined in ~~327 IAC 8-3-1~~) to satisfy the permit
 35 requirement in section 1(a) of this chapter.
 36 (c) The board may adopt rules to carry out the intent of this
 37 chapter related to requirements necessary to protect the safety of the
 38 public water supply.
 39 SECTION 1<78>[\[60\]](#). IC 13-18-17-3 IS REPEALED
 40 [EFFECTIVE JULY 1, 2026]. Sec. 3: (a) The department, with the
 41 assistance of other state agencies as requested, shall establish and
 42 operate a groundwater quality clearinghouse within the department.

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

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

11 SECTION ~~<179. IC 13-18-17-4 IS AMENDED TO READ AS~~
12 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department~~
13 ~~under IC 13-14-2-2:~~

- 14 ~~— (1) may investigate allegations of; and~~
15 ~~— (2) shall investigate confirmed incidents of;~~
16 ~~contamination of groundwater that affect private water supply wells.~~
17 ~~— (b) The commissioner shall: may:~~
18 ~~— (1) issue an advisory to the users and owners of a water well~~
19 ~~found to be contaminated concerning the hazards to health posed~~
20 ~~by the contamination;~~
21 ~~— (2) take emergency action, including emergency action under~~
22 ~~IC 13-14-10, to reduce exposure to well water contaminants that~~
23 ~~pose a threat to human health; and~~
24 ~~— (3) as appropriate to safeguard human health, order~~
25 ~~abandonment of contaminated water wells.~~

26 ~~— SECTION 180 > [161]. IC 13-18-17-5, AS AMENDED BY~~
27 ~~P.L.56-2023, SECTION 129, IS AMENDED TO READ AS~~
28 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The board shall~~
29 ~~adopt rules under IC 4-22-2 and IC 13-14-9 establishing groundwater~~
30 ~~quality standards that include numeric and narrative criteria, a~~
31 ~~groundwater classification plan, and a method of determining where~~
32 ~~the groundwater quality standards must apply. The standards~~
33 ~~established under this subsection shall be used for the following~~
34 ~~purposes:~~

- 35 (1) To establish minimum compliance levels for groundwater
36 quality monitoring at regulated facilities.
37 (2) To ban the discharge of effluents into potable groundwater.
38 (3) To establish health protection goals for untreated water in
39 water supply wells.
40 (4) To establish concentration limits for contaminants in ambient
41 groundwater.
42 (b) Except as provided in subsection (c) and subject to subsection

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1 (d), the following agencies shall adopt rules under IC 4-22-2 to apply
 2 the groundwater quality standards established under this section to
 3 activities regulated by the agencies:

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

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

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

18 SECTION 1~~81~~[62]. IC 13-18-17-6 IS AMENDED TO READ
 19 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board
 20 shall adopt rules under IC 4-22-2 **and IC 13-14-9** to establish
 21 protection zones around community water system wells.

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

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

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

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

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

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

42 SECTION 1~~82~~[63]. IC 13-18-17-7 IS REPEALED

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

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

7 SECTION 1~~83~~[64]. IC 13-18-27-1 IS REPEALED
 8 [EFFECTIVE JULY 1, 2026]. Sec. 1: As used in this chapter, "327
 9 IAC 15-5" refers to the administrative rule of the environmental rules
 10 board in effect on March 25, 2019, concerning storm water runoff
 11 associated with construction activity.

12 SECTION 1~~84~~[65]. IC 13-18-27-3, AS ADDED BY
 13 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. As used in this
 15 chapter, "construction plan" means a written plan that:

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

25 SECTION 1~~85~~[66]. IC 13-18-27-9, AS ADDED BY
 26 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. As used in this
 28 chapter, "project site owner" means the person required to comply with
 29 ~~327 IAC 15-5~~, the general permit, or the applicable ordinance of an
 30 MS4 community with respect to a construction project. The term
 31 includes the following:

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

37 SECTION ~~186~~[167]. IC 13-18-27-15, AS ADDED BY
 38 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) Except as
 40 provided in subsection (b), an MS4 community may not require erosion
 41 and sediment control measures that are more stringent than the erosion
 42 and sediment control measures required by ~~327 IAC 15-5~~ or the general

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permit.

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

- (1) the erosion and sediment control measures required by an MS4 community at a very small construction activity site may not be more stringent than the erosion and sediment control measures required by ~~327 IAC 15-5~~ or by the general permit at a small construction activity site; and
- (2) the review authority to which a construction plan for a very small construction activity site is submitted is subject to the time limit set forth in section 16 of this chapter for notifying the project site owner of the review authority's preliminary determination concerning the construction plan.

SECTION ~~<187>~~[168]. IC 13-18-27-16, AS ADDED BY P.L.248-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec.16. (a) A review authority to which a construction plan is submitted must make a preliminary determination whether the construction plan is substantially complete before the end of:

- (1) the tenth ~~working business~~ day after the day on which the construction plan is submitted to the review authority, in the case of a small or very small construction activity site; or
- (2) the fourteenth ~~working business~~ day after the day on which the construction plan is submitted to the review authority, in the case of a large construction activity site.

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

- (1) makes a preliminary determination that the construction plan is substantially complete; and
- (2) notifies the project site owner of its favorable preliminary determination;

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

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1 intent letter, may begin the construction project, including the land
2 disturbing activities of the construction project.

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

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

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

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

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

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

41 SECTION 1 ~~88~~ [69]. IC 13-19-1-2, AS AMENDED BY
42 P.L.97-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The goal of the state is to
 2 encourage solid waste source reduction, recycling, and other
 3 alternatives to conserve environmental resources.

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

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

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

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

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

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

13 SECTION 1 ~~<89>~~ [70]. IC 13-19-3-1, AS AMENDED BY
 14 P.L.120-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2026]: Sec. 1. ~~(a)~~ The board shall do the
 16 following:

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

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

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

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

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

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

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

41 SECTION 1 ~~<90>~~ [71]. IC 13-19-3-3, AS AMENDED BY
 42 P.L.249-2023, SECTION 68, IS AMENDED TO READ AS

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

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

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

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

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

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

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

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

28 (d) The department shall do the following:

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

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

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

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

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

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

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1 program fund established by section 3.2 of this chapter.

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

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

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

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

17 SECTION 1 ~~691~~ [72]. IC 13-19-3-3.1, AS ADDED BY
18 P.L.120-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2026]: Sec. 3.1. Except as provided in section
20 3(c) of this chapter, the rules adopted under ~~section 1(a)(1)~~ **section**
21 **1(1)** of this chapter may not regulate the following:

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

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

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

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

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

31 (B) Bottom ash as an antiskid material.

32 (C) Raw material for manufacturing another product.

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

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

36 (F) A base in road construction.

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

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- 1 (H) Providing buffering or enhancing structural integrity for
- 2 refuse piles at surface and underground mines subject to
- 3 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 (I) Agricultural applications, when applied using
- 8 appropriate agronomic amounts to improve crop or
- 9 vegetative production.
- 10 SECTION 1 ~~92~~ [73]. IC 13-19-3-7, AS AMENDED BY
- 11 P.L.133-2012, SECTION 133, IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~The department and~~
- 13 ~~the board shall allow a person~~ **A permit is not required** to use foundry
- 14 sand that meets Type III criteria under 329 IAC 10-9 for the following
- 15 activities: ~~in accordance with guidance without requiring the~~
- 16 ~~person to obtain any permits from the department:~~
- 17 (1) As a daily cover for litter and vermin control at a landfill in
- 18 accordance with any applicable permits issued for the landfill.
- 19 (2) As a protective cover for a landfill leachate system in
- 20 accordance with any applicable permits issued for the landfill.
- 21 (3) For use as capped embankments for ground and sight barriers
- 22 under ten thousand (10,000) cubic yards or embankments for
- 23 airports, bridges, or overpasses.
- 24 (4) For use:
- 25 (A) in a land application operation; or
- 26 (B) as a soil amendment;
- 27 if the application or amendment does not include the operation
- 28 of a landfill.
- 29 (5) As a structural fill base capped by clay, asphalt, or concrete
- 30 for the following:
- 31 (A) Roads.
- 32 (B) Road shoulders.
- 33 (C) Parking lots.
- 34 (D) Floor slabs.
- 35 (E) Utility trenches.
- 36 (F) Bridge abutments.
- 37 (G) Tanks and vaults.
- 38 (H) Construction or architectural fill.
- 39 (I) Other similar uses.
- 40 (6) As a raw material constituent incorporated into another
- 41 product, including the following:
- 42 (A) Flowable fill.

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

16 SECTION 1~~93~~[74]. IC 13-19-3-9, AS ADDED BY
 17 P.L.189-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) This section does not apply
 19 to an expansion of a solid waste landfill:

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

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

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

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

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

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

7 SECTION ~~200~~ [180]. IC 13-20-10.5-1, AS ADDED BY
 8 P.L.189-2011, SECTION 13, IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A person may not
 10 after June 30, 2011, start:

11 (1) construction of:

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

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

14 (2) expansion of:

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

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

17 without obtaining prior approval of the department.

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

24 SECTION ~~201~~ [181]. IC 13-20-10.5-2, AS ADDED BY
 25 P.L.189-2011, SECTION 13, IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. ~~Except as provided~~
 27 ~~in section 3 of this chapter, a biomass~~ **An** anaerobic digestion facility
 28 or a ~~biomass~~ gasification facility for which the only input is biomass is
 29 not subject to regulation as a solid waste processing facility.

30 SECTION ~~202~~ [182]. IC 13-20-10.5-3 IS REPEALED
 31 [EFFECTIVE JULY 1, 2026]. ~~Sec. 3: The department may determine~~
 32 ~~that a biomass-anaerobic digestion facility or a biomass gasification~~
 33 ~~facility for which the input is a combination of biomass and solid waste~~
 34 ~~is subject to regulation as a solid waste processing facility.~~

35 SECTION ~~203~~ [183]. IC 13-20-10.5-3.5, AS ADDED BY
 36 P.L.27-2024, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2026]: Sec. 3.5. (a) The department shall make
 38 a determination under section 1 of this chapter concerning prior
 39 approval for the construction or expansion of ~~a biomass an~~ anaerobic
 40 digestion facility or ~~biomass~~ gasification facility for which the only
 41 ~~input is biomass~~ **inputs are biomass or appropriate feedstock** not
 42 later than ninety (90) days after the date on which the department

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

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

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

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

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

15 SECTION ~~204~~ [184]. IC 13-20-13-3 IS AMENDED TO READ
16 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The
17 commissioner shall issue a waste tire storage site or waste tire
18 processing operation certificate of registration to a person that owns or
19 operates a waste tire storage site or waste tire processing operation if
20 the person complies with the requirements of this chapter and rules
21 adopted by the board under section 11 of this chapter.

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

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

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

28 including a compliance schedule.

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

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

38 SECTION ~~205~~ [185]. IC 13-20-13-5, AS AMENDED BY
39 P.L.37-2012, SECTION 33, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2026]: Sec. 5. A person that obtains a certificate
41 of registration under section 3 of this chapter must do the following:

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

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- 1 (A) The number of passenger tire equivalents received at
- 2 the waste tire storage site or by the waste tire processing
- 3 operation.
- 4 (B) The number and manner of disposal of the passenger
- 5 tire equivalents.
- 6 (2) Maintain contingency plans to protect public health and the
- 7 environment.
- 8 (3) If the person operates a waste tire storage site, maintain
- 9 financial assurance acceptable to the department necessary for
- 10 waste tire removal, in an amount specified in rules adopted by
- 11 the board under ~~section 11(b)(3)~~ **section 11** of this chapter.
- 12 (4) Maintain a copy of the certificate of registration at the site.
- 13 (5) Comply with applicable rules and requirements established
- 14 by the fire prevention and building safety commission for indoor
- 15 waste tire storage sites.
- 16 (6) Retain a copy of manifests received from a waste tire
- 17 transporter under IC 13-20-14 for at least one (1) year and make
- 18 a copy of the manifests available to the department upon request.
- 19 **SECTION ~~206~~ [186]. IC 13-20-13-8, AS AMENDED BY**
- 20 **P.L.37-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS**
- 21 **[EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Except as provided in**
- 22 **subsection (d)(2), (d)(3), (d)(6), and (d)(7), the waste tire management**
- 23 **fund is established for the following purposes:**
- 24 (1) The department may use not more than thirty-five percent
- 25 (35%) of the money deposited in the fund each year for:
- 26 (A) the removal and disposal of waste tires from sites where
- 27 the waste tires have been disposed of improperly; and
- 28 (B) operating the waste tire education program under
- 29 section 15 of this chapter.
- 30 (2) The department may use the remaining money deposited in
- 31 the fund each year to:
- 32 (A) provide grants and loans under section 9(b) of this
- 33 chapter to entities involved in waste tire management
- 34 activities; and
- 35 (B) pay the expenses of administering the programs
- 36 described in:
- 37 (i) subdivision (1)(B); and
- 38 (ii) clause (A).
- 39 (b) The expenses of administering the fund shall be paid from
- 40 money in the fund.
- 41 (c) Money in the fund at the end of a state fiscal year does not
- 42 revert to the state general fund.

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

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

25 SECTION ~~<207>~~[187]. IC 13-20-13-11, AS AMENDED BY
 26 P.L.27-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) ~~The board shall adopt rules~~
 28 ~~under IC 4-22-2 and IC 13-14-8 necessary to implement this chapter.~~

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

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

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- 1 (E) The transportation of waste tires and loads containing
- 2 any combination of both waste tires and used tires.
- 3 (F) Reporting requirements concerning the transportation
- 4 of:
- 5 (i) waste tires; and
- 6 (ii) loads containing any combination of both waste
- 7 tires and used tires;
- 8 that include evidence of proper end point disposal or
- 9 processing of tires described in this clause.
- 10 (3) Financial assurance acceptable to the department necessary
- 11 for waste tire removal that a person that operates a waste tire
- 12 storage site must maintain. The rules shall provide for the use of
- 13 a corporate financial test that is substantially similar to the
- 14 corporate financial test set forth in 40 CFR 258.74(e) as an
- 15 optional financial assurance mechanism.
- 16 (4) The establishment of the fee required by section 4(a)(6) of
- 17 this chapter in an amount necessary to cover the costs incurred
- 18 in the following:
- 19 (A) Registering waste tire storage sites and waste tire
- 20 processing operations under this chapter.
- 21 (B) Administering this chapter.
- 22 (c) (b) The rules adopted under this section may establish
- 23 standards and procedures for the legitimate use, instead of disposal, of
- 24 waste tires, including standards and procedures concerning the
- 25 following:
- 26 (1) Proper storage and handling.
- 27 (2) Record keeping.
- 28 (3) Circumstances under which the use of a waste tire is not
- 29 considered a legitimate use.
- 30 ~~SECTION 208. IC 13-20-14-1, AS AMENDED BY P.L. 133-2012;~~
- 31 ~~SECTION 145, IS AMENDED TO READ AS FOLLOWS~~
- 32 ~~[EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as provided in:~~
- 33 ~~— (1) rules adopted under subsection (d); and~~
- 34 ~~— (2) section 10 of this chapter;~~
- 35 ~~a whole waste tire may not be disposed of at a solid waste landfill.~~
- 36 ~~— (b) The department may approve shredded or ground up tires for~~
- 37 ~~use as daily cover for a solid waste landfill.~~
- 38 ~~— (c) Material approved under subsection (b) is exempt from~~
- 39 ~~IC 13-20-22 and IC 13-21-13.~~
- 40 ~~— (d) The board shall may adopt rules that allow for the incidental~~
- 41 ~~disposal of small amounts of whole waste tires at solid waste landfills.~~
- 42 ~~— (e) The rules adopted under subsection (d) may allow a landfill~~

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

4 > SECTION <209>[188]. IC 13-20-14-5, AS AMENDED BY
 5 P.L.37-2012, SECTION 37, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person may not act as a
 7 waste tire transporter, as defined in IC 13-11-2-252, unless the person
 8 is registered with the department as a waste tire transporter. To apply
 9 for a certificate of registration as a waste tire transporter, a person must
 10 submit the following to the department:

11 (1) The person's name.

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

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

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

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

21 (B) a negotiable certificate of deposit; or

22 (C) a negotiable letter of credit;

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

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

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

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

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

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

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- 1 available to the department upon request.
- 2 (3) ~~Report annually to the department~~ **Record** the number of
- 3 passenger tire equivalents transported by the waste tire
- 4 transporter **and provide the records to the department upon**
- 5 **request.**
- 6 (4) Maintain financial assurance acceptable to the department in
- 7 accordance with subsection (a)(4).
- 8 (e) The commissioner may include in a certificate of registration
- 9 issued under this chapter conditions that ensure compliance with:
- 10 (1) this chapter; and
- 11 (2) rules adopted by the board under this chapter;
- 12 including a compliance schedule.
- 13 (f) The department may deny an application to register under this
- 14 chapter if:
- 15 (1) the application is incomplete;
- 16 (2) the applicant has failed to comply with the requirements of:
- 17 (A) this chapter;
- 18 (B) IC 13-20-13; or
- 19 (C) a rule adopted by the board under ~~section 6 of this~~
- 20 ~~chapter or under~~ IC 13-20-13-11; or
- 21 (3) an enforcement action is pending against the applicant.
- 22 SECTION ~~210~~ **[189]**. IC 13-20-14-5.6, AS AMENDED BY
- 23 P.L.128-2024, SECTION 27, IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.6. (a) A certificate of
- 25 registration issued by the department under this chapter may be
- 26 revoked or modified by the commissioner, or by a designated staff
- 27 member of the department, after notification in writing is sent in
- 28 accordance with IC 13-14-2-1 to the holder of the certificate, for:
- 29 (1) failure to disclose all relevant facts;
- 30 (2) making a misrepresentation in obtaining the registration; or
- 31 (3) failure to correct, within the time established by the
- 32 department, a violation of:
- 33 (A) a condition of the registration;
- 34 (B) this chapter; or
- 35 (C) a rule adopted by the board. ~~under section 6 of this~~
- 36 ~~chapter.~~
- 37 (b) A person aggrieved by the revocation or modification of a
- 38 certificate of registration may appeal the revocation or modification to
- 39 the office of administrative law proceedings under IC 4-15-10.5.
- 40 Pending the decision resulting from a hearing under IC 4-21.5-3
- 41 concerning the revocation or modification, the registration remains in
- 42 force. However, subsequent to revocation or modification, the

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1 commissioner may seek injunctive relief concerning the activity
 2 described in the registration.
 3 SECTION ~~<H>~~[190]. IC 13-20-14-6 IS REPEALED
 4 [EFFECTIVE JULY 1, 2026]. Sec. 6: The board shall adopt rules under
 5 IC 4-22-2 and IC 13-14-9 to implement this chapter.
 6 ~~<SECTION 212. IC 13-20-14-9.5, AS AMENDED BY~~
 7 ~~P.L.133-2012, SECTION 147, IS AMENDED TO READ AS~~
 8 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9.5. (a) Except as~~
 9 ~~provided in rules adopted under subsection (c), an operator of a transfer~~
 10 ~~station shall remove whole waste tires present in solid waste that is~~
 11 ~~being transferred from a vehicle or container to another vehicle or~~
 12 ~~container at the transfer station.~~
 13 ~~— (b) Whole waste tires removed by an operator of a transfer station~~
 14 ~~under subsection (a) shall be disposed of as provided in this chapter.~~
 15 ~~— (c) The board shall may adopt rules that allow for the incidental~~
 16 ~~transfer of small amounts of whole waste tires under subsection (a).~~
 17 ~~— (d) The rules adopted under subsection (c) may allow a transfer~~
 18 ~~station operator to meet the requirements of the rule by employing~~
 19 ~~procedures designed to achieve the objectives of subsection (c) in lieu~~
 20 ~~of a numeric standard.~~
 21 ~~— SECTION 213. IC 13-20-15-1, AS AMENDED BY P.L.133-2012;~~
 22 ~~SECTION 148, IS AMENDED TO READ AS FOLLOWS~~
 23 ~~[EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall administer~~
 24 ~~and implement this chapter to protect the public health, safety, and~~
 25 ~~welfare from the toxic effects and environmental dangers of PCB. The~~
 26 ~~board shall may adopt the rules required by under this chapter under~~
 27 ~~IC 4-22-2 and IC 13-14-9.~~
 28 ~~— SECTION 214. IC 13-20-15-3 IS AMENDED TO READ AS~~
 29 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A person may~~
 30 ~~apply to the commissioner for an exemption certificate on forms~~
 31 ~~provided by the department. The department may require additional~~
 32 ~~information or materials to accompany the application as considered~~
 33 ~~necessary for an accurate evaluation of the application.~~
 34 ~~— (b) The commissioner, according to rules adopted by the board,~~
 35 ~~may grant an exemption for an item, a product, or a material:~~
 36 ~~— (1) manufactured for sale;~~
 37 ~~— (2) sold for use; or~~
 38 ~~— (3) used by the person;~~
 39 ~~in the person's business if the item, product, or material contains~~
 40 ~~incidental concentrations of PCB.~~
 41 ~~— (c) In granting a certificate of exemption, the commissioner shall~~
 42 ~~may impose conditions on the exemption so that the exemption covers~~

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1 ~~only incidental concentrations of PCB:~~

2 > SECTION ~~215~~[191]. IC 13-20-17.7-4, AS ADDED BY
3 P.L.170-2006, SECTION 15, IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The
5 commissioner shall do the following:

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

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

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

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

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

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

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

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

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

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1 (2) work with the motor vehicle manufacturers to agree with the
2 manufacturers on appropriate modifications to the plan.

3 (e) Motor vehicle manufacturers are not required to resubmit a
4 plan modified under subsection (d) to the commissioner for approval.

5 SECTION ~~216~~[192]. IC 13-20-22-1, AS AMENDED BY
6 P.L.250-2019, SECTION 31, IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A fee is imposed
8 on the disposal or incineration of solid waste in a final disposal facility
9 in Indiana. Except as provided in section 14 of this chapter, the amount
10 of the fee is as follows:

11 (1) For solid waste generated in Indiana, fifty cents (\$0.50) a ton.

12 (2) For solid waste generated outside Indiana:

13 (A) fifty cents (\$0.50) a ton; and

14 (B) if the board has adopted rules under subsection (b), an
15 additional amount imposed under the rules.

16 (b) The board may adopt rules to establish and impose a fee on the
17 disposal or incineration of solid waste that is:

18 (1) generated outside Indiana; and

19 (2) disposed of or incinerated in a final disposal facility in
20 Indiana.

21 If rules are adopted under this subsection, the fee shall be set at an
22 amount necessary to offset the costs incurred by the state or a county,
23 municipality, or township that can be attributed to the importation of
24 the solid waste into Indiana and the presence of the solid waste in
25 Indiana.

26 (c) If solid waste has been subject to a fee under this section, the
27 total amount of the fee paid shall be credited against any other fee to
28 which the solid waste may later be subject under this section.

29 (d) A fee may not be imposed upon material used as alternate daily
30 cover pursuant to ~~under~~ a permit issued by the department ~~under 329~~
31 ~~IC 10-20-13~~ or a rule adopted by the board.

32 SECTION ~~217~~[193]. IC 13-20-25-1, AS ADDED BY
33 P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2026]: Sec. 1. The goal of the state is to recycle
35 or divert at least fifty percent (50%) of its municipal waste.

36 SECTION ~~218~~[194]. IC 13-20-25-9, AS AMENDED BY
37 P.L.147-2015, SECTION 15, IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) A recycler shall
39 report the recycler's recycling activities under this section. A recycler
40 may elect to report the recycler's recycling activities on an annual basis
41 under subsection (b). or on a quarterly basis under subsection (c):

42 (b) A recycler that elects to report on an annual basis shall, in

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

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

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

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

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

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

28 ~~< SECTION 219, IC 13-20-25-10, AS AMENDED BY~~
 29 ~~P.L.104-2024, SECTION 34, IS AMENDED TO READ AS~~
 30 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) A person:~~

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

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- 1 ~~_____ (E) meets the definition of "automotive salvage rebuilder"~~
- 2 ~~set forth in IC 9-32-2-1-5;~~
- 3 ~~_____ (F) meets the definition of "scrap metal processor" set forth~~
- 4 ~~in IC 13-11-2-196.5;~~
- 5 ~~_____ (G) meets the definition of "core buyer" set forth in~~
- 6 ~~IC 25-37.5-1-0.2; or~~
- 7 ~~_____ (H) meets the definition of "valuable metal dealer" set forth~~
- 8 ~~in IC 25-37.5-1-1(b); or~~
- 9 ~~_____ (3) who:~~
- 10 ~~_____ (A) is not required to submit a recycling activity report~~
- 11 ~~under section 9 of this chapter; but~~
- 12 ~~_____ (B) took action during a calendar year to recover, from the~~
- 13 ~~solid waste stream, for purposes of:~~
- 14 ~~_____ (i) use or reuse;~~
- 15 ~~_____ (ii) conversion into raw materials; or~~
- 16 ~~_____ (iii) use in the production of new products;~~
- 17 ~~_____ materials that were not municipal waste;~~
- 18 ~~may voluntarily submit a recycling activity report to the commissioner~~
- 19 ~~concerning the person's recycling activity during the calendar year.~~
- 20 ~~_____ (b) The commissioner shall **may** include information reported to~~
- 21 ~~the commissioner under this section in the annual reports that the~~
- 22 ~~commissioner is required to submit under IC 4-23-5.5-6.~~
- 23 **> SECTION ~~<220>~~ [195]. IC 13-20-25-11, AS AMENDED BY THE**
- 24 **TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL**
- 25 **ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
- 26 **JULY 1, 2026]: Sec. 11. (a) Except as provided in subsection (b); A**
- 27 **recycling activity report submitted to the commissioner under this**
- 28 **chapter must be submitted on the uniform recycling activity report form**
- 29 **posted in a format required by the commissioner on through the**
- 30 **department's Internet web site website. under section 12 of this**
- 31 **chapter.**
- 32 **(b) If a uniform recycling activity report form is not posted on the**
- 33 **department's Internet web site by July 1 in a calendar year in which a**
- 34 **recycler is required to submit a completed recycling activity report**
- 35 **under section 9(a) of this chapter; the recycler may satisfy the recycler's**
- 36 **duties under this chapter by submitting to the commissioner, by a letter**
- 37 **postmarked before August 1 of the calendar year; the types of**
- 38 **information about the recycler's recycling activities during the calendar**
- 39 **year that are set forth in section 12 of this chapter.**
- 40 **(b) The recycling activity report form must be posted on the**
- 41 **department's website and must do the following:**
- 42 **(1) Provide for reporting of the:**

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- 1 (A) name and location of; and
 2 (B) principal business activities conducted at;
 3 the recycler's establishment.
 4 (2) Include:
 5 (A) an appropriate space for; and
 6 (B) instructions requiring the completion of;
 7 an appropriate certification, by signature of the recycler (if
 8 the recycler is an individual) or a senior official with
 9 management responsibility for the recycler (if the recycler is
 10 not an individual), of the accuracy and completeness of the
 11 recycling activity report.
 12 (3) Provide for reporting of the quantity, in tons, of each type
 13 of recyclable material listed in subsection (c) that was in
 14 storage at the reporting recycler's establishment:
 15 (A) at the start of the calendar year; and
 16 (B) at the close of the calendar year.
 17 (4) Provide for reporting of the quantity, in tons, of each type
 18 of recyclable material listed in subsection (c) that was
 19 transported from the reporting recycler's establishment, or
 20 (in the case of a recycler that is a recyclable materials
 21 broker) that was transported or delivered by arrangement of
 22 the recycler, to any of the following:
 23 (A) Other recyclers located in Indiana.
 24 (B) Persons that are located in Indiana but are not
 25 recyclers, including persons that may employ the
 26 recyclable material as a raw material or a new product
 27 without further recycling.
 28 (C) Persons located outside Indiana.
 29 (c) A uniform recycling activity report form posted on the
 30 department's website under subsection (a) must specify that the
 31 information to be reported by a recycler under subsection (b)(3)
 32 and (b)(4) must be reported separately for each of the following
 33 types of recyclable materials:
 34 (1) Glass.
 35 (2) Metal, including white goods (ferrous).
 36 (3) Metal (nonferrous).
 37 (4) Paper and paper products (all grades).
 38 (5) Plastic and plastic products.
 39 (6) Single stream recyclable materials.
 40 (7) Any other distinct type of recyclable material not
 41 specified in subdivisions (1) through (6).
 42 SECTION ~~221~~ [196]. IC 13-20-25-12 IS REPEALED

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1 [EFFECTIVE JULY 1, 2026]. Sec. 12: (a) Not later than July 1, 2015;
 2 the commissioner shall post on the department's Internet web site a
 3 uniform recycling activity report form. The form must do the following:

4 (1) Provide for reporting of the:

5 (A) name and location of; and

6 (B) principal business activities conducted at;
 7 the recycler's establishment.

8 (2) Include:

9 (A) an appropriate space for; and

10 (B) instructions requiring the completion of;
 11 an appropriate certification; by signature of the recycler (if the
 12 recycler is an individual) or a senior official with management
 13 responsibility for the recycler (if the recycler is not an
 14 individual), of the accuracy and completeness of the recycling
 15 activity report.

16 (3) Provide for reporting of the quantity, in tons, of each type of
 17 recyclable material listed in subsection (b) that was in storage at
 18 the reporting recycler's establishment:

19 (A) at the start of the calendar year; and

20 (B) at the close of the calendar year.

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

27 (A) Other recyclers located in Indiana:

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

32 (C) Persons located outside Indiana:

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

38 (1) Glass:

39 (2) Metal, including white goods (ferrous):

40 (3) Metal (nonferrous):

41 (4) Paper and paper products (all grades):

42 (5) Plastic and plastic products:

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1 (6) Single stream recyclable materials:
 2 (7) Any other distinct type of recyclable material not specified
 3 in subdivisions (1) through (6).
 4 ~~← SECTION 222. IC 13-20-26-3, AS ADDED BY P.L.153-2023,~~
 5 ~~SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
 6 ~~JULY 1, 2026]: Sec. 3. To implement the second round of grants~~
 7 ~~described in this chapter, the Indiana recycling market development~~
 8 ~~board shall **may not** award not more than a total of two million dollars~~
 9 ~~(\$2,000,000) to applicants.~~
 10 > SECTION ~~223~~ [197]. IC 13-20.5-1-4, AS AMENDED BY
 11 P.L.200-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person may not operate as
 13 a collector of covered electronic devices from covered entities unless
 14 the person:
 15 (1) has submitted to the department a completed registration
 16 form; ~~as required by 329 IAC 16-5-1;~~ and
 17 (2) otherwise complies with 329 IAC 16- **rules established by**
 18 **the board.**
 19 (b) A registration submitted under this section:
 20 (1) is effective upon receipt by the department; and
 21 (2) must be submitted for a program year not later than March 1
 22 of the program year.
 23 SECTION ~~224~~ [198]. IC 13-20.5-1-5, AS AMENDED BY
 24 P.L.200-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person may not recycle
 26 covered electronic devices generated by covered entities unless the
 27 person:
 28 (1) has submitted to the department a completed registration
 29 form; ~~as required by 329 IAC 16-5-1;~~ and
 30 (2) otherwise complies with 329 IAC 16- **rules established by**
 31 **the board.**
 32 (b) A registered recycler may conduct recycling activities that are
 33 consistent with this article.
 34 (c) A registration submitted under this section:
 35 (1) is effective upon receipt by the department; and
 36 (2) must be submitted for a program year not later than March 1
 37 of the program year.
 38 SECTION ~~225~~ [199]. IC 13-20.5-1-6, AS ADDED BY
 39 P.L.178-2009, SECTION 27, IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. The department may
 41 revoke the registration of a collector or recycler that violates either or
 42 both of the following:

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1 (1) This article.
 2 (2) ~~329 IAC 16.~~ **Rules established by the board.**
 3 SECTION 2~~26~~[00]. IC 13-20.5-3-1, AS AMENDED BY
 4 P.L.200-2017, SECTION 10, IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than
 6 March 1 of each year, a manufacturer shall report to the department the
 7 total weight in pounds of covered electronic devices that the
 8 manufacturer:
 9 (1) collected from eligible entities and recycled; or
 10 (2) arranged to have collected from eligible entities and
 11 recycled;
 12 during the program year that ended on the immediately preceding
 13 December 31.
 14 (b) Not later than March 1 of each year, a manufacturer shall
 15 report the following to the department:
 16 (1) The number of recycling credits the manufacturer purchased
 17 and sold during the program year that ended on the immediately
 18 preceding December 31.
 19 (2) The number of recycling credits possessed by the
 20 manufacturer that the manufacturer intends to use in the
 21 calculation of its variable recycling fee under IC 13-20.5-2-1.
 22 (3) The number of recycling credits the manufacturer retained at
 23 the beginning of the program year that began on the immediately
 24 preceding January 1.
 25 (4) The ~~amount~~ **weight** in pounds of covered electronic devices
 26 that the manufacturer arranged for a recycler to collect and
 27 recycle during the program year that ended on the immediately
 28 preceding December 31 and that were not converted to recycling
 29 credits.
 30 SECTION 2~~27~~[01]. IC 13-20.5-3-2, AS AMENDED BY
 31 P.L.200-2017, SECTION 11, IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. Not later than each
 33 March 1, a recycler of covered electronic devices shall do the
 34 following:
 35 (1) Report to the department separately the total weight in
 36 pounds of covered electronic devices that were:
 37 (A) recycled by the recycler; and
 38 (B) taken by the recycler for final disposal;
 39 during the program year that ended on the immediately
 40 preceding December 31.
 41 (2) Submit to the department a list of all collectors from whom
 42 the recycler received covered electronic devices during the

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

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

6 SECTION ~~228~~ [202]. IC 13-20.5-4-1, AS AMENDED BY
 7 P.L.200-2017, SECTION 13, IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A manufacturer shall
 9 **do the following:**

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

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

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

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

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

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

31 SECTION ~~229~~ [03]. IC 13-20.5-4-2 IS REPEALED
 32 [EFFECTIVE JULY 1, 2026]. Sec. 2: (a) A manufacturer shall conduct
 33 and document due diligence assessments of collectors and recyclers
 34 with which the manufacturer contracts to allow the manufacturer to
 35 comply with this chapter.

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

40 SECTION ~~230~~ [204]. IC 13-20.5-4-3 IS REPEALED
 41 [EFFECTIVE JULY 1, 2026]. Sec. 3: A manufacturer shall provide the
 42 department with contact information for an individual who can be

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

2 SECTION 231[05]. IC 13-20.5-7-3, AS ADDED BY
3 P.L.178-2009, SECTION 27, IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. If the revenues in the
5 electronic waste fund established by IC 13-20.5-2-3 exceed the amount
6 that the department determines is necessary for efficient and effective
7 administration of this article, the department shall recommend to the
8 general assembly in a report submitted in an electronic format under
9 IC 5-14-6 that:

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

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

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

17 SECTION 232[06]. IC 13-20.5-7-10 IS REPEALED
18 [EFFECTIVE JULY 1, 2026]. Sec. 10. (a) Solid waste management
19 districts shall conduct educational programs to provide information to
20 the public concerning:

21 (1) reuse and recycling of electronic waste;

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

24 (3) proper disposal of electronic waste.

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

32 ~~SECTION 233. IC 13-21-1-1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The commissioner:
34 shall do the following:~~

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

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

38 ~~SECTION 234. IC 13-21-1-2 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The state plan must
40 provide for solid waste management in Indiana for the twenty (20)
41 years following the adoption of the state plan. The state plan must may
42 include the following, in order of priority:~~

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- 1 ~~(1) The establishment of voluntary statewide goals for source~~
- 2 ~~reduction.~~
- 3 ~~(2) The establishment of criteria for alternatives to final disposal;~~
- 4 ~~including the following:~~
- 5 ~~(A) Recycling;~~
- 6 ~~(B) Composting;~~
- 7 ~~(C) The availability of markets.~~
- 8 ~~(3) The establishment of general criteria for the siting,~~
- 9 ~~construction, operation, closing, and monitoring of final disposal~~
- 10 ~~facilities.~~
- 11 ~~(4) Criteria and other elements to be considered in the adoption~~
- 12 ~~of district solid waste management plans:~~
- 13 > SECTION 2 ~~<35>~~ [07]. IC 13-21-1-3 IS REPEALED [EFFECTIVE
- 14 JULY 1, 2026]. Sec. 3. Revisions of the state plan must be
- 15 implemented using the procedures set forth in section 1 of this chapter.
- 16 ~~< SECTION 236. IC 13-21-1-4, AS ADDED BY P.L.37-2012,~~
- 17 ~~SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
- 18 ~~JULY 1, 2026]: Sec. 4. (a) In 2015 and every fifth year thereafter, The~~
- 19 ~~legislative council shall **may** require an interim study committee or a~~
- 20 ~~statutory study committee to:~~
- 21 ~~(1) assess solid waste management districts; and~~
- 22 ~~(2) determine whether any changes should be made to the~~
- 23 ~~statutes governing solid waste management districts.~~
- 24 ~~(b) An interim study committee or a statutory study committee that~~
- 25 ~~assesses solid waste management districts under subsection (a) shall~~
- 26 ~~issue a final report, in an electronic format under IC 5-14-6, to the~~
- 27 ~~legislative council containing the committee's findings and~~
- 28 ~~recommendations, including any recommended legislation, not later~~
- 29 ~~than November 1 of the year in which an assessment is conducted.~~
- 30 > SECTION 2 ~~<37>~~ [08]. IC 13-21-13-1, AS AMENDED BY
- 31 P.L.104-2022, SECTION 90, IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A board may
- 33 impose fees on the disposal of solid waste in a final disposal facility
- 34 located within the district. A fee imposed by a board in a county with
- 35 a population of more than one hundred twelve thousand (112,000) and
- 36 less than one hundred twenty thousand (120,000) under this section
- 37 may not exceed two dollars and fifty cents (\$2.50) a ton. A fee imposed
- 38 by a board in other counties under this section may not exceed:
- 39 (1) two dollars and fifty cents (\$2.50) a ton; or
- 40 (2) the amount of a fee imposed by the board;
- 41 (A) under this section; and
- 42 (B) in effect on January 1, 1993;

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- 1 whichever is greater.
- 2 (b) The board shall do the following:
- 3 (1) Set the amount of fees imposed under this section after a
- 4 public hearing.
- 5 (2) Give public notice of the hearing.
- 6 (c) If solid waste has been subject to a district fee under this
- 7 section, the total amount of the fee that was paid shall be credited
- 8 against a district fee to which the solid waste may later be subject
- 9 under this section.
- 10 (d) Except as provided in section 4 of this chapter, fees imposed
- 11 under this chapter shall be imposed uniformly on public facilities and
- 12 on privately owned or operated facilities throughout the district.
- 13 (e) A resolution adopted by a board that establishes fees under this
- 14 chapter may contain a provision that authorizes the board to impose a
- 15 penalty of not more than five hundred dollars (\$500) per day because
- 16 of:
- 17 (1) nonpayment of fees; or
- 18 (2) noncompliance with a condition in the resolution.
- 19 (f) A board may not impose fees for material used as alternate
- 20 daily cover pursuant to a permit issued by the department under ~~329~~
- 21 ~~IAC 10-20-13: the rules adopted by the board.~~
- 22 ~~<— SECTION 238. IC 13-22-2-2 IS REPEALED [EFFECTIVE JULY~~
- 23 ~~1, 2026]. Sec. 2. The board shall adopt rules under IC 4-22-2 and~~
- 24 ~~IC 13-14-9 to implement this chapter through IC 13-22-8,~~
- 25 ~~IC 13-22-11.5, and IC 13-22-13 through IC 13-22-14.~~
- 26 ~~— SECTION 239. IC 13-22-2-3, AS AMENDED BY P.L.93-2024,~~
- 27 ~~SECTION 118, IS AMENDED TO READ AS FOLLOWS~~
- 28 ~~[EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The board shall adopt rules~~
- 29 ~~under IC 4-22-2 and IC 13-14-8 to **may** develop criteria for~~
- 30 ~~determining hazardous waste. In developing those criteria **for**~~
- 31 ~~**determining hazardous waste**, the board shall determine whether any~~
- 32 ~~waste to be or being disposed of meets any of the following conditions:~~
- 33 ~~— (1) Presents immediate or persistent hazards to humans or~~
- 34 ~~wildlife;~~
- 35 ~~— (2) Is resistant to natural degradation or detoxification;~~
- 36 ~~— (3) Is bioconcentrative, flammable, reactive, toxic, corrosive, or~~
- 37 ~~infectious in addition to any other harmful characteristics.~~
- 38 ~~(b) The board shall do the following:~~
- 39 ~~— (1) Compile and maintain a listing of wastes that have been~~
- 40 ~~determined to be hazardous:~~
- 41 ~~— (A) under the criteria described in subsection (a); or~~
- 42 ~~— (B) by regulation of the United States Environmental~~

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- 1 (2) Include in the rules a requirement for prior notice of closure
 2 and a time limit for completion of closure.
- 3 ~~<— SECTION 242. IC 13-22-2-7, AS AMENDED BY P.L.133-2012,~~
 4 ~~SECTION 151, IS AMENDED TO READ AS FOLLOWS~~
 5 ~~[EFFECTIVE JULY 1, 2026]: Sec. 7. The board shall adopt rules under~~
 6 ~~IC 4-22-2 and IC 13-14-9 setting **may set** standards for corrective~~
 7 ~~action for all releases of hazardous waste or constituents from any solid~~
 8 ~~waste management unit at a hazardous waste facility. The **Any**~~
 9 ~~standards **adopted by the board** must require that corrective action be~~
 10 ~~taken beyond the facility boundary where necessary to protect human~~
 11 ~~health and the environment, unless the owner or operator of the facility~~
 12 ~~concerned demonstrates to the satisfaction of the commissioner that,~~
 13 ~~despite the best efforts of the owner or operator, the owner or operator~~
 14 ~~is unable to obtain the necessary permission to undertake that action.~~
 15 ~~The rules adopted under this section apply to the following:~~
- 16 ~~— (1) All facilities operating under permits issued under~~
 17 ~~IC 13-22-3. or IC 13-7-8.5 (before its repeal).~~
- 18 ~~— (2) All landfills, surface impoundments, and waste piles,~~
 19 ~~including any new units, replacements of existing units, and~~
 20 ~~lateral expansions of existing units, that receive hazardous waste~~
 21 ~~after July 26, 1982.~~
- 22 > SECTION 2<43>[\[11\]](#). IC 13-22-3-3 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Before allowing
 24 the operation of a landfill for the disposal of hazardous waste, the
 25 commissioner and all the owners of the land upon which the landfill is
 26 located must execute and record a restrictive covenant upon the land
 27 involved. The department shall file the instrument imposing the
 28 restrictive covenant for record in the recorder's office in the county in
 29 which the landfill is located.
- 30 (b) The covenant must state that:
- 31 (1) the land has been or may be used as a landfill for disposal of
 32 hazardous waste; and
- 33 (2) neither the property owners, agents, or employees, nor any of
 34 their heirs, successors, lessees, or assignees, may engage in
 35 filling, grading, excavating, building, drilling, or mining on the
 36 property following the completion and closure of the landfill
 37 without authorization of the commissioner.
- 38 (c) Before the commissioner grants an authorization for the
 39 activities prohibited in the covenant, the commissioner shall **review**
 40 **consider** the following:
- 41 (1) The original design of the landfill.
- 42 (2) The type of operation.

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- 1 (3) The hazardous waste deposited there.
- 2 (4) The state of decomposition of the hazardous wastes.
- 3 SECTION 244[12]. IC 13-22-7.5-1, AS ADDED BY
- 4 P.L.172-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter applies to a person
- 6 that transports:
- 7 (1) a chemical munition referred to in 329 IAC 3-1-6-3, as in
- 8 effect on January 1, 2005; as defined in IC 13-11-2-25; or
- 9 (2) hazardous waste derived from the bulk neutralization and
- 10 destruction of the agent VX referred to in IC 13-11-2-25(6).
- 11 SECTION 245. IC 13-22-8-1, AS AMENDED BY P.L.133-2012;
- 12 SECTION 152, IS AMENDED TO READ AS FOLLOWS
- 13 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board shall **may** adopt
- 14 rules under IC 4-22-2 and IC 13-14-9 on standards of financial
- 15 responsibility for the following:
- 16 (1) Closure;
- 17 (2) Postclosure monitoring at hazardous waste facilities;
- 18 (3) Any required corrective action at those facilities;
- 19 (b) The **Any** rules adopted under this section must reflect the
- 20 provisions for financial responsibility prescribed by section 2 of this
- 21 chapter.
- 22 > SECTION 246[13]. IC 13-22-11-1 IS REPEALED
- 23 [EFFECTIVE JULY 1, 2026]. Sec. 1. (a) The office shall do the
- 24 following:
- 25 (1) Continuously gather information on secondary material
- 26 utilization or waste reduction practices and technology from
- 27 sources within and outside Indiana.
- 28 (2) Provide information and advice on secondary material
- 29 utilization or waste reduction in response to a request from a
- 30 business or business organization that is active in Indiana.
- 31 (b) In the absence of a request, the office may, at the direction of
- 32 the commissioner, present advice on secondary material utilization or
- 33 waste reduction to a business that:
- 34 (1) is active in Indiana; and
- 35 (2) in the judgment of the commissioner, could:
- 36 (A) significantly reduce;
- 37 (B) eliminate; or
- 38 (C) avoid;
- 39 the generation and disposal of hazardous waste through waste
- 40 reduction or secondary material utilization under IC 13-22-11.5.
- 41 The office shall study the information to be presented with advice
- 42 under this subsection.

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1 SECTION ~~247~~[214]. IC 13-22-11-2 IS REPEALED
 2 [EFFECTIVE JULY 1, 2026]. Sec. 2: In directing the office to present
 3 advice to businesses under section 1(b) of this chapter, the
 4 commissioner shall establish a priority among types of businesses
 5 according to the following:

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

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

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

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

18 SECTION 2~~48~~[15]. IC 13-23-1-2, AS AMENDED BY
 19 P.L.38-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board shall adopt rules
 21 under IC 4-22-2, IC 13-14-8, and IC 13-14-9 for the establishment and
 22 operation of the program established under section 1 of this chapter.

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

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

31 (1) Requirements for maintaining:

32 (A) a leak detection system;

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

34 or

35 (C) a comparable system or method;

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

38 (2) Requirements for maintaining records of any:

39 (A) monitoring;

40 (B) leak detection system;

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

42 (D) comparable system.

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- 1 (3) Requirements for reporting of:
 2 (A) any releases; and
 3 (B) corrective action taken in response to a release.
 4 (4) Requirements for ordering or taking corrective action in
 5 response to a release.
 6 (5) Requirements for closure of underground storage tanks to
 7 prevent future releases of regulated substances into the
 8 environment.
 9 (6) Requirements for maintaining evidence of financial
 10 responsibility for:
 11 (A) taking corrective action; and
 12 (B) compensating third parties for bodily injury and
 13 property damage caused by sudden and nonsudden
 14 accidental releases arising from the operation of an
 15 underground storage tank.
 16 (7) Standards of performance for new underground storage
 17 tanks.
 18 (8) Requirements for the following:
 19 (A) Providing notice to the department of the existence of
 20 operational and nonoperational underground storage tanks,
 21 as required under 42 U.S.C. 6991a(a).
 22 (B) Providing the information required on the form
 23 prescribed under 42 U.S.C. 6991a(b)(2).
 24 (C) Providing notice, by any person who sells a tank
 25 intended to be used as an underground storage tank, to the
 26 purchaser of that tank of the owner's notification
 27 requirements established by this article and 42 U.S.C.
 28 6991a(a).
 29 (9) Requirements for the delivery prohibition program
 30 prescribed under 42 U.S.C. 6991k, including:
 31 (A) notice to owners or operators when an underground
 32 storage tank is declared ineligible for delivery, deposit, or
 33 acceptance of a regulated substance; and
 34 (B) procedures to enforce the delivery prohibition that
 35 include the use of a temporary emergency order under
 36 IC 4-21.5-4 for violations of section 4(a) of this chapter.
 37 SECTION 2~~49~~[16]. IC 13-23-3-1, AS AMENDED BY
 38 P.L.176-2023, SECTION 33, IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The department
 40 shall, under rules adopted by the board under IC 4-22-2 and
 41 IC 13-14-9, establish a certification program for persons who
 42 supervise, manage, or direct underground storage tank or aboveground

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

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1 (d) The ~~state fire marshal department~~ may, under rules adopted
2 by the ~~fire prevention and building safety commission, board,~~ certify
3 a person:

- 4 (1) under section 1 of this chapter; and
- 5 (2) by ~~reciprocity, equivalency;~~

6 if the person is licensed or certified by another state that has
7 certification requirements that are substantially similar to the
8 requirements established under this section.

9 SECTION ~~251~~ [\[218\]](#). IC 13-23-4-1 IS AMENDED TO READ
10 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The rules
11 adopted under ~~IC 13-23-1-2(c)(6)~~ [\[IC 13-23-1-2\(b\)\(6\)\]](#) may allow
12 evidence of financial responsibility in one (1) or a combination of the
13 following forms:

- 14 (1) Insurance.
- 15 (2) Guarantee.
- 16 (3) Surety bond.
- 17 (4) Letter of credit.
- 18 (5) Qualification as a self-insurer.
- 19 (6) Any other method satisfactory to the commissioner and the
20 Administrator of the United States Environmental Protection
21 Agency.

22 SECTION 2 ~~52~~ [\[19\]](#). IC 13-23-4-2 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The rules adopted
24 under ~~IC 13-23-1-2(c)(6)~~ [\[IC 13-23-1-2\(b\)\(6\)\]](#) may require the use
25 of certain policy provisions or contract terms, including provisions or
26 terms concerning the following:

- 27 (1) The minimum amount of coverage required for various
28 classes and categories of underground storage tanks established
29 under section 4 of this chapter.
- 30 (2) Conditions or defenses that are necessary or unacceptable in
31 establishing evidence of financial responsibility.

32 SECTION 2 ~~53~~ [\[20\]](#). IC 13-23-4-4 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The rules adopted
34 under ~~IC 13-23-1-2(c)(6)~~ [\[IC 13-23-1-2\(b\)\(6\)\]](#) may require a
35 minimum amount of coverage for particular classes or categories of
36 underground storage tanks containing petroleum. Minimum coverage
37 amounts established under this subsection must be at least one million
38 dollars (\$1,000,000) for each occurrence, with an appropriate aggregate
39 amount.

40 (b) The board may by rule set minimum coverage amounts lower
41 than the amount set forth in subsection (a) for underground storage
42 tanks containing petroleum that are:

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- 1 (1) not located at facilities engaged in the production, refining,
 2 or marketing of petroleum; and
 3 (2) not used to handle substantial quantities of petroleum.
 4 (c) In adopting rules establishing classes and categories of
 5 underground storage tanks containing petroleum for purposes of this
 6 section, the board may consider the following factors:
 7 (1) The:
 8 (A) size, type, location, storage, and handling capacity of
 9 underground storage tanks in the class or category; and
 10 (B) volume of petroleum handled by those tanks.
 11 (2) The:
 12 (A) likelihood of release; and
 13 (B) potential extent of damage from any release;
 14 from underground storage tanks in the class or category.
 15 (3) The economic impact of the limits on the owners and
 16 operators of each class or category, particularly relating to the
 17 small business segment of the petroleum marketing industry.
 18 (4) The availability of methods of financial responsibility in
 19 amounts greater than the amount established by this section.
 20 (5) Any other factors that the board considers pertinent.
 21 SECTION 2~~54~~[21]. IC 13-23-7-5, AS AMENDED BY
 22 P.L.96-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2026]: Sec. 5. The treasurer of state shall invest
 24 the money in the ELTF not currently needed to meet the obligations of
 25 the ELTF in the same manner as other public money may be invested.
 26 Interest that accrues from these investments shall be deposited in the
 27 ELTF. ~~At least one (1) time each year, the treasurer of state shall~~
 28 ~~provide the financial assurance board a report detailing the investments~~
 29 ~~made under this section.~~
 30 SECTION 2~~55~~[22]. IC 13-23-8-4, AS AMENDED BY
 31 P.L.9-2024, SECTION 344, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The administrator shall pay
 33 ELTF claims that are:
 34 (1) for costs related to eligible releases;
 35 (2) submitted by eligible parties; and
 36 (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.
 37 (b) **The administrator, if appropriate, may allow** an eligible
 38 party ~~may~~ **to** assign the **eligible party's** right to receive payment
 39 of an ELTF claim to another person.
 40 (c) Not more than forty-five (45) business days after an ELTF
 41 claim is submitted, the administrator shall do one (1) of the following:
 42 (1) Approve the ELTF claim and, under IC 13-23-9-2(c),

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- 1 forward the ELTF claim to the state comptroller for payment.
- 2 (2) Send to the claimant a written notice that:
 - 3 (A) states that a correction, a clarification, or additional
 - 4 information is needed before the ELTF claim can be
 - 5 approved; and
 - 6 (B) provides a clear explanation:
 - 7 (i) of the correction, clarification, or additional
 - 8 information that is needed; and
 - 9 (ii) of why it is needed.
- 10 (3) Deny the claim and provide the claimant with a statement of
- 11 the reasons for the denial under IC 13-23-9-2(b).
- 12 SECTION 2~~56~~[23]. IC 13-23-9-1.7, AS AMENDED BY
- 13 P.L.149-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS
- 14 [EFFECTIVE JULY 1, 2026]: Sec. 1.7. (a) The administrator may pay
- 15 an ELTF claim for fifty percent (50%) of the costs of decommissioning
- 16 or replacing an underground petroleum storage tank, provided that:
 - 17 (1) the applicant is the owner of the tank;
 - 18 (2) such decommissioning or replacement is necessary, in the
 - 19 judgment of the administrator, to protect human health and the
 - 20 environment considering the age, obsolescence, and level of
 - 21 deterioration of the tank; and
 - 22 (3) the costs:
 - 23 (A) are reasonable and cost effective; and
 - 24 (B) result from or reimburse the claimant for work
 - 25 performed decommissioning the tank or replacing the tank
 - 26 with a new aboveground storage tank as defined in
 - 27 IC 13-11-2-0.4 or underground storage tank as defined in
 - 28 IC 13-11-2-241.
- 29 (b) **Subject to subsection (c)**, the expenses described in
- 30 subsection (a) that are paid from the ELTF in a state fiscal year may not
- 31 exceed:
 - 32 (1) ten million dollars (\$10,000,000) each year for claims
 - 33 submitted by applicants owning not more than twelve (12)
 - 34 underground petroleum storage tanks;
 - 35 (2) seven million five hundred thousand dollars (\$7,500,000)
 - 36 each year for claims submitted by applicants owning more than
 - 37 twelve (12) but not more than one hundred (100) underground
 - 38 petroleum storage tanks; and
 - 39 (3) two million five hundred thousand dollars (\$2,500,000) each
 - 40 year for claims submitted by applicants owning more than one
 - 41 hundred (100) underground petroleum storage tanks.
- 42 (c) At the end of each state fiscal year, any funds that were

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1 allocated for the decommissioning or replacement of underground
 2 petroleum storage tanks, as described in subsection (b), but that were
 3 not spent shall roll over to the next state fiscal year and be used to
 4 decommission or replace underground petroleum storage tanks within
 5 the same category as allocated in the prior state fiscal year pursuant to
 6 subsection (b)(1), (b)(2), and (b)(3).

7 SECTION 2 ~~57~~ [24]. IC 13-23-9-4 IS REPEALED [EFFECTIVE
 8 JULY 1, 2026]. Sec. 4. If the administrator denies an ELTF claim
 9 under this chapter, the claimant may appeal the denial under IC 4-21-5
 10 to the office of administrative law proceedings under IC 4-15-10.5.

11 SECTION ~~258~~ [225]. IC 13-23-11-2, AS AMENDED BY
 12 P.L.176-2023, SECTION 46, IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board
 14 consists of the following ~~nine (9)~~ **ten (10)** members:

- 15 (1) The administrator or the administrator's designee.
- 16 (2) One (1) member nominated by the treasurer of state in
 17 consultation with the commissioner of the department of state
 18 revenue.
- 19 (3) One (1) member representing the independent petroleum
 20 wholesale distributor-marketer industry. ~~In making this~~
 21 ~~appointment, the governor may consider the recommendation of~~
 22 ~~the Indiana petroleum marketers and convenience store~~
 23 ~~association.~~
- 24 (4) One (1) member representing the petroleum refiner-supplier
 25 industry. ~~In making this appointment, the governor may consider~~
 26 ~~the recommendation of the Indiana petroleum council.~~
- 27 (5) One (1) member of the financial lending community who has
 28 experience with loan guaranty programs.
- 29 (6) One (1) member representing the convenience store operator
 30 industry or independent petroleum retail distributor-marketer
 31 industry. ~~In making this appointment, the governor may consider~~
 32 ~~the recommendation of the Indiana petroleum marketers and~~
 33 ~~convenience store association.~~
- 34 (7) One (1) member representing environmental interests.
- 35 (8) One (1) member representing an environmental consulting
 36 firm that performs work involving underground storage tank or
 37 aboveground storage tank corrective actions.
- 38 (9) One (1) member representing the property and casualty
 39 insurance industry.

40 **(10) One (1) member representing airports.**

41 (b) The governor shall appoint the members specified in
 42 subsection (a)(2) through ~~(a)(9)~~ **(a)(10)** for terms of ~~two (2)~~ **four (4)**

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1 years.

2 (c) **The governor may consider nomination and**

3 **recommendations for members appointed under subsection (a)(2)**

4 **through (a)(10) from representative constituencies.**

5 SECTION 2~~59~~[26]. IC 13-23-11-4 IS AMENDED TO READ

6 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) If an

7 appointed member of the board is not able to serve the member's full

8 term, the governor shall appoint an individual to serve for the

9 remainder of the unexpired term.

10 (b) The term of an appointed member of the board continues until

11 the member's successor has been appointed. ~~and qualified.~~

12 (c) **No member may serve more than two (2) consecutive**

13 **terms.**

14 ~~SECTION 260. IC 13-23-11-5 IS AMENDED TO READ AS~~

15 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The board, at the~~

16 ~~board's first meeting of each year, shall elect **The governor may**~~

17 ~~**designate** from among the board's members a chairperson and other~~

18 ~~officers necessary to transact business.~~

19 > SECTION 2~~61~~[27]. IC 13-23-11-6, AS AMENDED BY

20 P.L.113-2014, SECTION 79, IS AMENDED TO READ AS

21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board must

22 have a quorum to transact business. Five (5) members constitute a

23 quorum.

24 (b) An affirmative vote of the majority of members present is

25 required for the board to take action.

26 (c) ~~The board shall meet upon:~~

27 ~~(1) the request of the chairperson; or~~

28 ~~(2) the written request of three (3) of the board's members.~~

29 (d) ~~A meeting must be held not later than fourteen (14) days after~~

30 ~~a request is made.~~

31 SECTION ~~262~~[228]. IC 13-23-11-7, AS AMENDED BY

32 P.L.176-2023, SECTION 47, IS AMENDED TO READ AS

33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) The board shall

34 do the following:

35 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to do

36 the following:

37 (A) Carry out the duties of the board under this article.

38 (B) Establish standards and procedures under which:

39 (i) eligible parties may submit ELTF claims; and

40 (ii) the administrator of the ELTF may pay ELTF

41 claims.

42 (C) Establish standards for determining the reasonableness

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- 1 and cost effectiveness of corrective action for purposes of
- 2 reimbursement from the ELTF under IC 13-23-9-1.5(a)(1).
- 3 (D) Establish standards for priorities in the payment of
- 4 ELTF claims, including a priority for claims associated with
- 5 releases from USTs and ASTs that pose an immediate and
- 6 significant threat to the environment.
- 7 (E) Provide reimbursement from the petroleum storage tank
- 8 excess liability trust fund for fifty percent (50%) of costs of
- 9 decommissioning or replacing underground petroleum
- 10 storage tanks that meet the criteria under IC 13-23-9-1.7.
- 11 (F) Establish procedures to reopen ELTF eligibility and
- 12 funding for a release previously granted "no further action"
- 13 (NFA) status by the department should either the
- 14 department or the owner of the underground petroleum
- 15 storage tank or aboveground petroleum storage tank
- 16 subsequently decide to permanently decommission the use
- 17 of the site as a ~~petroleum facility~~ **UST facility or AST**
- 18 **facility** and undertake the investigation and remediation of
- 19 any residual contamination arising from the site's former
- 20 use as a ~~petroleum facility~~ **UST facility or AST facility**.
- 21 Before reopening ELTF eligibility and funding, the
- 22 administrator may require that the applicant provide
- 23 information regarding the planned future use of the site.
- 24 (2) ~~Take testimony and~~ Receive a ~~written~~ report at every meeting
- 25 of the board from the administrator or the administrator's
- 26 designee regarding the financial condition and operation of the
- 27 ELTF, including:
 - 28 (A) a ~~detailed~~ breakdown of contractual and administrative
 - 29 expenses the department is claiming from the ELTF under
 - 30 IC 13-23-7-1(a)(4); and
 - 31 (B) a claims statistics report consisting of:
 - 32 (i) the status and amounts of claims submitted to the
 - 33 ELTF; and
 - 34 (ii) ELTF claims payments made.
- 35 ~~Testimony shall be taken and a written report shall be received~~
- 36 ~~under this subdivision at every meeting of the board. However,~~
- 37 ~~the testimony and written report are not required more than one~~
- 38 ~~(1) time during any thirty (30) day period.~~
- 39 (3) Consult with the department on administration of the ELTF
- 40 in developing uniform policies and procedures for revenue
- 41 collection and claims administration of the ELTF.
- 42 (b) The department shall consult with the board on administration

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1 of the ELTF. The consultation must include evaluation of alternative
2 means of administering the ELTF in a cost effective and efficient
3 manner.

4 (c) ~~At each meeting of the board, the department shall provide the~~
5 ~~board with a written report on the financial condition and operation of~~
6 ~~the ELTF.~~

7 SECTION 2~~63~~[29]. IC 13-23-11-9 IS ADDED TO THE
8 INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2026]: **Sec. 9. This chapter expires July 1,**
10 **2031.**

11 SECTION 2~~64~~[30]. IC 13-23-13-1, AS AMENDED BY
12 P.L.176-2023, SECTION 50, IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Subject to
14 subsections (b)(1) and (d), the commissioner may, under rules adopted
15 under IC 13-23-1-2:

- 16 (1) issue an order under IC 13-14-2-7 or IC 4-21.5-4; or
- 17 (2) proceed under IC 13-14-2-6;

18 to require the owner or operator of an underground storage tank or
19 aboveground storage tank to undertake corrective action with respect
20 to any release of a regulated substance.

21 (b) Except as provided in subsection (d), the commissioner may
22 not, with respect to a release of petroleum from an underground storage
23 tank or aboveground storage tank:

- 24 (1) take action under subsection (a); or
- 25 (2) if a reportable quantity of the released petroleum remains or
26 may remain underground at the site of the underground storage
27 tank or aboveground storage tank:

28 (A) request that the owner or operator of the underground
29 storage tank or aboveground storage tank execute a
30 restrictive covenant (as defined in IC 13-11-2-193.5)
31 applying to the site of the underground storage tank or
32 aboveground storage tank;

33 (B) make a determination of no further action being
34 required at the site of the underground storage tank or
35 aboveground storage tank; or

36 (C) approve closure, or its equivalent, of the site of the
37 underground storage tank or aboveground storage tank;

38 unless the commissioner has received and reviewed the initial site
39 characterization of the site of the release or an alternative evaluation is
40 prepared for submittal to the commissioner in accordance with
41 subsection (c) **and an evaluation of potential remedial activities to**
42 **achieve remedial objectives including closure options,**

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1 **environmental deed restrictions, and remediation methods to**
2 **achieve a no further action determination, including estimated**
3 **costs and time frames sufficient for the commissioner to evaluate**
4 **the adequacy of the proposed response.**

5 (c) When necessary and feasible as determined by a qualified
6 environmental professional, an initial site characterization shall
7 include:

8 (1) site-specific geologic information obtained from a minimum
9 of three (3) continuously sampled soil borings; and

10 (2) hydrogeologic information, including depth to ground water
11 and ground water flow directions and gradients, obtained from
12 a minimum of three (3) monitoring wells screened across the
13 water table.

14 A qualified environmental professional, on behalf of the owner or
15 operator of an underground storage tank or an aboveground storage
16 tank from which there has been a release of petroleum, may submit for
17 approval by the commissioner an alternative procedure for initial site
18 characterization and request a waiver of the requirements in this
19 subsection. The commissioner may approve the request for a waiver
20 and alternative procedure only if the alternative procedure provides
21 substantially equal protection for human health and the environment.
22 If an initial site characterization does not define the nature and extent
23 of the contaminant plume, additional investigation shall be performed
24 when necessary and feasible as determined by a qualified
25 environmental professional.

26 (d) The commissioner may take action under subsection (a)
27 without having received and reviewed the initial site characterization
28 if the commissioner reasonably believes that the release from the
29 underground storage tank or aboveground storage tank creates a threat
30 to human health or the environment sufficient to necessitate action
31 under subsection (a) before the initial site characterization is submitted
32 to the department.

33 (e) If the commissioner:

34 (1) requires corrective action under subsection (a); and

35 (2) determines that the corrective action will be done properly
36 and promptly by the owner or operator of the underground
37 storage tank or aboveground storage tank from which the release
38 occurs;

39 the commissioner may enter into an agreed order with the owner or
40 operator to implement necessary corrective action.

41 SECTION 2 ~~65~~ [\[31\]](#). IC 13-23-13-2, AS AMENDED BY
42 P.L.176-2023, SECTION 51, IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner,
2 under rules adopted under IC 13-23-1-2, may undertake corrective
3 action with respect to any release of a regulated substance into the
4 environment from an underground storage tank or aboveground storage
5 tank if:

6 (1) that action is necessary, in the judgment of the commissioner,
7 to protect human health and the environment; and

8 (2) at least one (1) of the following conditions exists:

9 (A) A person cannot be found not later than ninety (90)
10 days after a suspected or confirmed release is identified (or
11 a shorter time necessary to protect human health and the
12 environment) who is:

13 (i) an owner or operator of the underground storage
14 tank or aboveground storage tank;

15 (ii) subject to the rules concerning corrective action;
16 and

17 (iii) capable of properly carrying out corrective action
18 with respect to the release.

19 (B) An existing situation requires prompt action by the
20 commissioner under this section to protect human health
21 and the environment.

22 (C) The cost of corrective action at the site of an
23 underground storage tank exceeds the amount of financial
24 responsibility required under ~~IC 13-23-1-2(c)(6)~~;
25 **IC 13-23-1-2(b)(6)**, IC 13-23-4-4, and IC 13-23-4-5 and,
26 considering the class or category of underground storage
27 tank from which the release occurred, expenditures by the
28 state are necessary to ensure an effective corrective action.

29 (D) The owner or operator of the underground storage tank
30 or aboveground storage tank has failed or refused to comply
31 with an order of the commissioner or a judgment of a court
32 of competent jurisdiction under section 1 of this chapter to
33 take corrective action with respect to the release.

34 SECTION 2-~~66~~ [\[32\]](#). IC 13-23-13-9 IS AMENDED TO READ
35 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. In determining
36 the equities for seeking the recovery of costs under section 8 of this
37 chapter, the commissioner may consider the following:

38 (1) The amount of financial responsibility required to be
39 maintained under ~~IC 13-23-1-2(c)(6)~~. ~~IC 13-23-1-2(c)(6)~~. **IC 13-23-1-2(b)(6)**.

40 (2) The factors considered in establishing that amount for
41 underground storage tanks containing petroleum under
42 IC 13-23-4-4.

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1 SECTION 267[33]. IC 13-23-16-2, AS AMENDED BY
2 P.L.176-2023, SECTION 65, IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. If the department
4 receives a report concerning:

- 5 (1) the discovery of released regulated substances at an
6 underground storage tank or aboveground storage tank site or in
7 the surrounding area under ~~329 IAC 9-4-1(1)~~; **40 CFR 280.50**;
8 or
9 (2) a spill or overfill under ~~329 IAC 9-4-4(a)~~; **40 CFR 280.53**;
10 the department shall, not more than seven (7) days after receiving the
11 report, provide notice of the release, spill, or overfill to the county
12 health officer of each county in which the release, spill, or overfill
13 occurred.

14 SECTION 268[34]. IC 13-23-16-3, AS ADDED BY
15 P.L.221-2007, SECTION 16, IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Not more than seven
17 (7) days after receiving a notice from the department under section 2
18 of this chapter, a county health officer shall **make a reasonable effort**
19 **to** do the following:

- 20 (1) Publish notice of the release, spill, or overfill in a newspaper
21 **or other media** of general circulation in the county health
22 officer's county.
- 23 (2) Provide any other notice of the release, spill, or overfill the
24 county health officer considers necessary or appropriate.

25 SECTION 269[35]. IC 13-23-16-4, AS ADDED BY
26 P.L.221-2007, SECTION 16, IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. Notice provided by
28 a county health officer under section 3 of this chapter must include:

- 29 (1) the same information reported to the department under ~~329~~
30 ~~IAC 9-4-1(1)~~ or ~~329 IAC 9-4-4(a)~~; **40 CFR 280.50 or 40 CFR**
31 **280.53**; and
- 32 (2) any other information the county health officer considers
33 necessary or appropriate.

34 SECTION 270[36]. IC 13-24-1-1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The
36 commissioner may issue an order under:

- 37 (1) IC 13-14-2-7;
- 38 (2) IC 4-21.5-4; or
- 39 (3) IC 4-21.5-3-6;
- 40 to require an owner or operator or a responsible person to undertake
41 removal or remedial action with respect to a release of petroleum at a
42 petroleum facility.

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1 (b) If the commissioner determines that the removal or remedial
2 action will be done properly and promptly by the owner, operator, or
3 responsible person, the commissioner may enter into an agreed order
4 with the owner, operator, or responsible person to implement necessary
5 removal or remedial action.

6 (c) If the commissioner and the owner or operator or the
7 responsible party fail to agree on the appropriate and necessary
8 removal or remedial action to be taken, the dispute shall be resolved
9 under IC 4-21.5.

10 SECTION ~~271~~[237]. IC 13-24-1-8 IS REPEALED
11 [EFFECTIVE JULY 1, 2026]. Sec. 8: IC 4-21.5 applies to:

- 12 (1) determinations;
- 13 (2) notices;
- 14 (3) hearings; and
- 15 (4) appeal determinations;

16 under this chapter.

17 SECTION 2~~72~~[38]. IC 13-25-2-6.5 IS AMENDED TO READ
18 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) The
19 department shall work with interested stakeholders, including the
20 federal government, the general public, members of the general
21 assembly, and businesses, to evaluate the feasibility of simplifying and
22 expediting notification under IC 13-25-2-6. Options to be evaluated
23 include:

- 24 (1) connecting persons required to provide notice under
25 IC 13-25-2-6 with the National Response Center; and
- 26 (2) recommending any appropriate changes in federal law.

27 (b) The department shall implement an option evaluated under
28 subsection (a) if the option:

- 29 (1) is practical to implement;
- 30 (2) is technically feasible;
- 31 (3) is economically feasible;
- 32 (4) is protective of human health and the environment; and
- 33 (5) would adequately serve persons required to provide notice
34 under IC 13-25-2-6.

35 (c) The department shall provide a toll free long distance
36 telephone line through which a person required to provide notice under
37 IC 13-25-2-6 may contact the office described in IC 13-13-3-1 of this
38 chapter. the department.

39 ~~SECTION 273. IC 13-25-4-7, AS AMENDED BY P.L. 133-2012;~~
40 ~~SECTION 154, IS AMENDED TO READ AS FOLLOWS~~
41 ~~[EFFECTIVE JULY 1, 2026]: Sec. 7. The board shall may adopt rules~~
42 ~~establishing criteria for determining the commissioner's priorities in~~

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1 ~~selecting hazardous substance response sites. Until these rules have~~
 2 ~~been adopted, the commissioner shall give priority to those sites~~
 3 ~~presenting a significant threat to public health and environment.~~

4 > SECTION 2<74>[\[39\]](#). IC 13-25-4-11 IS AMENDED TO READ
 5 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) After a
 6 response is initiated under:

- 7 (1) section 9 of this chapter; or
- 8 (2) IC 13-24-1;

9 the ~~state department~~ may impose a lien on the property on which the
 10 response is undertaken **or impose a restrictive covenant on a facility**
 11 **or site where remediation objectives set forth in IC 13-25-5-8.5**
 12 **have not been met.** The lien may secure the payment to the state of an
 13 amount of money equal to the amount expended from the fund under
 14 section 1(a)(3) of this chapter to finance the response.

15 (b) **The board may adopt rules under IC 4-22-2 and IC 13-14-9**
 16 **to set forth procedures to allow the department to impose:**

- 17 (1) a lien; or
- 18 (2) a restrictive covenant;

19 **as described in this section.**

20 SECTION 2<75>[\[40\]](#). IC 13-25-4-12 IS REPEALED
 21 [EFFECTIVE JULY 1, 2026]. Sec. 12: For a lien arising under section
 22 11 of this chapter to be perfected, notice of the lien must be filed in the
 23 office of the county recorder of the county in which the real property
 24 subject to the lien is located. Before notice of a lien may be filed in the
 25 office of the county recorder, the department shall provide notice of the
 26 intention to file the lien as provided by section 19 of this chapter.

27 SECTION 2<76>[\[41\]](#). IC 13-25-4-13 IS REPEALED
 28 [EFFECTIVE JULY 1, 2026]. Sec. 13: The department shall provide
 29 notice of the filing of a lien to the owner of the property if the owner
 30 can be identified. If the owner of record cannot be identified, the
 31 department shall notify the tenant or other person having control of the
 32 property.

33 SECTION 2<77>[\[42\]](#). IC 13-25-4-14 IS REPEALED
 34 [EFFECTIVE JULY 1, 2026]. Sec. 14: When a notice of a lien arising
 35 under section 11 of this chapter is presented to the county recorder for
 36 filing, the county recorder shall enter the lien appropriately in the entry
 37 book and in the miscellaneous record. The entries made under this
 38 section must show the following:

- 39 (1) The date of filing.
- 40 (2) The book and page number or instrument number.
- 41 (3) The name of the person named in the notice.
- 42 (4) A legal description of the property if appropriate.

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1 (5) A serial number or other identifying number given in the
 2 notice.
 3 SECTION 2<78>[43]. IC 13-25-4-15 IS REPEALED
 4 [EFFECTIVE JULY 1, 2026]. Sec. 15: (a) Subject to subsection (b);
 5 when a certificate of discharge of a lien arising under section 11 of this
 6 chapter or IC 13-7-8.7-10.7 (before its repeal) is:
 7 (1) issued by an employee or a designated agent of the
 8 department; and
 9 (2) presented for filing in the office of the county recorder of the
 10 county where the notice of lien was filed;
 11 the county recorder shall record the certificate of discharge as a release
 12 of the lien.
 13 (b) To be recorded under this section, the certificate must refer to
 14 the county recorder's book and page number or instrument number
 15 under which the lien was recorded.
 16 SECTION 2<79>[44]. IC 13-25-4-16 IS REPEALED
 17 [EFFECTIVE JULY 1, 2026]. Sec. 16: When recording a release of a
 18 lien under section 15 of this chapter, the county recorder shall inscribe,
 19 in the margin of each entry made to record the lien under section 14 of
 20 this chapter, a reference to the place where the release is recorded.
 21 SECTION 2<80>[45]. IC 13-25-4-17 IS REPEALED
 22 [EFFECTIVE JULY 1, 2026]. Sec. 17: Upon:
 23 (1) the recording of the certificate of discharge as a release under
 24 section 15 of this chapter; and
 25 (2) the inscribing of the references to the release under section
 26 16 of this chapter;
 27 a certificate of discharge of a lien arising under section 11 of this
 28 chapter operates as a full discharge and satisfaction of the lien unless
 29 the references to the release inscribed under section 15 of this chapter
 30 specifically note the release as a partial lien release.
 31 SECTION 2<81>[46]. IC 13-25-4-18 IS REPEALED
 32 [EFFECTIVE JULY 1, 2026]. Sec. 18: A lien created under section 11
 33 of this chapter or IC 13-7-8.7-10.7 (before its repeal) continues until
 34 the earlier of the following:
 35 (1) The full discharge and satisfaction of the lien.
 36 (2) The expiration of a ten (10) year period from the date of the
 37 creation of the lien unless an action to foreclose the lien is
 38 pending.
 39 SECTION 2<82>[47]. IC 13-25-4-19 IS REPEALED
 40 [EFFECTIVE JULY 1, 2026]. Sec. 19: (a) At least thirty (30) days
 41 before notice of a lien arising under this chapter may be filed under
 42 section 12 of this chapter, the department must send a written notice:

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1 (1) to the owner of the real property that would be subject to the
 2 lien; or
 3 (2) if the owner of record cannot be identified; to the tenant or
 4 other person having control of the real property;
 5 of the date on which the state intends to impose a lien under section 11
 6 of this chapter.

7 (b) The department shall provide the county recorder of the county
 8 in which the real property that would be subject to the lien is located
 9 with a copy of the written notice described in subsection (a).

10 SECTION ~~283~~ [248]. IC 13-25-4-20 IS REPEALED
 11 [EFFECTIVE JULY 1, 2026]. Sec. 20: (a) Before the date on which the
 12 state intends to impose a lien on real property under section 11 of this
 13 chapter, the owner of the real property may request that a hearing be
 14 conducted under IC 4-21.5. A hearing conducted under this section and
 15 IC 4-21.5 shall be limited to determining if there is probable cause to
 16 believe that:

17 (1) a removal or a remedial action was conducted on the real
 18 property under:

- 19 (A) this chapter; or
- 20 (B) IC 13-24-1; and

21 (2) if the removal or the remedial action was conducted under
 22 this chapter, the owner of the real property would be subject to
 23 liability under 42 U.S.C. 9607 (Section 107 of the federal
 24 Comprehensive Environmental Response, Compensation, and
 25 Liability Act).

26 (b) For the purposes of a hearing conducted under this section and
 27 IC 4-21.5, an administrative law judge is the ultimate authority.

28 SECTION ~~284~~ [249]. IC 13-25-4-21 IS REPEALED
 29 [EFFECTIVE JULY 1, 2026]. Sec. 21: If an owner requests a hearing
 30 under section 20 of this chapter, the state may not impose a lien on the
 31 owner's real property under section 11 of this chapter until the
 32 commissioner determines after the hearing that there is probable cause
 33 to believe that:

34 (1) a removal or a remedial action was conducted on the real
 35 property under this chapter or IC 13-24-1; and

36 (2) if the removal or the remedial action was conducted under
 37 this chapter, the owner of the real property would be subject to
 38 liability under 42 U.S.C. 9607 (Section 107 of the federal
 39 Comprehensive Environmental Response, Compensation, and
 40 Liability Act).

41 SECTION ~~285~~ [250]. IC 13-25-4-22 IS REPEALED
 42 [EFFECTIVE JULY 1, 2026]. Sec. 22: If the department provides a

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1 county recorder with a copy of a written notice under section 19(b) of
 2 this chapter; the department shall retrieve the copy of the written notice
 3 from the county recorder on the date a lien is imposed on the real
 4 property described in the written notice. However:

5 (1) if:

6 (A) a hearing is not held under section 20 of this chapter
 7 and IC 4-21.5; and

8 (B) a lien is not imposed:

9 (i) on the real property described in the notice; and

10 (ii) by the date indicated in the notice;

11 the department shall retrieve the copy of the notice on the day
 12 after the date the lien was to be imposed on the real property; or

13 (2) if:

14 (A) a hearing is held under section 20 of this chapter and
 15 IC 4-21.5; and

16 (B) a lien is not imposed on the real property described in
 17 the notice;

18 the department shall retrieve the copy of the notice on the day
 19 after the date the commissioner determines that a lien may not be
 20 imposed on the real property.

21 SECTION 2<86>[51]. IC 13-25-5-6 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If an applicant's
 23 application is rejected under section 5 of this chapter **because the**
 24 **application is incomplete**, the applicant may do the following:

25 (1) Appeal the department's decision under IC 4-21.5.

26 (2) If the application is rejected because the application is not
 27 complete, submit a completed application without submitting an
 28 additional application fee.

29 (b) If an applicant's application is rejected and the applicant:

30 (1) does not appeal the rejection; or

31 (2) loses an appeal concerning the rejection;

32 the department shall refund the unexpended part of the applicant's
 33 application fee.

34 SECTION 2<87>[52]. IC 13-25-5-8 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Before the
 36 department evaluates a proposed voluntary remediation work plan, the
 37 applicant who submitted the work plan and the commissioner must
 38 enter into a voluntary remediation agreement that sets forth the terms
 39 and conditions of the evaluation and the implementation of the work
 40 plan. A voluntary remediation agreement must include the following:

41 (1) Provisions for the following:

42 (A) A requirement that the department provide the applicant

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- 1 with an itemized list of estimated costs the department may
- 2 incur under this chapter.
- 3 (B) The recovery of all reasonable costs that:
 - 4 (i) are incurred by the department in the review and
 - 5 oversight of the work plan;
 - 6 (ii) are attributable to the voluntary remediation
 - 7 agreement; and
 - 8 (iii) exceed the fee submitted by the applicant under
 - 9 section 2 of this chapter.
- 10 (C) A schedule of payments to be made by the applicant to
- 11 the department to recover the costs to the department.
- 12 (2) A mechanism to resolve disputes arising from the evaluation,
- 13 analysis, and oversight of the implementation of the work plan,
- 14 including any of the following:
 - 15 (A) Arbitration.
 - 16 (B) Adjudication under IC 4-21.5.
 - 17 (C) A dispute resolution procedure provided under the
 - 18 Indiana Rules of Court.
- 19 (3) A provision concerning the indemnification of the parties.
- 20 (4) A provision concerning retention of records.
- 21 (5) A timetable for the department to do the following:
 - 22 (A) Reasonably review and evaluate the adequacy of the
 - 23 work plan.
 - 24 (B) Make a determination concerning the approval or
 - 25 rejection of the work plan.
- 26 (6) A provision concerning applicable interagency coordination.
- 27 (7) A provision specifying the proposed remediation objectives
- 28 to be achieved on the site, as described in section 8.5 of this
- 29 chapter.
- 30 (8) ~~The A~~ requirement that the applicant submit to the
- 31 department a proposed voluntary remediation work plan
 - 32 ~~(A) not later than one hundred eighty (180) days one (1)~~
 - 33 ~~year~~ ↔ [] after the date the voluntary remediation
 - 34 agreement is signed. ↔ [] or
 - 35 ~~(B) after a longer period if the extension is agreed to by the~~
 - 36 ~~department and the applicant.~~
- 37 (9) Any other conditions considered necessary by the
- 38 commissioner or the applicant concerning the effective and
- 39 efficient implementation of this chapter.
- 40 (b) If an agreement is not reached between an applicant and the
- 41 commissioner within a reasonable time after good faith negotiations
- 42 have begun between the applicant and the commissioner:

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1 (1) the applicant or the commissioner may withdraw from the
2 negotiations; and

3 (2) the department shall refund the unexpended part of the
4 applicant's application fee.

5 SECTION 2~~88~~[53]. IC 13-25-5-11 IS AMENDED TO READ
6 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Before the
7 commissioner approves or rejects a proposed voluntary remediation
8 work plan under section 10 of this chapter, the commissioner must:

9 (1) notify local government units located in a county affected by
10 the proposed voluntary remediation work plan of the work plan;

11 (2) provide that a copy of the proposed voluntary remediation
12 work plan be placed in at least one (1) public library in a county
13 affected by the work plan; **published electronically on the**
14 **department's website;** and

15 (3) publish a notice requesting comments concerning the
16 proposed voluntary remediation work plan.

17 (b) A comment period of at least thirty (30) days must follow
18 publication of a notice under this section. During a comment period,
19 interested persons may do the following:

20 (1) Submit written comments to the commissioner concerning
21 the proposed voluntary remediation work plan.

22 (2) Request a public hearing concerning the proposed voluntary
23 remediation work plan.

24 (c) If the commissioner receives at least one (1) written request,
25 the commissioner may hold a public hearing in the geographical area
26 affected by the proposed voluntary remediation work plan on the
27 question of whether to approve or reject the work plan. The
28 commissioner shall consider all written comments and public
29 testimony.

30 SECTION 2~~89~~[54]. IC 13-25-5-15 IS AMENDED TO READ
31 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an
32 applicant who submitted an approved voluntary remediation work plan
33 proceeds with the work plan, the department or a person under contract
34 with the department shall do the following:

35 (1) Oversee and review the implementation of the voluntary
36 remediation work plan.

37 (2) Make regular reports to the commissioner concerning the
38 remediation.

39 (b) **Upon submission of a report to the commissioner, the**
40 **commissioner may evaluate the remedial action to verify the action**
41 **is achieving project goals. If project goals are not met, the**
42 **commissioner may require modification of the voluntary**

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remediation work plan.

(c) If the parties are unable to agree to a modification as provided for in subsection (b) within one hundred eighty (180) days, the commissioner or applicant may withdraw the project from the voluntary remediation work program. Projects withdrawn from the voluntary remediation work program may be referred to the state clean-up program.

SECTION 2~~<90>~~[55]. IC 13-25-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If the commissioner determines that an applicant has successfully completed a voluntary remediation work plan approved under this chapter, the commissioner shall certify that the work plan has been completed by issuing the applicant a certificate of completion.

(b) The issuance of a certificate of completion under this section is a final agency action for purposes of IC 4-21.5.

(c) A person who receives a certificate under this section shall attach a copy of the certificate to the recorded deed that concerns the property on which the remediation took place.

(d) If the commissioner determines that an applicant has not successfully completed a voluntary remediation work plan approved under this chapter, the commissioner shall notify the applicant of this determination under IC 4-21.5.

SECTION 2~~<91>~~[56]. IC 13-25-5-17 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 17: If the commissioner determines that an applicant has not successfully completed a voluntary remediation work plan approved under this chapter, the commissioner shall notify the applicant of this determination under IC 4-21.5.

SECTION 2~~<92>~~[57]. IC 13-26-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Upon the determination of the department that a sufficient petition has been filed in accordance with this chapter, the commissioner shall appoint a hearing officer. who does not have to be a state employee. If the hearing officer is not a full-time state employee, the hearing officer is entitled to be paid reasonable:

- (1) expenses; and
- (2) per diem;

for each day or part of a day in actual attendance at a meeting or hearing or in performance of duties. The reasonable per diem and expenses are valid claims against the department.

SECTION 2~~<93>~~[58]. IC 13-26-8-4, AS AMENDED BY P.L.165-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This section applies to the

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1 addition of territory to a regional sewage or solid waste district other
 2 than at the request of an eligible entity described in section 1 of this
 3 chapter. This section does not apply to a regional water district.

4 (b) To add territory to a district already established, the board of
 5 the district must file with the department a motion adopted by the board
 6 requesting the addition of territory to the district. If the motion is for
 7 the addition of territory to a regional sewage district, the board, not
 8 later than ten (10) days after filing the motion with the department,
 9 must also file a copy of the motion in the office of:

10 (1) the executive of each governmental entity having territory
 11 within the territory proposed to be added to the regional sewage
 12 district; and

13 (2) the executive of a city or town having:

14 (A) a municipal sewage works under IC 36-9-23; or

15 (B) a public sanitation department under IC 36-9-25;

16 if the territory proposed to be added to the regional sewage
 17 district includes territory within the extraterritorial jurisdiction
 18 of the municipal sewage works or public sanitation department.

19 (c) Except as provided under subsections (d) and (e), if a motion
 20 is filed with the department under subsection (b):

21 (1) the same procedure must be used to add territory to the
 22 district as is provided for the establishment of a district under
 23 IC 13-26-2; and

24 (2) the department shall proceed in the same manner that is set
 25 forth in IC 13-26-2, IC 13-26-4, IC 13-26-6, and IC 13-26-7.

26 (d) Not more than one hundred eighty (180) days after the date a
 27 motion is filed with the department under subsection (b) to add
 28 territory to a district already established, if a petition is filed with the
 29 department that is signed by a majority of the freeholders within the
 30 area proposed to be added and indicating that the freeholders are
 31 opposed to the addition of the area by the district:

32 (1) the department may not proceed under subsection (c); and

33 (2) the territory may not be added to the district.

34 (e) For purposes of subsection (c):

35 (1) the commissioner is not required to appoint a hearing officer
 36 under IC 13-26-2-5;

37 (2) the board shall:

38 (A) provide the notice of; and

39 (B) conduct;

40 the hearing required under IC 13-26-2-6; and

41 (3) instead of making findings and recommendations under
 42 IC 13-26-2-8, the board shall submit documentary evidence to

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1 the commissioner to prove the:
 2 (A) notice was provided; and
 3 (B) hearing was conducted;
 4 by the board as required under subdivision (2).
 5 SECTION ~~294~~ [259]. IC 13-27-2-2 IS REPEALED
 6 [EFFECTIVE JULY 1, 2026]. Sec. 2: The commissioner shall appoint
 7 an assistant commissioner to head the division.
 8 SECTION 2~~95~~ [60]. IC 13-27-2-3 IS REPEALED [EFFECTIVE
 9 JULY 1, 2026]. Sec. 3: The commissioner shall hire employees of the
 10 division.
 11 SECTION ~~296~~ [261]. IC 13-27-2-4 IS REPEALED
 12 [EFFECTIVE JULY 1, 2026]. Sec. 4: (a) The commissioner may
 13 appoint liaison advisory panels to assist the division in the functions of
 14 the division. Individual panels must include members representing
 15 different areas of interest in and potential support of pollution
 16 prevention and environmentally related technical assistance, including
 17 the following:
 18 (1) Industry.
 19 (2) Education.
 20 (3) Environmental and public interest groups.
 21 (4) State government.
 22 (5) Local government officials associated with state programs for
 23 pollution prevention.
 24 (6) Organized labor.
 25 (b) A member of a liaison advisory panel is not entitled to the
 26 minimum salary per diem provided by IC 4-10-11-2.1(b). The member
 27 is, however, entitled to reimbursement for traveling expenses as
 28 provided under IC 4-13-1-4 and other expenses actually incurred in
 29 connection with the member's duties as provided in the state policies
 30 and procedures established by the Indiana department of administration
 31 and approved by the budget agency.
 32 SECTION 2~~97~~ [62]. IC 13-27-2-5 IS REPEALED [EFFECTIVE
 33 JULY 1, 2026]. Sec. 5: The commissioner and the assistant
 34 commissioner, through coordinated effort, shall do the following:
 35 (1) Periodically review state environmental programs and
 36 projects for their ability and progress in promoting multimedia
 37 industrial pollution prevention.
 38 (2) Assist the division of air, the division of water, and the
 39 division of solid and hazardous waste management in
 40 identifying, within planned and existing regulatory programs of
 41 the department, obstacles to pollution prevention and
 42 opportunities to promote and assist in pollution prevention;

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- 1 including the following:
- 2 (A) Encouraging regulatory flexibility to afford businesses
- 3 the opportunity to develop or implement pollution
- 4 prevention technologies and practices.
- 5 (B) Performing pollution prevention impact analyses of
- 6 administrative rules before proposed rules are published
- 7 and before final adoption.
- 8 (C) Exploring permanent funding for the program.
- 9 (3) Promote increased coordination between the divisions of the
- 10 department and between the department and other governmental
- 11 regulatory programs with responsibilities and duties relating to
- 12 toxic materials and environmental wastes; including, to the
- 13 fullest extent possible, the following:
- 14 (A) Joint planning processes.
- 15 (B) Joint research and studies.
- 16 (C) Joint public hearings.
- 17 (D) Joint hazard assessments.
- 18 (E) Joint environmental and workplace impact statements.
- 19 (F) Joint pollution prevention impact analyses for existing
- 20 and proposed administrative rules.
- 21 (4) Develop policies and programs to reduce the following by
- 22 means of industrial pollution prevention:
- 23 (A) Generation of municipal wastes.
- 24 (B) Generation of household hazardous wastes and
- 25 pollutants.
- 26 (C) Use of toxic materials in consumer products.
- 27 (5) Provide general information about, and actively publicize the
- 28 advantages of and developments in, pollution prevention and the
- 29 requirements of this article.
- 30 (6) Assist businesses that seek information, guidance, planning
- 31 assistance, or recommendations for pollution prevention by
- 32 providing technical information to those businesses at
- 33 production or commercial locations.
- 34 (7) Work with existing environmental regulatory programs to
- 35 make use of existing information gathering systems that may
- 36 assist the division in assessing the progress of pollution
- 37 prevention statewide.
- 38 (8) Grant or deny applications for pollution prevention grants
- 39 under section 10 of this chapter.
- 40 (9) Provide source reduction and recycling technical assistance
- 41 and administer the Indiana recycling grants program established
- 42 under IC 13-20-22-2.

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1 SECTION 2~~<98>~~[63]. IC 13-27-2-5.1 IS ADDED TO THE
 2 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2026]: **Sec. 5.1. The department may do the**
 4 **following:**

5 (1) Periodically review state environmental programs and
 6 projects for their ability and progress in promoting
 7 multimedia industrial pollution prevention.

8 (2) Remove obstacles to pollution prevention.

9 (3) Develop and implement pollution prevention and
 10 environmental recognition programs to incentivize:

11 (A) communities;

12 (B) salvage facilities;

13 (C) marinas;

14 (D) companies; and

15 (E) other entities;

16 that exceed environmental regulatory requirements.

17 (4) Assist businesses that seek:

18 (A) information;

19 (B) guidance;

20 (C) planning assistance; or

21 (D) recommendations;

22 for pollution prevention by providing technical information
 23 to those businesses.

24 (5) Work with existing environmental regulatory programs
 25 to make use of existing information gathering systems that
 26 may assist the department in assessing the progress of
 27 pollution prevention.

28 (6) Provide source reduction and recycling technical
 29 assistance and administer the Indiana recycling grants
 30 program established under IC 13-20-22-2.

31 SECTION 2~~<99>~~[64]. IC 13-27-2-6 IS REPEALED [EFFECTIVE
 32 JULY 1, 2026]. **Sec. 6. The division shall assist other governmental**
 33 **regulatory programs in devising:**

34 (1) standards;

35 (2) administrative rules; and

36 (3) permits;

37 based on goals and principles of pollution prevention:

38 SECTION ~~<300>~~[265]. IC 13-27-2-7 IS REPEALED
 39 [EFFECTIVE JULY 1, 2026]. **Sec. 7. To facilitate the use and**
 40 **coordination of reporting requirements, the commissioner may seek**
 41 **unified reporting and permitting authority from the United States**
 42 **Environmental Protection Agency with respect to federal toxic**

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1 material; waste management; and pollution control laws and
2 regulations in effect on January 1, 1990, including the following:

3 (1) The federal Clean Air Act (42 U.S.C. 7401 et seq.);

4 (2) The Federal Water Pollution Control Act (33 U.S.C. 1251 et
5 seq.);

6 (3) The federal Toxic or Hazardous Substance Control Act (15
7 U.S.C. 2601 et seq.);

8 (4) The federal Solid Waste Disposal Act (42 U.S.C. 6901 et
9 seq.);

10 (5) The federal Comprehensive Environmental Response,
11 Compensation, and Liability Act (42 U.S.C. 9601 et seq.);

12 SECTION ~~301~~ [266]. IC 13-27-2-9 IS AMENDED TO READ
13 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) To:

14 (1) promote pollution prevention statewide by all industries and
15 companies; and

16 (2) assist in obtaining information on the progress of multimedia
17 reduction of environmental wastes and related environmental
18 policies and programs;

19 the commissioner ~~shall~~ ~~may~~ establish and operate a state
20 information clearinghouse for pollution prevention.

21 (b) The commissioner ~~shall~~ ~~may~~ use the clearinghouse
22 established under this section to do the following:

23 (1) Collect and compile the following:

24 (A) Information from organizations receiving grants under
25 this article.

26 (B) Information from the published technical literature.

27 (2) Mount active outreach and educational programs to further
28 the development and adoption of principles and techniques of
29 pollution prevention.

30 (c) The clearinghouse established under this section must include
31 data on the operation and effectiveness of industry pollution prevention
32 programs. The ~~division~~ **department** shall permit and facilitate free use
33 of this data by businesses, governmental agencies, and the general
34 public. A business may not be required to submit information of a
35 proprietary nature to the clearinghouse or to a governmental program
36 funded under this article.

37 (d) The ~~division~~ shall provide information for the clearinghouse
38 established under this section.

39 SECTION ~~302~~ [267]. IC 13-27-2-11 IS REPEALED
40 [EFFECTIVE JULY 1, 2026]. Sec. 11: The ~~division~~ shall sponsor pilot
41 projects to develop and demonstrate innovative techniques for clean
42 manufacturing. The results of pilot projects sponsored under this

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1 section shall be made available for use by the public. However,
 2 information about a pilot project that is considered proprietary by a
 3 manufacturer involved in the pilot project may not be disclosed to the
 4 public.

5 SECTION ~~303~~[268]. IC 13-27-2-13 IS REPEALED
 6 [EFFECTIVE JULY 1, 2026]. Sec. 13. The commissioner may:

7 (1) order all hearings and investigations necessary for the
 8 administration of this article; and

9 (2) advise and assist other governmental units on matters of
 10 planning or program administration within the scope of the
 11 commissioner's powers, duties, and objectives under this article.

12 SECTION ~~304~~[269]. IC 13-27-7-3 IS AMENDED TO READ
 13 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Programs
 14 implemented by the ~~division~~: **department**:

15 (1) must encourage pollution prevention; and

16 (2) may not discourage the use of recycling or treatment
 17 techniques determined to be acceptable for pollution that has not
 18 been prevented.

19 SECTION ~~305~~[270]. IC 13-28-3-2, AS AMENDED BY
 20 P.L.53-2014, SECTION 128, IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The assistance
 22 program established under this chapter shall do the following:

23 (1) ~~Designate an individual to serve as a liaison and ombudsman~~
 24 ~~to the regulated community to~~ Assist the regulated community
 25 with specific regulatory or permit matters pending with the
 26 department.

27 (2) Provide assistance to new and existing businesses and small
 28 municipalities in identifying:

29 (A) applicable environmental rules and regulations; and

30 (B) permit requirements;

31 that apply to new and existing businesses and small
 32 municipalities.

33 (3) Develop and distribute educational materials regarding:

34 (A) environmental requirements;

35 (B) compliance methods;

36 (C) voluntary environmental audits;

37 (D) pollution control technologies; and

38 (E) other compliance issues;

39 including standardized forms and procedures for completing
 40 permit applications.

41 (4) Provide public outreach and training sessions in cooperation
 42 with representatives of the business and municipal communities

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- 1 regarding existing and future state and federal environmental
- 2 requirements.
- 3 (5) Develop and operate a clearinghouse to respond to inquiries
- 4 from businesses and municipalities concerning applicable
- 5 environmental rules, regulations, and requirements.
- 6 (6) Provide technical assistance concerning pollution control
- 7 techniques to local and state governmental entities and
- 8 businesses and distribute educational materials regarding
- 9 pollution prevention developed by the ~~pollution prevention~~
- 10 ~~division established by IC 13-27-2-1.~~ **department.**
- 11 (7) Provide administrative and technical support for the
- 12 compliance advisory panel established by IC 13-13-7.1-1.
- 13 (8) Conduct other activities as required to:
- 14 (A) improve regulatory compliance; and
- 15 (B) promote cooperation and assistance in meeting
- 16 environmental requirements.
- 17 (b) The assistance program may ~~establish~~ **provide** limited onsite
- 18 assistance to provide compliance information **and technical assistance**
- 19 to a small business or small municipality, subject to the confidentiality
- 20 provisions of section 4 of this chapter. The assistance program may use
- 21 money from the environmental management special fund to implement
- 22 this subsection. The assistance program may limit the number of
- 23 inspections per year and restrict onsite assistance to specific programs.
- 24 SECTION ~~<306>~~ [271]. IC 13-28-3-7 IS ADDED TO THE
- 25 INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 26 **[EFFECTIVE JULY 1, 2026]: Sec. 7. As part of the technical and**
- 27 **compliance assistance program, the department shall establish a**
- 28 **small business stationary source technical assistance program as**
- 29 **required under Section 507 of the federal Clean Air Act (42 U.S.C.**
- 30 **7661f).**
- 31 SECTION ~~<307>~~ [272]. IC 13-28-4-11, AS AMENDED BY
- 32 P.L.130-2018, SECTION 74, IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The department
- 34 shall maintain statistics on the use of environmental audit reports in
- 35 department compliance and enforcement activities, including statistics
- 36 on:
- 37 (1) ~~the number of times the reports are~~ disclosed to the
- 38 department;
- 39 (2) ~~the number and types of~~ violations disclosed to the
- 40 department through the reports; **and**
- 41 (3) the civil penalties collected for the violations. ~~and~~
- 42 (4) ~~the time necessary for the violations to be corrected.~~

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1 The department shall report annually to the interim study committee on
 2 environmental affairs established by IC 2-5-1.3-4 in an electronic
 3 format under IC 5-14-6 on the use of environmental audit reports:

4 (b) The department shall propose an enforcement policy, pursuant to
 5 IC 13-14-1-11.5, that provides relief from civil penalties for a
 6 voluntary disclosure that results from an internal environmental audit.
 7 In developing this enforcement policy, the department shall consider
 8 similar policies implemented by:

- 9 (1) the United States Environmental Protection Agency; and
- 10 (2) states contiguous to Indiana.

11 SECTION ~~308~~ [273]. IC 13-28-5-2 IS REPEALED
 12 [EFFECTIVE JULY 1, 2026]. Sec. 2: The program must provide the
 13 following:

- 14 (1) Education, training, and information on permit and
 15 compliance requirements of the federal Clean Air Act (42 U.S.C.
 16 7401 et seq.);
- 17 (2) Standardized forms and procedures for completing permit
 18 applications;
- 19 (3) An ombudsman for small businesses.

20 SECTION ~~309~~ [274]. IC 13-28-5-3 IS REPEALED
 21 [EFFECTIVE JULY 1, 2026]. Sec. 3: The ombudsman described in
 22 section 2 of this chapter shall assist as necessary each small business
 23 that applies for assistance with the following:

- 24 (1) Specific regulatory matters pending before the department;
- 25 (2) Permit applications;

26 SECTION ~~310~~ [275]. IC 13-28-5-4 IS REPEALED
 27 [EFFECTIVE JULY 1, 2026]. Sec. 4: The department may establish the
 28 technical and environmental compliance assistance program required
 29 by this chapter as part of the technical and compliance assistance
 30 program established under IC 13-28-3.

31 SECTION ~~311~~ [276]. IC 13-29-1-13 IS REPEALED
 32 [EFFECTIVE JULY 1, 2026]. Sec. 13: The board shall adopt under
 33 IC 4-22-2 and IC 13-14-9 the rules necessary to implement this chapter:

34 SECTION ~~312~~ [277]. IC 13-30-1-2 IS AMENDED TO READ
 35 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A citizen, a
 36 partnership, a corporation, a limited liability company, an association,
 37 or a public officer or agency, as a condition precedent to maintaining
 38 an action, must give notice in writing by registered or certified mail to:

- 39 (1) the department of natural resources;
- 40 (2) (1) the department; and
- 41 (3) (2) the attorney general.

42 (b) The attorney general shall promptly notify all state

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1 administrative agencies having jurisdiction over or control of the
2 pollution, impairment, destruction, or protection of the environment for
3 which relief is sought.

4 SECTION ~~313~~[278]. IC 13-30-2-1, AS AMENDED BY
5 P.L.133-2012, SECTION 158, IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not do
7 any of the following:

8 (1) Discharge, emit, cause, allow, or threaten to discharge, emit,
9 cause, or allow any contaminant or waste, including any noxious
10 odor, either alone or in combination with contaminants from
11 other sources, into:

12 (A) the environment; or

13 (B) any publicly owned treatment works;

14 in any form that causes or would cause pollution that violates or
15 would violate rules, standards, or discharge or emission
16 requirements adopted by the board under the environmental
17 management laws.

18 (2) Increase the quantity or strength of a discharge of
19 contaminants into the waters or construct or install a sewer or
20 sewage treatment facility or a new outlet for contaminants into
21 the waters of Indiana without prior approval of the department.

22 (3) Deposit any contaminants upon the land in a place and
23 manner that creates or would create a pollution hazard that
24 violates or would violate a rule adopted by the board.

25 (4) Deposit or cause or allow the deposit of any contaminants or
26 solid waste upon the land, except through the use of sanitary
27 landfills, incineration, composting, garbage grinding, or another
28 method acceptable to the board.

29 (5) Dump or cause or allow the open dumping of garbage or of
30 any other solid waste in violation of rules adopted by the board.

31 (6) Dispose of solid waste in, upon, or within the limits of or
32 adjacent to a public highway, state park, state nature preserve, or
33 recreation area or in or immediately adjacent to a lake or stream,
34 except:

35 (A) in proper containers provided for sanitary storage of the
36 solid waste; or

37 (B) as a part of a sanitary landfill operation or other land
38 disposal method approved by the department.

39 (7) Construct, install, operate, conduct, or modify, without prior
40 approval of the department, any equipment or facility of any type
41 that may:

42 (A) cause or contribute to pollution; or

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- 1 (B) be designed to prevent pollution.
- 2 However, the commissioner or the board may approve
- 3 experimental uses of any equipment, facility, or pollution control
- 4 device that is considered necessary for the further development
- 5 of the state of the art of pollution control.
- 6 (8) Conduct any salvage operation or open dump by open
- 7 burning or burn, cause, or allow the burning of any solid waste
- 8 in a manner that violates either:
- 9 (A) the air pollution control laws; or
- 10 (B) the rules adopted by the board.
- 11 (9) Commence construction of a proposed hazardous waste
- 12 facility without having first:
- 13 (A) filed an application for; and
- 14 (B) received;
- 15 a permit from the department.
- 16 (10) Commence or engage in the operation of a hazardous waste
- 17 facility without having first obtained a permit from the
- 18 department.
- 19 (11) Deliver any hazardous waste to a hazardous waste facility
- 20 that:
- 21 (A) is not approved; or
- 22 (B) does not hold a permit from the department.
- 23 (12) Cause or allow the transportation of a hazardous waste
- 24 without a manifest if a manifest is required by law.
- 25 (13) Violate any:
- 26 (A) condition;
- 27 (B) limitation; or
- 28 (C) stipulation;
- 29 placed upon a certificate of environmental compatibility by the
- 30 hazardous waste facility site approval authority or any other
- 31 provision of IC 13-22-10.
- 32 (14) Apply or allow the application of used oil to any ground
- 33 surface, except for purposes of treatment in accordance with a
- 34 permit issued by the department under any of the following:
- 35 (A) IC 13-15. ~~except IC 13-15-9.~~
- 36 (B) IC 13-17-11.
- 37 (C) IC 13-18-18.
- 38 (D) IC 13-20-1.
- 39 (15) Commence construction of a solid waste incinerator without
- 40 first obtaining a permit from the department under IC 13-20-8.
- 41 (16) Commence operation of a solid waste incinerator without
- 42 first obtaining the approval of the department under IC 13-20-8.

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1 SECTION ~~314~~[279]. IC 13-30-10-1.5, AS AMENDED BY
 2 P.L.181-2018, SECTION 14, IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as
 4 provided in subsection (b), a person regulated under IC 13-22 who
 5 knowingly:

- 6 (1) transports hazardous waste to an unpermitted facility;
- 7 (2) treats, stores, or disposes of hazardous waste without a
 8 permit issued by the department under IC 13-22; or
- 9 (3) transports, treats, stores, disposes, recycles, or causes to be
 10 transported used oil regulated under rules adopted by the board
 11 without a manifest or in violation of the standards established by
 12 the department for the management of used oil;

13 commits a Class B misdemeanor.

14 (b) Notwithstanding the maximum fine provisions of IC 35-50-3-3,
 15 criminal fines for a person convicted of an offense described in
 16 subsection (a) shall be assessable in a maximum amount of not less
 17 than ten thousand dollars (\$10,000) per day per violation.

18 (c) Except as provided in subsection (d), a person regulated under
 19 IC 13-17 who knowingly violates:

- 20 (1) any applicable requirements of IC 13-17-4, IC 13-17-5,
 21 IC 13-17-6, ~~IC 13-17-7~~, IC 13-17-8, IC 13-17-9, IC 13-17-10, or
 22 IC 13-17-13 or of rules of the board implementing the chapters
 23 referred to in this subdivision;
- 24 (2) any condition of a permit issued by the department under
 25 IC 13-17; or
- 26 (3) any fee or filing requirement in IC 13-17, including the
 27 requirement to file an application for a permit under IC 13-17;

28 commits a Class C misdemeanor.

29 (d) Notwithstanding the maximum fine provisions of IC 35-50-3-4,
 30 criminal fines for a person convicted of an offense described in
 31 subsection (c) shall be assessable in a maximum amount of not less
 32 than ten thousand dollars (\$10,000) per day per violation.

33 (e) Except as provided in subsection (f), a person who willfully or
 34 negligently violates:

- 35 (1) any applicable standards or limitations of IC 13-18-3-2.4,
 36 IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or
 37 IC 13-18-16 or of rules of the board implementing the chapters
 38 referred to in this subdivision;
- 39 (2) any condition of a National Pollutant Discharge Elimination
 40 System permit issued by the department under IC 13-18-19 or
 41 rules adopted by the board under IC 13-18-19;
- 42 (3) any National Pollutant Discharge Elimination System Permit

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1 filing requirement under IC 13-18-19; or
 2 (4) any condition of a permit issued by the department in
 3 accordance with the requirements of 33 U.S.C. 1344;
 4 commits a Class A misdemeanor.
 5 (f) Notwithstanding the maximum fine provisions of IC 35-50-3-2,
 6 criminal fines for a person convicted of an offense described in
 7 subsection (e) shall be assessable in a maximum amount of not less
 8 than ten thousand dollars (\$10,000) per day per violation.
 9 (g) A person who willfully or recklessly violates any applicable
 10 standards or limitations of IC 13-18-8 commits a Class B misdemeanor.
 11 (h) A person who willfully or recklessly violates any applicable
 12 standards or limitations of IC 13-18-9, IC 13-18-10, or IC 13-18-10.5
 13 commits a Class C misdemeanor.
 14 (i) A person who:
 15 (1) knowingly commits any act described in subsection (a), (c),
 16 or (e); and
 17 (2) knows that commission of the act places another person in
 18 imminent danger of death or serious bodily injury;
 19 commits a Level 4 felony. However, the offense is a Level 3 felony if
 20 it results in serious bodily injury to any person, and a Level 2 felony if
 21 it results in the death of any person.
 22 (j) It shall be a defense to an offense described in subsection (i)
 23 that the person charged:
 24 (1) did not know; or
 25 (2) could not reasonably have been expected to know;
 26 that the violation would place another person in imminent danger or
 27 threat of serious bodily injury. For the purposes of subsection (i), a
 28 person is responsible only for the person's own actual awareness or
 29 actual belief, and knowledge by another person may not be attributed
 30 to the person.
 31 (k) The penalties under this section apply regardless of whether a
 32 person uses electronic submissions or paper documents to accomplish
 33 the actions described in this section.
 34 SECTION 280. [EFFECTIVE UPON PASSAGE] (a) The
 35 legislative services agency shall prepare legislation for introduction
 36 in the 2027 regular session of the general assembly to make any
 37 necessary amendments to the Indiana Code to conform to the
 38 amendments made by this act.
 39 (b) This SECTION expires July 1, 2027.
 40 SECTION 281. An emergency is declared for this act.
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