
SENATE BILL No. 277

AM027723 has been incorporated into January 29, 2026 printing.

Synopsis: Indiana department of environmental management.

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

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

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

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

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SENATE BILL No. 277

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 ~~(2) a potential;~~

34 ~~alternative to incineration.~~

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

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

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1 **and**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 **A determination by the department under this subdivision is appealable**
39 **under IC 4-21.5.**

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

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

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

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

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

15 ~~a regulated air pollutant.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (c) The term does not include:

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

34 not connected to a facility providing treatment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 29 (1) Mobile homes. ~~(house trailers):~~
- 30 (2) Trailers weighing not more than three thousand (3,000)
- 31 pounds.
- 32 (3) A vehicle that is at least twenty-five (25) years old.
- 33 (4) Special machinery (as defined in IC 9-13-2-170.3).
- 34 (b) "Vehicle", for purposes of IC 13-20-4, refers to a municipal
- 35 waste collection and transportation vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 maximum attainable recycling of depletable resources.
 2 SECTION 42. IC 13-12-4-6 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. All state agencies
 4 shall review their:

- 5 (1) statutory authority;
 6 (2) administrative rules; and
 7 (3) current policies and procedures;
 8 to determine whether there are any deficiencies or inconsistencies that
 9 prohibit full compliance consistency with the purposes and provisions
 10 of this chapter.

11 SECTION 43. IC 13-12-4-8 IS REPEALED [EFFECTIVE JULY
 12 1, 2026]. Sec. 8: This chapter may not be construed to require an
 13 environmental impact statement for the issuance of a license or permit
 14 by any state agency.

15 SECTION 44. IC 13-12-4-10 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. Any state agency
 17 that is required by the federal National Environmental Policy Act (P.L.
 18 91-190) (42 U.S.C. 4321 et seq.) to file a federal environmental impact
 19 statement is not required to file a statement with the state government
 20 as provided under sections 5 and 6 of this chapter unless the action
 21 contemplated requires state legislation or state appropriations: **exempt**
 22 **from the requirements of this chapter with respect to the action**
 23 **requiring the statement.**

24 SECTION 45. IC 13-12-5-1 IS REPEALED [EFFECTIVE JULY
 25 1, 2026]. Sec. 1: The general assembly recognizes that there are two (2)
 26 approaches to environmental protection:

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

29 SECTION 46. IC 13-12-5-2 IS REPEALED [EFFECTIVE JULY
 30 1, 2026]. Sec. 2: Clean manufacturing consists of economically feasible
 31 practices that reduce, avoid, or eliminate the unnecessary use of
 32 harmful industrial materials and the generation of industrial wastes,
 33 pollutants, emissions, and discharges at the point of production. Clean
 34 manufacturing practices are limited to the following:

- 35 (1) Product reformulation;
 36 (2) Input substitution;
 37 (3) Equipment redesign;
 38 (4) Improved operations and procedures.

39 SECTION 47. IC 13-12-5-3 IS REPEALED [EFFECTIVE JULY
 40 1, 2026]. Sec. 3: Waste management or pollution control consists of
 41 environmental protection practices employed after industrial wastes,
 42 pollutants, discharges, and emissions have been generated. Waste

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1 management or pollution control practices include the following:

- 2 (1) ~~Waste storage and waste transportation.~~
 3 (2) ~~Waste treatment, including the following:~~
 4 (A) ~~Detoxification.~~
 5 (B) ~~Incineration.~~
 6 (C) ~~Biological treatment.~~
 7 (3) ~~Land disposal of wastes.~~
 8 (4) ~~Recycling.~~
 9 (5) ~~Burning waste as fuels.~~
 10 (6) ~~Dispersal of waste into air or water.~~
 11 (7) ~~Dewatering of waste.~~

12 SECTION 48. IC 13-13-2-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner
 14 ~~shall~~ **may** appoint individuals to ~~the~~ other positions in the department.

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

- 20 (1) University representatives.
 21 (2) Scientific research organizations.
 22 (3) Public policy and research advisory organizations.
 23 (4) Individuals from the private sector with experience in related
 24 disciplines.

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

26 SECTION 50. IC 13-13-3-1 IS REPEALED [EFFECTIVE JULY
 27 1, 2026]. ~~Sec. 1. The department must include the following offices:~~

- 28 (1) ~~An office dealing with environmental emergencies.~~
 29 (2) ~~An office for communications with the public.~~
 30 (3) ~~A hearings office, including the department's hearing~~
 31 ~~officers.~~
 32 (4) ~~An office to conduct investigations.~~

33 SECTION 51. IC 13-13-3-2, AS AMENDED BY P.L.114-2008,
 34 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2026]: Sec. 2. The department ~~must~~ **may** include the
 36 following: ~~divisions:~~

- 37 (1) ~~An air pollution control division.~~ **An office of air quality.**
 38 (2) ~~A water pollution control division.~~ **An office of water**
 39 **quality.**
 40 (3) ~~A solid waste management division.~~ **An office of land**
 41 **quality.**
 42 (4) ~~An administrative services division.~~ **An office of legal**

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1 **counsel.**
2 (5) ~~A division of pollution prevention.~~ **An office of program**
3 **support.**

4 SECTION 52. IC 13-13-5-1 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. Except as provided
6 in IC 14-37, the department is designated as the following:

7 (1) The water pollution agency for Indiana for all purposes of the
8 Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in
9 effect January 1, 1988, and the federal Safe Drinking Water Act
10 (42 U.S.C. 300f through 300j) in effect January 1, 1988.

11 (2) The solid waste agency for Indiana for all purposes of the
12 federal Resource Conservation and Recovery Act (42 U.S.C.
13 6901 et seq.) in effect January 1, 1988.

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

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

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

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

31 SECTION 53. IC 13-13-5-2 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The department
33 may take any action necessary to secure for Indiana the benefits of the
34 statutes described in section 1 of this chapter.

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

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1 **inconsistent with the law or best available science.**

2 SECTION 54. IC 13-13-7.1-1, AS ADDED BY P.L.53-2014,
3 SECTION 119, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: Sec. 1. The compliance advisory panel
5 is established **to carry out the duties required by 42 U.S.C. 7661f.**

6 SECTION 55. IC 13-13-7.1-2, AS AMENDED BY P.L.42-2024,
7 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2026]: Sec. 2. The panel consists of the following members:

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

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

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

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

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

39 **(A) are not owners of, or representatives of owners of, a**
40 **small business stationary source; and**

41 **(B) will represent the general public.**

42 **Not more than one** ~~(1)~~ **member appointed under this**

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1 subdivision may be a solid waste management district
2 director.

3 ~~(4)~~ **(6)** The commissioner of the department of environmental
4 management or the commissioner's designee.

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

8 SECTION 56. IC 13-13-7.1-3, AS AMENDED BY P.L.42-2024,
9 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2026]: Sec. 3. ~~(a)~~ The term of a member appointed to the
11 panel under section 2(1) or 2(2) of this chapter is two (2) years and
12 expires June 30 of each odd-numbered year.

13 ~~(b)~~ **(a)** The term of a member appointed to the panel under section
14 ~~2(3)~~ **section 2(1) through 2(5)** of this chapter is four (4) years. The
15 term expires June 30, 2025; and each fourth year thereafter.

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

20 **(c) Notwithstanding section 2 of this chapter or this section, a**
21 **member:**

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

27 SECTION 57. IC 13-13-7.1-5, AS ADDED BY P.L.53-2014,
28 SECTION 119, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2026]: Sec. 5. The individual serving on the
30 panel under ~~section 2(4)~~ **section 2(6)** of this chapter is a nonvoting
31 member.

32 SECTION 58. IC 13-13-7.1-6, AS AMENDED BY P.L.1-2025,
33 SECTION 177, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2026]: Sec. 6. The ~~chairperson of the legislative~~
35 ~~council~~ **governor** shall appoint the chair of the panel from the
36 members appointed under ~~section 2(1) or 2(2)~~ **section 2** of this chapter.
37 The chair of the panel serves at the pleasure of the ~~chairperson of the~~
38 ~~legislative council.~~ **governor.** The panel shall meet at the call of the
39 chair of the panel.

40 SECTION 59. IC 13-13-7.1-11 IS REPEALED [EFFECTIVE
41 JULY 1, 2026]. Sec. ~~11.~~ The panel shall carry out the duties required
42 of a compliance advisory panel under Section 507 of the federal Clean

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1 Air Act (42 U.S.C. 7661f).

2 SECTION 60. IC 13-13-7.1-12, AS AMENDED BY P.L.42-2024,
3 SECTION 102, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: Sec. 12. The department of
5 ~~environmental management~~ shall **may** provide administrative and
6 technical support to the panel, ~~as provided in IC 13-28-3-2~~, including
7 duties related to the development and dissemination of reports and
8 advisory opinions.

9 SECTION 61. IC 13-13-7.1-13, AS AMENDED BY P.L.42-2024,
10 SECTION 103, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2026]: Sec. 13. Except as provided in section
12 9 of this chapter, the expenses of the panel shall be paid from
13 appropriations to the department. ~~of environmental management.~~

14 SECTION 62. IC 13-13-7.1-14 IS REPEALED [EFFECTIVE
15 JULY 1, 2026]. ~~Sec. 14. The panel shall submit an annual report to the~~
16 ~~legislative council in an electronic format under IC 5-14-6.~~

17 SECTION 63. IC 13-13-8-2, AS ADDED BY P.L.133-2012,
18 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2026]: Sec. 2. (a) The following entities are abolished on
20 January 1, 2013:

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

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

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

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

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

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

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

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

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

42 (2) ~~The rules adopted before January 1, 2013, by the water~~

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1 pollution control board abolished under subsection (a)(2):

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

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

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

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

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

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

18 SECTION 64. IC 13-13-8-4, AS AMENDED BY P.L.250-2019,
19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2026]: Sec. 4. (a) The board consists of the following ~~sixteen~~
21 **(16) eighteen (18)** members:

22 (1) The following ex officio members:

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

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

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

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

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

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

34 (2) The following twelve (12) members, who shall be appointed
35 by the governor based on recommendations from representative
36 constituencies:

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

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

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

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

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

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

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- 1 (G) One (1) health professional. ~~who holds a license to~~
- 2 ~~practice in Indiana.~~
- 3 (H) One (1) representative of the solid waste management
- 4 industry.
- 5 (I) One (1) representative of a public utility. ~~that engages in~~
- 6 ~~the production and transmission of electricity.~~
- 7 (J) One (1) representative of the ~~residential or commercial~~
- 8 construction industry.
- 9 (K) Two (2) representatives of the general public. ~~who~~
- 10 ~~cannot qualify for membership on the board under clauses~~
- 11 ~~(A) through (J).~~

12 (b) An individual appointed under subsection (a)(2) must possess
 13 knowledge, experience, or education qualifying the individual to
 14 represent the constituency the individual is being recommended to
 15 represent.

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

19 SECTION 65. IC 13-13-8-5 IS REPEALED [EFFECTIVE JULY
 20 1, 2026]. Sec. 5: Except as provided in section 4(a)(1)(A) of this
 21 chapter, an ex officio member of the board may designate in writing a
 22 technical representative to serve as a voting member of the board when
 23 the ex-officio member is unable to attend a board meeting.

24 SECTION 66. IC 13-13-8-6 IS REPEALED [EFFECTIVE JULY
 25 1, 2026]. Sec. 6: Not more than six (6) of the appointed members of the
 26 board may be members of the same political party.

27 SECTION 67. IC 13-13-8-7, AS ADDED BY P.L.133-2012,
 28 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2026]: Sec. 7. (a) An appointed member of the board serves
 30 a term of four (4) years. **A member may not serve more than two (2)**
 31 **consecutive terms.**

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

34 (c) ~~If a vacancy occurs in the appointed membership of the board;~~
 35 ~~the governor shall appoint a member not later than ninety (90) days~~
 36 ~~after the vacancy occurs for the remainder of the unexpired term~~
 37 ~~created by the vacancy. The board shall suspend the exercise of the~~
 38 ~~board's duties if the vacancy has not been filled within ninety (90) days~~
 39 ~~after the vacancy occurs. **If a vacancy occurs in the appointed**~~
 40 **membership of the board, the governor shall appoint an individual**
 41 **to fill the unexpired term of the vacating member. A member**
 42 **appointed to fill a vacancy must meet the same qualifications**

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1 **specified under section 4 of this chapter for the vacating member.**
2 (d) The governor may remove an appointed member of the board
3 ~~for cause. Cause includes the repeated failure to attend meetings. at~~
4 **any time with or without cause.**

5 SECTION 68. IC 13-13-8-10, AS ADDED BY P.L.133-2012,
6 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2026]: Sec. 10. The governor ~~shall annually select:~~ **may**
8 **designate:**

- 9 (1) one (1) of the appointed members of the board to serve as
10 chairperson; and
- 11 (2) another of the appointed members to serve as vice
12 chairperson.

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

- 19 (1) federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended;
20 ~~by the Clean Air Act Amendments of 1990;~~
- 21 (2) federal Resource Conservation and Recovery Act (42 U.S.C.
22 6901 et seq.);
- 23 (3) federal Comprehensive Environmental Response,
24 Compensation, and Liability Act of 1980, as amended by the
25 federal Superfund Amendments and Reauthorization Act of
26 1986 (42 U.S.C. 9601 through 9675);
- 27 (4) federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
28 and
- 29 (5) federal Safe Drinking Water Act (42 U.S.C. 300f through
30 300j).

31 SECTION 70. IC 13-13-8-13, AS ADDED BY P.L.133-2012,
32 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2026]: Sec. 13. (a) The board may select, from a list of three
34 (3) qualified individuals recommended by the governor, an
35 independent third party who is not an employee of the state to serve as
36 legal counsel.

- 37 (b) ~~The legal counsel shall do the following:~~
- 38 (1) ~~Advise the board on legal matters or proceedings arising~~
39 ~~from the exercise of the board's duties.~~
- 40 (2) ~~Review all materials prepared for the board by the~~
41 ~~department for legal accuracy and sufficiency and direct the~~
42 ~~department to make any necessary revisions.~~

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1 (e)(b) Provisions of this chapter concerning terms of appointment,
2 vacancies, and compensation of appointed board members apply to the
3 legal counsel. The legal counsel is not a voting member of the board.

4 SECTION 71. IC 13-13-8-14, AS ADDED BY P.L.133-2012,
5 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2026]: Sec. 14. The board may establish advisory committees
7 for the purpose of giving advice on any matters pertaining to the
8 business of the board. **Board members may also be members of an**
9 **advisory committee.** A member appointed to an advisory committee,
10 **who is not a member of the board,** shall serve at the pleasure of the
11 board and is not entitled to a salary, per diem, or reimbursement of
12 expenses.

13 SECTION 72. IC 13-14-1-5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The department shall
15 develop and implement a program of public awareness and
16 participation to assure maximum **programs to maximize public**
17 **awareness, participation, and** citizen involvement in the evolution
18 and continuation of the environmental programs of the state.

19 SECTION 73. IC 13-14-1-7, AS AMENDED BY P.L.133-2012,
20 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2026]: Sec. 7. The commissioner shall prepare the proposed
22 budget of the department and, **if necessary,** the board.

23 SECTION 74. IC 13-14-1-9, AS AMENDED BY P.L.133-2012,
24 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2026]: Sec. 9. (a) The commissioner ~~shall~~ **may** issue permits,
26 licenses, orders, and variances as authorized by:

- 27 (1) this title;
- 28 (2) other statutes; and
- 29 (3) rules of the board.

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

- 33 (1) the applicant provides a statement to the commissioner from
34 the department of state revenue indicating that the applicant's tax
35 warrant has been satisfied; or
- 36 (2) the commissioner receives a notice from the commissioner
37 of the department of state revenue under IC 6-8-1-8-2(k).

38 SECTION 75. IC 13-14-1-10 IS REPEALED [EFFECTIVE JULY
39 1, 2026]. Sec. 10: The department shall encourage and assist units of
40 local government in developing programs and facilities for the
41 following:

- 42 (1) Air, water, radiation, odor, and noise pollution control;

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- 1 (2) ~~Wastewater treatment.~~
- 2 (3) ~~Water resource development.~~
- 3 (4) ~~Solid waste management.~~

4 SECTION 76. IC 13-14-1-11.5, 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. 11.5. (a) If the department proposes to utilize a
 8 policy or statement that:

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

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

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

- 20 (1) the proposed policy or statement;
- 21 (2) information on the availability for public inspection of all
- 22 materials relied upon by the department in the development of
- 23 the proposed policy or statement, including, if applicable:
- 24 (A) health criteria;
- 25 (B) analytical methods;
- 26 (C) treatment technology;
- 27 (D) economic impact data;
- 28 (E) environmental assessment data; and
- 29 (F) other background data;

30 (3) the date, time, and location of the presentation under this
 31 subsection to the appropriate board; and

32 (4) information regarding the opportunity for a person to
 33 comment to the department and the appropriate board on the
 34 proposed policy or statement before or at the time of the
 35 presentation under this subsection.

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

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

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- 1 (1) two (2) copies of the policy or statement to the publisher of
 2 the Indiana Register for publication in the Indiana Register; and
 3 (2) the copies required under IC 4-23-7.1-26 to the Indiana
 4 library and historical department.
- 5 (d) The department shall:
- 6 (1) maintain a current list of all department policies and
 7 statements described in subsection (a) that the department may
 8 use in the department's external affairs; and
 9 (2) update the list at least one (1) time each month.
- 10 (e) The department shall include the following information on the
 11 list described in subsection (d) for each policy or statement:
- 12 (1) The title of the policy or statement.
 13 (2) The identification number of the policy or statement.
 14 (3) The date the policy or statement was originally adopted.
 15 (4) The date the policy or statement was last revised.
 16 (5) A reference to all other policies or statements described in
 17 subsection (a) that are repealed or amended by the policy or
 18 statement.
 19 (6) A brief description of the subject matter of the policy or
 20 statement.
- 21 (f) At least one (1) time every three (3) months, the department
 22 shall distribute two (2) copies of the list maintained and updated under
 23 subsection (d) to the following:
- 24 (1) The publisher of the Indiana Register.
 25 (2) The Indiana library and historical department.
- 26 **(g) A policy or statement put into effect by this section after**
 27 **July 1, 2026, expires January 1 of the fifth year after the year in**
 28 **which the policy or statement takes effect, unless the policy or**
 29 **statement expires or is repealed on an earlier date or is**
 30 **reauthorized under this section.**
- 31 SECTION 77. IC 13-14-1-11.7, AS ADDED BY P.L.218-2016,
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2026]: Sec. 11.7. (a) ~~Before July 1 of each year,~~ The
 34 department shall ~~report:~~ **make available in an electronic format:**
- 35 (1) any administrative rule that has been:
 36 (A) proposed by the department; or
 37 (B) adopted by the board; **and**
- 38 ~~(2) any operating policy or procedure that has been instituted or~~
 39 ~~altered by the department; and~~
- 40 ~~(3)~~ **(2)** any nonrule policy or statement that has been proposed or
 41 put into effect under section 11.5 of this chapter;
 42 ~~since the preceding July 1 that constitutes a change in the policy~~

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1 previously followed by the department under this title and the rules
2 adopted by the board.

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

9 SECTION 78. IC 13-14-1-13 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) The
11 commissioner shall establish and administer monitoring and reporting
12 requirements as necessary to carry out the duties and to exercise the
13 powers provided in the following:

- 14 (1) Air pollution control laws.
- 15 (2) Water pollution control laws.
- 16 (3) Environmental management laws.

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

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

- 23 (1) Develop and maintain an information clearinghouse on the
24 following subjects:
 - 25 (A) Source separation.
 - 26 (B) Recycling.
 - 27 (C) Composting.
 - 28 (D) Solid waste minimization.
 - 29 (E) Solid waste reduction.
 - 30 (F) Hazardous waste minimization.
 - 31 (G) Hazardous waste reduction.
- 32 (2) Assist in the development and implementation of public
33 education programs on:
 - 34 (A) source separation;
 - 35 (B) recycling;
 - 36 (C) composting;
 - 37 (D) solid waste reduction;
 - 38 (E) solid waste minimization;
 - 39 (F) hazardous waste minimization;
 - 40 (G) hazardous waste reduction; and
 - 41 (H) other alternatives to final disposal in landfills.
- 42 (3) Take action in any other matter involving:

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- 1 (A) solid waste minimization;
- 2 (B) solid waste reduction;
- 3 (C) hazardous waste minimization; or
- 4 (D) hazardous waste reduction;
- 5 as directed by the commissioner.
- 6 SECTION 80. IC 13-14-1-17 IS REPEALED [EFFECTIVE JULY
- 7 1, 2026]. See: 17. (a) Before November 1 of each year, the department
- 8 shall submit an annual report to the governor and to the legislative
- 9 council in an electronic format under IC 5-14-6.
- 10 (b) The report under subsection (a) must include the following:
- 11 (1) A summary of the:
- 12 (A) reviews conducted; and
- 13 (B) agreements approved;
- 14 in the preceding state fiscal year under IC 13-17-13.
- 15 (2) Information on the following:
- 16 (A) Waste tire management as required by IC 13-20-13.
- 17 (B) The status of the waste tire management fund and the
- 18 programs funded by the fund.
- 19 (C) Recommendations for revisions to waste tire
- 20 management programs.
- 21 (3) An evaluation of the actions taken by the department to
- 22 improve the department's process of issuing permits that must
- 23 include the following information:
- 24 (A) A description of the reduction or increase in the backlog
- 25 of permit applications in each department permit program
- 26 during the preceding twelve (12) month period.
- 27 (B) The amount of:
- 28 (i) permit fees collected; and
- 29 (ii) expenditures made from fee revenue;
- 30 during the preceding twelve (12) month period.
- 31 (C) A discussion of possible increases or decreases in the
- 32 operating costs of each department permit and inspection
- 33 program.
- 34 (D) A discussion of the measures that have been taken by
- 35 the department to improve the operating efficiency of the
- 36 permit and inspection programs.
- 37 (E) The number of notices issued by the department under
- 38 IC 13-15-4-10.
- 39 (F) A discussion of the department's operational goals for
- 40 the next twelve (12) months.
- 41 (G) A permit status report that includes the following
- 42 information:

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- 1 (i) The facility name and type of each permit
- 2 application pending on January 1 of the previous year
- 3 and the date each application was filed with the
- 4 department.
- 5 (ii) The action taken on each application by December
- 6 31 of the previous year.
- 7 (iii) The facility name and type of each permit
- 8 application pending on December 31 of the previous
- 9 year and the date each was filed with the department.
- 10 (4) Information concerning permits that have been
- 11 administratively extended that includes for each permit:
- 12 (A) the number of months that the permit has been
- 13 administratively extended;
- 14 (B) the number of months that the department has extended
- 15 a period under IC 13-15-4-8 or suspended processing of a
- 16 permit application under IC 13-15-4-10;
- 17 (C) the type of permit according to the types identified in
- 18 IC 13-18-20-2 through IC 13-18-20-11; and
- 19 (D) the dates when public notice of a draft permit was
- 20 given.
- 21 (5) Information concerning the progress of remedial actions
- 22 commenced under IC 13-25-4.
- 23 (6) Information concerning the pollution prevention information
- 24 gathered under IC 13-27-6; including the following:
- 25 (A) A description of the operations and activities of the
- 26 programs under IC 13-27-6.
- 27 (B) Recommendations the commissioner has for legislative
- 28 action.
- 29 (C) A quantitative assessment of statewide pollution
- 30 prevention progress among all types of industries.
- 31 (D) An identification of regulations and government
- 32 policies that are inhibiting pollution prevention and
- 33 opportunities in existing regulatory programs to promote
- 34 and assist in pollution prevention; including reductions in
- 35 the use of toxins in production and commerce.
- 36 (E) An assessment of how programs under IC 13-27-6 have
- 37 promoted and assisted pollution prevention and the costs
- 38 and benefits to government and industry of those programs.
- 39 (F) A statement concerning the identification of
- 40 opportunities and development of priorities for research and
- 41 development in pollution prevention techniques; economic
- 42 analyses; and management techniques useful in supporting

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1 pollution—prevention. The report may not include
 2 information considered by a business to be a trade secret of
 3 that business.

4 (G) Recommendations concerning incentives and policies
 5 needed to:

6 (i) encourage investment in research and development
 7 in pollution prevention; and

8 (ii) make greater use of programs established under
 9 IC 13-27-6.

10 (7) Information concerning activities conducted under
 11 IC 13-28-3, including the following:

12 (A) The number and types of inquiries the program received
 13 under IC 13-28-3.

14 (B) The services provided by the program.

15 (8) Information concerning the designation of outstanding state
 16 resource waters and the use of the outstanding state resource
 17 water improvement fund under IC 13-18-3.

18 (9) Information concerning mercury switches tracked under
 19 IC 13-20-17.7-2(a)(5).

20 (10) Information concerning the implementation of IC 13-20.5;
 21 including the following:

22 (A) The total weight of covered electronic devices recycled
 23 in the state program year and a summary of information in
 24 the reports submitted by manufacturers and recyclers under
 25 IC 13-20.5-3.

26 (B) The various collection programs used by manufacturers
 27 to collect covered electronic devices; information regarding
 28 covered electronic devices that are being collected by
 29 persons other than registered manufacturers; collectors; and
 30 recyclers; and information about covered electronic devices;
 31 if any, being disposed of in landfills in Indiana.

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

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

36 SECTION 81. IC 13-14-2-1, AS AMENDED BY P.L.263-2013,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2026]: Sec. 1. (a) This section applies to any:

39 (1) determination made by the commissioner;

40 (2) order issued by the commissioner; and

41 (3) notice issued by the department;

42 under this title.

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- 1 (b) The commissioner may issue orders and make determinations.
- 2 (c) An order issued under this section may address multiple sites
- 3 for the purpose of arranging for site investigations and the
- 4 establishment of priority of sites.
- 5 (d) Notice of a determination made or an order issued by the
- 6 commissioner must be given under IC 4-21.5-3-1, unless a person
- 7 provides a written request to the department for a different method of
- 8 notice that is reasonably available to the department.
- 9 (e) The department:
- 10 (1) shall make a good faith effort to provide notice of an order or
- 11 a determination according to subsection (d); and
- 12 (2) bears the burden of persuasion that the notice has been
- 13 provided.
- 14 (f) Failure to receive notice does not invalidate an order or a
- 15 determination. ~~unless the person required to receive notice of an order~~
- 16 ~~or a determination is substantially prejudiced by the lack of notice. The~~
- 17 ~~burden of persuasion as to substantial prejudice is on the person~~
- 18 ~~claiming the lack of notice.~~
- 19 (g) **The following agency actions taken under this title are**
- 20 **subject to review under IC 4-21.5:**
- 21 (1) **Determinations made under IC 13-19-4, IC 13-11-2-40,**
- 22 **and otherwise specified in this title.**
- 23 (2) **Orders, including those related to enforcement.**
- 24 (3) **Notices provided under IC 13-17-6-10 and IC 13-25.**
- 25 (4) **Decisions made under IC 13-14-8-11 and IC 13-25-5-6.**
- 26 (5) **Emergency orders.**
- 27 (6) **Approval, denial, revocations, modification, or renewal**
- 28 **of permits.**
- 29 (7) **Denial of a claim under the petroleum storage tank excess**
- 30 **liability trust fund established by IC 13-23-7-1.**
- 31 (h) **The department shall include in written communications**
- 32 **as appropriate information regarding the process by which an**
- 33 **agency action described in subsection (g) is reviewed.**
- 34 SECTION 82. IC 13-14-2-9, AS ADDED BY P.L.220-2014,
- 35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2026]: Sec. 9. (a) This section applies to a restrictive covenant
- 37 created in connection with a remediation project conducted under:
- 38 (1) IC 13-23;
- 39 (2) IC 13-24;
- 40 (3) IC 13-25-4; or
- 41 (4) IC 13-25-5.
- 42 (b) If:

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1 (1) a change of conditions or an advancement in science or
 2 technology permits a modification of the conditions and
 3 restrictions imposed by a restrictive covenant; and
 4 (2) the modification of the conditions and restrictions imposed
 5 by the restrictive covenant would not increase the potential
 6 hazards to human health or the environment;
 7 the commissioner may, under subsection (c), authorize the filing in the
 8 office of the county recorder of a supplemental recording recognizing
 9 the modification of the conditions and restrictions of the restrictive
 10 covenant to reflect the change in conditions or advancement in science
 11 or technology.

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

- 15 (1) a written request for the modification of the covenant;
- 16 (2) a copy of the proposed modification of the restrictive
 17 covenant; and
- 18 (3) information indicating why the covenant should be modified.

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

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

29 SECTION 83. IC 13-14-3-1 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall
 31 ~~encourage and~~ advise local governmental units referred to in
 32 IC 13-11-2-158 in developing facilities or establishing standards for the
 33 following:

- 34 (1) Air, water, odor, and noise pollution control.
- 35 (2) Water or wastewater treatment.
- 36 (3) Water resource development.
- 37 (4) Solid waste disposal.

38 SECTION 84. IC 13-14-4 IS REPEALED [EFFECTIVE JULY 1,
 39 2026]. (Notice to Department of Plans and Programs Affecting the
 40 Environment).

41 SECTION 85. IC 13-14-5-2 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) ~~Except as~~

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1 provided in section 3 of this chapter; The designated agent of the
 2 department conducting the inspection must provide the property owner
 3 **or representative of the property owner** with the following:

4 (1) ~~Before completing an inspection of property under~~
 5 ~~IC 13-14-2-2; If a representative of the inspected facility is~~
 6 **available at the time of inspection**, an oral report of the
 7 inspection that includes any specific matters discovered during
 8 the inspection that the designated agent of the department
 9 believes may be a violation of a law or of a permit issued by the
 10 department **before completing an inspection of property**
 11 **under IC 13-14-2-2.**

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

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

18 SECTION 86. IC 13-14-5-3 IS REPEALED [EFFECTIVE JULY
 19 1, 2026]. Sec. 3: ~~If the designated agent of the department completes~~
 20 ~~the inspection at a time when the property owner is not available to~~
 21 ~~receive an oral report under section 2 of this chapter; the designated~~
 22 ~~agent shall send a written summary of the inspection in accordance~~
 23 ~~with IC 13-14-2-1 to the property owner not later than forty-five (45)~~
 24 ~~calendar days following the inspection.~~

25 SECTION 87. IC 13-14-5-5 IS REPEALED [EFFECTIVE JULY
 26 1, 2026]. Sec. 5: ~~The board shall adopt rules under IC 4-22-2 and~~
 27 ~~IC 13-14-9 to administer this chapter and IC 13-30-7.~~

28 SECTION 88. IC 13-14-5-6 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The property
 30 owner may provide information in response to any of the following:

- 31 (1) An oral report provided under section 2 of this chapter.
 32 (2) A written summary provided under section 2 ~~or~~ 3 of this
 33 chapter.
 34 (3) Questions raised during the inspection visit.

35 (b) The department shall review and consider any information
 36 presented by the property owner under subsection (a). The department
 37 shall ~~append any written information provided under subsection (a) to~~
 38 ~~the inspection report and~~ include the written information **provided**
 39 **under subsection (a)** in the public file.

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



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- 1 (1) adopt;
 - 2 (2) repeal;
 - 3 (3) rescind; or
 - 4 (4) amend;
- 5 rules and standards by proceeding in the manner prescribed in
6 IC 4-22-2 and IC 13-14-9.

7 (b) If the board adopts a provisional rule under IC 4-22-2-37.1 or
8 an interim rule under IC 4-22-2-37.2 to comply with a deadline
9 required by or other date provided by federal law, the board shall
10 ~~(1) include the variance procedures in the rule. and~~
11 ~~(2) review the permits or licenses granted during the period the~~
12 ~~rule is in effect after the rule expires.~~

13 SECTION 90. IC 13-14-8-3 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A rule or standard
15 adopted by a board may:

- 16 (1) make different provisions as required by varying
17 circumstances and conditions for different contaminant sources
18 and for different geographical areas;
- 19 (2) ~~be made applicable to sources outside Indiana that~~
20 ~~appropriately consider:~~
21 (A) ~~are causing; background;~~
22 (B) ~~are contributing to; interstate; or~~
23 (C) ~~could cause or contribute to; international sources of;~~
24 ~~environmental pollution; in Indiana; and~~
- 25 (3) make provision for abatement standards and procedures:
26 (A) concerning occurrences, emergencies, or pollution; or
27 (B) on other short term conditions constituting an acute
28 danger to health or to the environment.

29 SECTION 91. IC 13-14-8-4 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. In adopting rules and
31 establishing standards, ~~a the board shall take into account~~ **may**
32 **consider** the following:

- 33 (1) All existing physical conditions and the character of the area
34 affected.
- 35 (2) Past, present, and probable future uses of the area, including
36 the character of the uses of surrounding areas.
- 37 (3) Zoning classifications.
- 38 (4) The nature of the existing air quality or existing water
39 quality, as appropriate.
- 40 (5) Technical feasibility, including the quality conditions that
41 could reasonably be achieved through coordinated control of all
42 factors affecting the quality.

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1 (6) Economic reasonableness of measuring or reducing any
2 particular type of pollution.

3 (7) The right of all persons to an environment sufficiently
4 uncontaminated as not to be injurious to:

5 (A) human, plant, animal, or aquatic life; or

6 (B) the reasonable enjoyment of life and property.

7 SECTION 92. IC 13-14-8-5, AS AMENDED BY P.L.133-2012,
8 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2026]: Sec. 5. (a) Any person may present written proposals
10 for the adoption, amendment, or repeal of a rule by the board. A
11 proposal presented under this section must be:

12 (1) supported by a statement of reasons; ~~and~~

13 (2) accompanied by a petition signed by at least two hundred
14 (200) persons **who reside in Indiana; and**

15 **(3) include suggested text for the rule.**

16 (b) If **a majority of the voting members of** the board finds that
17 the proposal

18 ~~(1) is not plainly devoid of merit;~~ **meritorious and authorized**
19 **under this title, and**

20 ~~(2) does not deal with a subject on which a hearing was held~~
21 ~~within the previous six (6) months of the submission of the~~
22 ~~proposal;~~

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

24 SECTION 93. IC 13-14-8-6 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Each hearing on
26 a proposed rule must be open to the public, and a reasonable
27 opportunity to be heard with respect to the subject of a hearing shall be
28 afforded to any person. **The board may define reasonable**
29 **procedures to conduct an orderly hearing.**

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

35 (c) A person who:

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

37 (2) requests notice;

38 shall be given written notice of the action of the board with respect to
39 the subject of the hearing.

40 SECTION 94. IC 13-14-8-10 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. ~~A~~ **The** board may
42 adopt rules under IC 4-22-2 to specify the following with respect to any

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1 of the board's rules:

2 (1) Criteria to define what constitutes an undue hardship or

3 burden, as used in section 8 of this chapter, for the purposes of

4 that rule.

5 (2) Procedures for making determinations on applications for

6 variances from that rule.

7 SECTION 95. IC 13-14-8-11, AS AMENDED BY P.L.128-2024,

8 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

9 JULY 1, 2026]: Sec. 11. (a) A person affected by a decision of the

10 commissioner under sections 8 and 9 of this chapter may, within fifteen

11 (15) days after receipt of notice of the decision, appeal the decision to

12 the office of administrative law proceedings. ~~All proceedings under this~~

13 ~~section to appeal the commissioner's decision are governed by~~

14 ~~IC 4-21-5.~~

15 (b) The commissioner's decision to grant a variance does not take

16 effect until available administrative remedies are exhausted.

17 SECTION 96. IC 13-14-8-11.5 IS AMENDED TO READ AS

18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.5. (a) The

19 department shall prepare and publish in the Indiana Register guidance

20 on the application process and criteria for obtaining a site-specific

21 limitation for a National Pollutant Discharge Elimination System

22 (NPDES) permit. Criteria to be considered must include wet weather

23 events, water effects ratio, and other site-specific considerations as

24 determined by the department. Water effects ratio shall be the ratio of

25 the aquatic toxicity of a parameter in the water of the receiving stream

26 compared to the aquatic toxicity of the parameter in the laboratory

27 water used to determine the standard.

28 (b) Beginning January 1, 1997, the department shall review any

29 application and make a preliminary determination for a site-specific

30 limitation not later than one hundred eighty (180) days after receipt of

31 the application. The department may request additional information

32 necessary to make the preliminary determination consistent with the

33 guidance published under subsection (a). The one hundred eighty (180)

34 day period does not include any days between the date the department

35 requests additional information and the date the additional information

36 is received by the department.

37 (c) The final determination on a site-specific limitation will be part

38 of the NPDES permit decision under ~~327 IAC 5- IC 13-15.~~

39 (d) If the agency does not issue a preliminary determination within

40 the one hundred eighty (180) days provided for in subsection (b), the

41 applicant may require that the department hire a qualified outside

42 consultant to prepare the preliminary determination as expeditiously as

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1 possible.

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

4 SECTION 97. IC 13-14-8-11.6, AS AMENDED BY
5 P.L.113-2014, SECTION 63, IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.6. (a) A discharger
7 is not required to obtain a state permit for the modification or
8 construction of a water pollution treatment or control facility if the
9 discharger has an effective:

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

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

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

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

23 SECTION 98. IC 13-14-9-0.1 IS REPEALED [EFFECTIVE JULY
24 1, 2026]. ~~Sec. 0.1. The amendments made to sections 3 and 4 of this
25 chapter by P.L.100-2006 apply only to proposed rules for which the
26 department of environmental management provides notice under
27 section 3 of this chapter, as amended by P.L.100-2006, after June 30,
28 2006.~~

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

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

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

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

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

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- 1 (i) a restriction or requirement more stringent **or**
- 2 **burdensome** than a restriction or requirement imposed
- 3 under federal law; or
- 4 (ii) a restriction or requirement in a subject area in
- 5 which federal law does not impose restrictions or
- 6 requirements;
- 7 (C) state the extent to which each alternative listed under
- 8 clause (A) differs from federal law;
- 9 (D) include any information known to the department about
- 10 the potential fiscal impact of each alternative under clause
- 11 (A) that creates:
- 12 (i) a restriction or requirement more stringent **or**
- 13 **burdensome** than a restriction or requirement imposed
- 14 under federal law; or
- 15 (ii) a restriction or requirement in a subject area in
- 16 which federal law does not impose restrictions or
- 17 requirements; and
- 18 (E) set forth the basis for each alternative listed under
- 19 clause (A).
- 20 (3) Describe the relevant statutory or regulatory requirements or
- 21 restrictions relating to the subject matter of the proposed rule
- 22 that exist before the adoption of the proposed rule.
- 23 (4) Request the submission of alternative ways to achieve the
- 24 purpose of the proposed rule.
- 25 (5) Request the submission of comments, including suggestions
- 26 of specific language for the proposed rule.
- 27 (6) Include a detailed statement of the issue to be addressed by
- 28 adoption of the proposed rule.
- 29 SECTION 100. IC 13-14-9-4, AS AMENDED BY P.L.93-2024,
- 30 SECTION 116, IS AMENDED TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) In addition to the
- 32 requirements of IC 4-22-2-23 and (if applicable) IC 4-22-2-24, the
- 33 notice of public comment period submitted by the department to the
- 34 publisher must do the following:
- 35 (1) Contain a summary of the response of the department to
- 36 written comments submitted under section 3 of this chapter, if
- 37 applicable.
- 38 (2) Request the submission of comments, including suggestions
- 39 of specific amendments to the language contained in the
- 40 proposed rule.
- 41 (3) Identify each element of the proposed rule that imposes a
- 42 restriction or requirement on persons to whom the proposed rule

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

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

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

- 6 (A) altering ordinary operating policies or procedures; or
7 (B) implementing new policies or procedures;

8 in response to an emergency situation.

9 SECTION 101. IC 13-14-10-2 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) Upon receipt of
11 evidence that a pollution source or combination of sources, including
12 an industrial user of a publicly owned treatment plant, is presenting an
13 imminent and substantial endangerment to:

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

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

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

- 20 (1) immediately restrain any person causing or contributing to
21 the alleged pollution to stop the discharge or introduction of
22 contaminants causing or contributing to the pollution; or
23 (2) take other necessary action.

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

- 26 (1) in addition to the authority contained in section 1 of this
27 chapter; and
28 (2) notwithstanding any other provision of this title.

29 SECTION 102. IC 13-14-11-5, AS AMENDED BY P.L.133-2012,
30 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2026]: Sec. 5. The ~~board shall adopt rules requiring the~~
32 ~~execution of a confidentiality agreement~~ **department may execute**
33 **confidentiality agreements** with persons employed, contracted, or
34 subcontracted by the department that is enforceable by:

- 35 (1) the state; and
36 (2) the submitter of the information.

37 SECTION 103. IC 13-14-12-4, AS AMENDED BY P.L.9-2024,
38 SECTION 341, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) **Upon request by:**

- 40 **(1) the commissioner;**
41 **(2) the standing committees of the house of representatives**
42 **or the senate concerned with the environment; or**

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1 **(3) the board;**
 2 the state comptroller shall issue a report on the fund not later than ten
 3 ~~(10) working business days following the last day of each four (4)~~
 4 ~~month period; after receiving the request.~~
 5 (b) The report must:
 6 (1) include the beginning and ending balance, disbursements,
 7 and receipts, including accrued interest or other investment
 8 earnings of the fund;
 9 (2) comply with accounting standards under IC 4-13-2-7(a)(1);
 10 and
 11 (3) be available to the public.
 12 ~~(c) The state comptroller shall forward copies of the report to the~~
 13 ~~following:~~
 14 ~~(1) The commissioner.~~
 15 ~~(2) The standing committees of the house of representatives and~~
 16 ~~the senate concerned with the environment.~~
 17 ~~(3) The board.~~
 18 SECTION 104. IC 13-15-1-1, AS AMENDED BY P.L.133-2012,
 19 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2026]: Sec. 1. The board shall establish requirements for the
 21 issuance of permits to control air pollution, ~~noise, and atomic radiation,~~
 22 including the following:
 23 (1) Permits to control or limit the emission of any contaminants
 24 into the atmosphere.
 25 (2) Permits for the construction, installation, or modification of
 26 facilities, equipment, or devices to control or limit any discharge,
 27 emission, or disposal of contaminants into the air.
 28 (3) Permits for the operation of facilities, equipment, or devices
 29 to control or limit the discharge, emission, or disposal of any
 30 contaminants into the environment.
 31 SECTION 105. IC 13-15-1-2, AS AMENDED BY P.L.133-2012,
 32 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2026]: Sec. 2. The board shall establish requirements for the
 34 issuance of permits to control water pollution, ~~and atomic radiation,~~
 35 including the following:
 36 (1) Permits to control or limit the discharge of any contaminants
 37 into state waters or into a publicly owned treatment works.
 38 (2) Permits for the construction, installation, or modification of
 39 facilities, equipment, or devices to control or limit any discharge,
 40 emission, or disposal of contaminants into the waters of Indiana
 41 or into a publicly owned treatment works.
 42 (3) Permits for the operation of facilities, equipment, or devices

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1 to control or limit the discharge, emission, or disposal of any
 2 contaminants into the waters of Indiana or into a publicly owned
 3 treatment works.

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

8 SECTION 106. IC 13-15-1-3, AS AMENDED BY P.L.100-2021,
 9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2026]: Sec. 3. The board shall establish requirements for the
 11 issuance of permits to control solid waste **and** hazardous waste, ~~and~~
 12 ~~atomic radiation~~, including the following:

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

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

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

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

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

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

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

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

28 SECTION 107. IC 13-15-1-3.2, AS ADDED BY P.L.120-2022,
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2026]: Sec. 3.2. (a) A transfer station or any facility that holds
 31 a valid permit or authorization to haul, treat, store, dispose of, or ship
 32 hazardous waste may haul, transfer, consolidate, process, ship, or
 33 otherwise manage solid waste without also holding a permit to haul,
 34 transfer, process, or ship solid waste.

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

40 (c) 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 shall not be stored, treated, or disposed of in direct contact with
3 hazardous waste.

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

5 (1) at a transfer station; or

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

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

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

12 SECTION 108. IC 13-15-2-1, AS AMENDED BY P.L.133-2012,
13 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2026]: Sec. 1. (a) The board ~~shall~~ **may** adopt rules under
15 IC 4-22-2 and IC 13-14-9 to establish requirements and procedures for
16 the issuance of permits.

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

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

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

24 SECTION 109. IC 13-15-2-2, AS AMENDED BY P.L.133-2012,
25 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2026]: Sec. 2. (a) The board may adopt rules under IC 4-22-2
27 and IC 13-14-9 to allow the department to issue permits that do the
28 following:

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

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

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

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

41 (5) Reduce the time and money spent by owners and operators
42 of facilities and the department on administrative tasks that do

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- 1 not benefit the environment.
- 2 (6) Provide owners and operators of facilities with as much
- 3 operational flexibility as can reasonably be provided while being
- 4 consistent with enforcement of permit requirements.
- 5 (b) The rules adopted under this section may provide for permits
- 6 that contain the following:
- 7 (1) Authorization of emission trading.
- 8 (2) Consolidated reporting mechanisms.
- 9 (3) Third party certifications.
- 10 (4) Multimedia regulation.
- 11 (5) Other conditions consistent with subsection (a).
- 12 (c) The rules adopted under this section must provide that a permit
- 13 issued under the rules adopted under this section meets the following
- 14 criteria:
- 15 (1) Activities conducted under the permit must result in greater
- 16 overall environmental protection than would otherwise be
- 17 achieved under applicable law.
- 18 (2) Upon issuance of a permit, all limits, conditions, and
- 19 standards contained in the permit are enforceable under
- 20 IC 13-30-3.
- 21 (3) The permit applicant must give notice in accordance with
- 22 IC 13-15-8, and the commissioner ~~shall~~ **may** give notice to the
- 23 public and provide an opportunity to comment on the proposed
- 24 permit in accordance with IC 13-15-5.
- 25 (d) ~~The rules adopted under this section must allow~~ The
- 26 department **shall strive** to give priority to applications involving
- 27 permits that are issued as described in this section based on:
- 28 (1) the degree of environmental benefit that may be obtained
- 29 under the permit;
- 30 (2) the potential application of any innovative control
- 31 technologies or regulatory procedures that may be made
- 32 available to other permit applicants and permit holders; and
- 33 (3) other criteria that the board may establish.
- 34 (e) The rules adopted under this section must be consistent with
- 35 federal law for federally authorized or delegated permit programs.
- 36 SECTION 110. IC 13-15-3-2 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A permit issued
- 38 under:
- 39 (1) this article; (~~except IC 13-15-9~~);
- 40 (2) IC 13-17-11;
- 41 (3) IC 13-18-18; or
- 42 (4) IC 13-20-1;

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

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

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

10 SECTION 111. IC 13-15-3-3 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A public hearing
12 shall be held on the question of:

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

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

17 as provided in subsection (b).

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

19 (1) the request of the applicant;

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

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

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

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

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

29 SECTION 112. IC 13-15-3-4 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. If the petition under
31 section 3(b)(2) of this chapter requests that the public hearing be
32 conducted at a location within a county affected by a proposed permit,
33 the department shall **attempt to** conduct the public hearing at that
34 location.

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

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

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

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- 1 permit.
- 2 (7) The amount of time provided for in rules adopted by the
- 3 board for an application ~~concerning the following:~~
- 4 (A) ~~An air pollution construction permit that is subject to~~
- 5 ~~326 IAC 2-2 and 326 IAC 2-3.~~
- 6 (B) ~~An air pollution facility construction permit (other than~~
- 7 ~~as defined in 326 IAC 2-2).~~
- 8 (C) ~~Registration of an air pollution facility. for an air~~
- 9 ~~pollution permit.~~
- 10 (8) Sixty (60) days for an application concerning the following:
- 11 (A) A Class 1 modification under 40 CFR 270.42 requiring
- 12 prior written approval, to a hazardous waste:
- 13 (i) landfill;
- 14 (ii) incinerator;
- 15 (iii) treatment facility; or
- 16 (iv) storage facility.
- 17 (B) Any other permit not specifically described in this
- 18 section for which the application fee exceeds forty-nine
- 19 dollars (\$49) and for which a time frame has not been
- 20 established under section 3 of this chapter.
- 21 (b) When a person holding a valid permit concerning an activity
- 22 of a continuing nature has made a timely and sufficient application for
- 23 a renewal permit, ~~under the rules of one (1) of the boards,~~ the
- 24 commissioner shall approve or deny the application on or before the
- 25 expiration date stated in the permit for which renewal is sought.
- 26 SECTION 114. IC 13-15-4-2, AS AMENDED BY P.L.1-2007,
- 27 SECTION 127, IS AMENDED TO READ AS FOLLOWS
- 28 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section does not apply
- 29 to permit applications described in section 1(a)(1) or 1(a)(2) of this
- 30 chapter.
- 31 (b) **Unless otherwise specified in applicable rules or laws,** if the
- 32 department determines that a public hearing should be held under:
- 33 (1) IC 13-15-3-3; or
- 34 (2) any other applicable rule or law;
- 35 the commissioner has thirty (30) days in addition to the number of days
- 36 provided for in section 1 of this chapter in which to approve or deny the
- 37 application.
- 38 SECTION 115. IC 13-15-4-3, AS AMENDED BY P.L.93-2024,
- 39 SECTION 117, IS AMENDED TO READ AS FOLLOWS
- 40 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~The~~ board may adopt a rule
- 41 under IC 4-22-2 that changes a period described under section 1 of this
- 42 chapter within which the commissioner must approve or deny an

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- 1 application:
 2 (1) if:
 3 (A) the general assembly enacts a statute;
 4 (B) ~~a~~ **the** board adopts a rule; or
 5 (C) the federal government enacts a statute or adopts a
 6 regulation;
 7 that imposes a new requirement concerning a class of
 8 applications that makes it infeasible for the commissioner to
 9 approve or deny the application within the period;
 10 (2) if:
 11 (A) the general assembly enacts a statute;
 12 (B) ~~a~~ **the** board adopts a rule; or
 13 (C) the federal government enacts a statute or adopts a
 14 regulation;
 15 that establishes a new permit program for which a period is not
 16 described under section 1 of this chapter; or
 17 (3) if some other significant factor concerning a class of
 18 applications makes it infeasible for the commissioner to approve
 19 or deny the application within the period.
 20 (b) If ~~a~~ **the** board adopts a rule described in subsection (a) as a
 21 provisional rule under IC 4-22-2-37.1 or as an interim rule under
 22 IC 4-22-2-37.2, the board shall
 23 ~~(1) include the variance procedures in the rule. and~~
 24 ~~(2) review the permits or licenses granted during the period the~~
 25 ~~rule is in effect after the rule expires.~~
 26 If ~~a~~ **the** board adopts a provisional rule or an interim rule under this
 27 subsection, the period described in section 1 of this chapter is
 28 suspended during the rulemaking process.
 29 SECTION 116. IC 13-15-4-4 IS REPEALED [EFFECTIVE JULY
 30 1, 2026]. ~~Sec. 4: An application for a permit renewal that includes a~~
 31 ~~modification shall be reviewed within the period applicable to the~~
 32 ~~modification.~~
 33 SECTION 117. IC 13-15-4-5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Sections 1 through
 35 ~~4 3~~ and ~~section~~ 6 of this chapter do not alter the procedures and time
 36 frames set forth in the hazardous waste permit modification rules
 37 adopted by the department, except to the extent that sections 1 through
 38 ~~4 3~~ and 6 of this chapter establish specific calendar day time frames
 39 where no time frame exists under the rules.
 40 SECTION 118. IC 13-15-4-6, AS AMENDED BY P.L.133-2012,
 41 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Notwithstanding the periods

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1 specified in sections 1 through ~~4~~ 3 of this chapter and this section, a
 2 person proposing to construct, modify, or operate any equipment,
 3 facility, or pollution control device that is demonstrated to achieve
 4 pollution control or pollution prevention in excess of applicable
 5 federal, state, or local requirements may apply to the commissioner for
 6 an interim permit to construct, modify, or operate the equipment,
 7 facility, or pollution control device.

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

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

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

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

17 SECTION 119. IC 13-15-4-10, AS AMENDED BY P.L.27-2024,
 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2026]: Sec. 10. The commissioner may suspend the
 20 processing of an application, and the period described under sections
 21 1 through 6 of this chapter is suspended, if one (1) of the following
 22 occurs:

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

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

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

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

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

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

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

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

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

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

33 SECTION 120. IC 13-15-4-11 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) If an applicant
 35 is operating pursuant to a continuation of an existing permit pending
 36 determination of an application for a new or renewed permit under
 37 IC 13-15-3-6, the applicant may proceed under this section after
 38 notifying the commissioner in writing of its intent to do so.

39 (b) If the commissioner does not issue or deny a permit within the
 40 time specified under sections 1 through 6 of this chapter, the applicant
 41 may proceed under this section. After reaching an agreement with the
 42 commissioner or after consulting with the commissioner for thirty (30)

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1 days and failing to reach an agreement, the applicant may choose to
 2 proceed under ~~one (1)~~ **either** of the following alternatives:

3 (1) The:

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

7 (B) commissioner shall do the following:

8 (i) Continue to review the application.

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

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

15 (2) The:

16 (A) applicant may:

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

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

23 (B) commissioner shall do the following:

24 (i) Review the draft permit.

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

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

31 (3) (2) The:

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

35 (B) commissioner shall:

36 (i) review the draft permit; and

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

39 SECTION 121. IC 13-15-4-15 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant
 41 chooses to proceed under section ~~11(b)(3)~~ **11(b)(2)** of this chapter, the
 42 department and the applicant shall jointly:



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- 1 (1) select a consultant that has the appropriate background to
 2 review the applicant's application; and
 3 (2) authorize the consultant to begin work;
 4 not later than fifteen (15) **working business** days after the department
 5 receives notice that the applicant has chosen to proceed under section
 6 ~~11(b)(3)~~ **11(b)(2)** of this chapter.
- 7 (b) The commissioner may:
 8 (1) consult with the applicant regarding the advisability of
 9 proceeding under this section; and
 10 (2) document the communications.
- 11 SECTION 122. IC 13-15-4-16 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If an applicant
 13 chooses to proceed under section 11(b)(2) ~~or 11(b)(3)~~ of this chapter,
 14 the applicant or a consultant shall prepare and submit to the
 15 commissioner the draft permit and any required supporting technical
 16 justification for the permit not later than thirty-five (35) **working**
 17 **business** days after
 18 ~~(1) the applicant has notified the commissioner that the applicant~~
 19 ~~has chosen to proceed under section 11(b)(2) of this chapter; or~~
 20 ~~(2) the department and the applicant have authorized a~~
 21 ~~consultant to begin work under section 11(b)(3) 11(b)(2) of this~~
 22 ~~chapter.~~
- 23 (b) Subject to subsection (c), the commissioner shall:
 24 (1) approve, with or without revision; or
 25 (2) deny;
 26 the draft permit not later than twenty-five (25) **working business** days
 27 after receiving the draft permit.
- 28 (c) If notice of opportunity for public comment or public hearing
 29 is required under applicable law before a permit decision can be issued,
 30 the commissioner shall comply with all public participation
 31 requirements and:
 32 (1) approve, with or without revision; or
 33 (2) deny;
 34 the draft permit not later than fifty-five (55) **working business** days
 35 after receipt of the draft permit.
- 36 (d) If the commissioner denies the draft permit, the commissioner
 37 shall specify the reasons for the denial.
- 38 (e) If an applicant has elected to have a draft permit prepared
 39 under section ~~11(b)(3)~~ **11(b)(2)** of this chapter and:
 40 (1) the consultant fails to submit a draft permit and supporting
 41 technical justification to the commissioner; or
 42 (2) the commissioner fails to approve or deny the draft permit;

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

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

7 SECTION 123. IC 13-15-5-1.5, AS ADDED BY P.L.66-2024,
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 1.5. Not later than ten (10) days after the last day
 10 of a public comment period under this article or applicable rules of the
 11 board, the commissioner may decide, based on information received
 12 during the public comment period, to hold a public hearing ~~or meeting~~
 13 before the issuance or denial of a permit. If the commissioner decides
 14 to hold a public hearing ~~or meeting~~ under this section, the department
 15 shall:

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

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

21 SECTION 124. IC 13-15-6-1, AS AMENDED BY P.L.128-2024,
 22 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2026]: Sec. 1. (a) Not later than fifteen (15) days after being
 24 served the notice provided by the commissioner under IC 13-15-5-3:

25 (1) the permit applicant; or

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

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

37 SECTION 125. IC 13-15-7-3, AS AMENDED BY P.L.128-2024,
 38 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2026]: Sec. 3. A person aggrieved by the revocation or
 40 modification of a permit may appeal the revocation or modification to
 41 the office of administrative law proceedings for an administrative
 42 review under IC 4-21.5-3. Pending the decision resulting from the

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1 hearing under IC 4-21.5-3 concerning the permit revocation, ~~or~~
 2 ~~modification~~, the permit remains in force. However, the commissioner
 3 may seek injunctive relief with regard to the activity described in the
 4 permit while the decision resulting from the hearing is pending.

5 SECTION 126. IC 13-15-7-4, AS AMENDED BY P.L.133-2012,
 6 SECTION 103, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This section applies to a
 8 facility that:

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

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

13 (b) The board ~~shall~~ **may** adopt rules under IC 4-22-2 and
 14 IC 13-14-9 as part of the operating permit program established under
 15 42 U.S.C. 7661 through 7661f providing that a facility may make
 16 changes without a permit revision if the following conditions exist:

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

21 (2) The changes do not exceed emissions:

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

23 (B) expressed as total emissions;

24 allowable under the permit.

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

30 SECTION 127. IC 13-15-9-1 IS REPEALED [EFFECTIVE JULY
 31 1, 2026]. ~~Sec. 1: A person may not:~~

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

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

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

36 SECTION 128. IC 13-15-9-2 IS REPEALED [EFFECTIVE JULY
 37 1, 2026]. ~~Sec. 2: (a) The board may adopt rules under IC 4-22-2 and~~
 38 ~~IC 13-14-9 establishing:~~

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

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

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

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- 1 (1) air pollution from nuclear facilities;
 2 (2) water pollution from nuclear facilities; or
 3 (3) other environmental problems associated with nuclear
 4 facilities.

5 SECTION 129. IC 13-15-9-3, AS AMENDED BY P.L.133-2012,
 6 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2026]: Sec. 3. A person proposing to construct:

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

15 SECTION 130. IC 13-15-9-4 IS REPEALED [EFFECTIVE JULY
 16 1, 2026]. Sec. 4: (a) ~~The commissioner, on behalf of the board, may~~
 17 ~~conduct a public hearing at a time and place to be determined by the~~
 18 ~~department on the environmental effects of the proposed operation.~~

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

21 SECTION 131. IC 13-15-9-5 IS REPEALED [EFFECTIVE JULY
 22 1, 2026]. Sec. 5: (a) ~~The board shall adopt rules and standards under~~
 23 ~~section 2 of this chapter to protect the citizens of Indiana from the~~
 24 ~~hazards of radiation.~~

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

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

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

31 SECTION 132. IC 13-15-10-1, AS AMENDED BY P.L.133-2012,
 32 SECTION 108, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2026]: Sec. 1. The board ~~shall~~ **may** adopt rules
 34 to establish a department operated training and certification program
 35 for the following:

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

42 SECTION 133. IC 13-15-10-4, AS AMENDED BY P.L.133-2012,

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1 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2026]: Sec. 4. The board ~~shall~~ **may** adopt rules
 3 under IC 4-22-2 and IC 13-14-9 to implement this chapter. The rules
 4 **must may** include the following:

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

7 (2) Mandatory testing and retraining.

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

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

14 SECTION 134. IC 13-17-3-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall
 16 provide assistance on air pollution matters to towns, cities, and
 17 counties. **The commissioner shall make the commissioner's best**
 18 **efforts to assist and cooperate with other groups interested in and**
 19 **affected by air pollution.**

20 SECTION 135. IC 13-17-3-4, AS AMENDED BY P.L.181-2018,
 21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2026]: Sec. 4. (a) The board shall adopt rules under IC 4-22-2
 23 and IC 13-14-9 that are:

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

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

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

35 (1) environmental significance of;

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

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

40 (c) The board may adopt rules to require sources to report
 41 hazardous air pollutant emissions if the reporting is necessary to
 42 demonstrate compliance with emissions and other performance

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standards established under 42 U.S.C. 7412 or 42 U.S.C. 7429. The board may ~~amend 326 IAC 2-6~~ **adopt rules** to allow the department to request hazardous air pollutant emissions data from individual sources for the purpose of site specific studies of hazardous air pollutant:

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

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

SECTION 136. IC 13-17-3-8 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 8: ~~The board shall carry out other duties imposed by law:~~

SECTION 137. IC 13-17-3-9 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 9: (a) ~~The commissioner shall assist and cooperate with other groups interested in and affected by air pollution:~~

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

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

- (A) ~~other state agencies;~~
- (B) ~~towns, cities, and counties;~~
- (C) ~~industries;~~
- (D) ~~other states;~~
- (E) ~~the federal government; and~~
- (F) ~~affected groups;~~

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

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

(A) ~~Air pollution.~~

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

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

(A) ~~Air pollution.~~

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

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

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

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

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

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

7 SECTION 138. IC 13-17-5-9, AS AMENDED BY P.L.104-2022,
 8 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 9. (a) After December 31, 2006, The board may
 10 not adopt a rule under air pollution control laws that requires motor
 11 vehicles to undergo a periodic test of emission characteristics in the
 12 following counties:

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

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

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

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

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

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

42 (2) classified below moderate nonattainment for ozone

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national ambient air quality standards.

SECTION 139. IC 13-17-5-10, AS ADDED BY P.L.187-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. Not later than December 31, 2025, the department shall do the following:

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

(2) Identify air pollution reduction or regulatory relief strategies that can do the following with respect to 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):~~

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

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

(C) Meet emissions goals.

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

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

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

SECTION 140. IC 13-17-6-10, AS AMENDED BY P.L.128-2024, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) If the commissioner finds that an asbestos project is not being performed in accordance with air pollution control laws or rules adopted under air pollution control laws, the commissioner may enjoin further work on the asbestos project without prior notice or hearing by delivering a notice to:

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

(b) A notice issued under this section must:

- (1) specifically enumerate the violations of law that are occurring on the asbestos project; and
- (2) prohibit further work on the asbestos project until the violations enumerated under subdivision (1) cease and the notice 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 141. IC 13-17-6-11 IS AMENDED TO READ AS
10 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 142. IC 13-17-7 IS REPEALED [EFFECTIVE JULY
32 1, 2026]. (Clean Air Act Permit Compliance Program).

33 SECTION 143. IC 13-17-10-1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not
35 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 144. IC 13-17-10-2 IS REPEALED [EFFECTIVE
4 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 145. IC 13-17-10-3 IS REPEALED [EFFECTIVE
10 JULY 1, 2026]. Sec. 3: The department, in cooperation with the United
11 States Environmental Protection Agency; an applicant for a permit
12 issued under this chapter; and a city or town in which an incinerator
13 described under section 1 of this chapter is or will be located; shall
14 conduct a study of alternative PCB technologies. The study must
15 include an assessment of the efficacy and the technical and economic
16 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 146. IC 13-17-10-4 IS REPEALED [EFFECTIVE
26 JULY 1, 2026]. Sec. 4: (a) The study required by section 3 of this
27 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 147. IC 13-17-12-4 IS REPEALED [EFFECTIVE
35 JULY 1, 2026]. Sec. 4: An air pollution control agency shall submit
36 annual reports as requested by the department.

37 SECTION 148. IC 13-17-15-6 IS REPEALED [EFFECTIVE
38 JULY 1, 2026]. Sec. 6: A unit described in section 4 of this chapter is
39 not required to have a separate approval under IC 13-17-7 if the unit:

- 40 (1) is being operated under a valid existing operating permit
41 issued under IC 13-17-7; and
42 (2) is in compliance with the applicable federal requirements

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- 1 listed in section 4 of this chapter;
 2 when it is used to dispose of and destroy drugs under this chapter.
- 3 SECTION 149. IC 13-18-2-3, AS AMENDED BY THE
 4 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
 5 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2026]: Sec. 3. (a) The department shall prepare a list of
 7 impaired waters for the purpose of complying with federal regulations
 8 implementing Section 303(d) of the federal Clean Water Act (33
 9 U.S.C. 1313(d)). In determining whether a water body is impaired, the
 10 department shall consider all existing and readily available water
 11 quality data and related information. The department, before submitting
 12 the list to the United States Environmental Protection Agency, shall:
- 13 (1) post the list to the department's ~~Internet web site;~~ **website;**
 - 14 (2) publish in the Indiana Register a link to the list posted to the
 15 department's ~~Internet web site;~~ **website;**
 - 16 (3) make the list available for public comment for at least
 17 forty-five (45) days; and
 - 18 (4) provide information about the list to the board.
- 19 (b) The board shall adopt a rule that:
- 20 (1) establishes the methodology to be used in identifying waters
 21 as impaired; and
 - 22 (2) specifies the methodology and criteria for including and
 23 removing waters from the list of impaired waters.
- 24 (c) In the establishment of the total maximum daily load for a
 25 surface water under Section 303(d)(1)(C) of the federal Clean Water
 26 Act (33 U.S.C. 1313(d)(1)(C)), the department shall, in identifying the
 27 surface water under Section 303(d)(1)(A) of the federal Clean Water
 28 Act (33 U.S.C. 1313(d)(1)(A)), make every reasonable effort to identify
 29 the pollutant or pollutants under consideration for the establishment of
 30 the total maximum daily load.
- 31 (d) The department shall comply with subsection (e) if either of
 32 the following applies:
- 33 (1) The department:
 - 34 (A) is unable, in identifying the surface water as described
 35 in subsection (c), to identify the pollutant or pollutants
 36 under consideration for the establishment of the total
 37 maximum daily load; and
 - 38 (B) determines, after identifying the surface water as
 39 described in subsection (c), that one (1) or more pollutants
 40 should be under consideration for establishment of the total
 41 maximum daily load.
 - 42 (2) The department:

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- 1 (A) in identifying the surface water as described in
- 2 subsection (c), identifies the pollutant or pollutants under
- 3 consideration for the establishment of the total maximum
- 4 daily load; and
- 5 (B) determines, after identifying the pollutant or pollutants
- 6 as described in clause (A), that one (1) or more other
- 7 pollutants should be under consideration for establishment
- 8 of the total maximum daily load.
- 9 (e) The department complies with subsection (d) if the department
- 10 does the following before making a pollutant or pollutants the subject
- 11 of consideration for the establishment of the total maximum daily load:
- 12 (1) Determines and demonstrates that either or both of the
- 13 following apply:
- 14 (A) The surface water does not attain water quality
- 15 standards (as established in ~~327 IAC 2-1 and 327~~
- 16 ~~IAC 2-1.5) by rule~~) due to an individual pollutant, multiple
- 17 pollutants, pollution, or an unknown cause of impairment.
- 18 (B) The surface water:
- 19 (i) receives a thermal discharge from one (1) or more
- 20 point sources; and
- 21 (ii) does not have or maintain a balanced indigenous
- 22 population of shellfish, fish, and wildlife.
- 23 (2) Posts on the department's ~~Internet web site~~ **website** the
- 24 determination referred to in subdivision (1).
- 25 (3) Makes the determination referred to in subdivision (1)
- 26 available for public comment for at least forty-five (45) days.
- 27 (4) Presents the determination referred to in subdivision (1) to
- 28 the commissioner for final approval after the comment period
- 29 under subdivision (3).
- 30 SECTION 150. IC 13-18-3-2.5, AS AMENDED BY P.L.54-2005,
- 31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2026]: Sec. 2.5. (a) A CSO wet weather limited use
- 33 subcategory is established for waters affected by receiving combined
- 34 sewer overflows, as specified in an approved long term control plan.
- 35 The CSO wet weather limited use subcategory applies to a specific
- 36 water body after implementation of an approved long term control plan
- 37 for the combined sewer system whose overflow discharges affect those
- 38 waters is implemented and the conditions of subsection (b) are
- 39 satisfied. The following requirements apply to the CSO wet weather
- 40 limited use subcategory:
- 41 (1) The water quality based requirements associated with the
- 42 CSO wet weather limited use subcategory that apply to waters

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1 affected by wet weather combined sewer overflows are
 2 determined by an approved long term control plan for the
 3 combined sewer system. The water quality based requirements
 4 remain in effect during the time and to the physical extent that
 5 the recreational use designation that applied to the waters
 6 immediately before the application to the waters of the CSO wet
 7 weather limited use subcategory is not attained, but for not more
 8 than four (4) days after the date the overflow discharge ends.

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

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

16 (1) the department has approved a long term control plan for the
 17 NPDES permit holder for the combined sewer system;

18 (2) the approved long term control plan:

19 (A) is incorporated into:

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

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

22 (B) satisfies the requirements of section 2.3 of this chapter;
 23 and

24 (C) specifies the water quality based requirements that
 25 apply to combined sewer overflows during and immediately
 26 following wet weather events, as provided in subsection

27 (a)(1);

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

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

32 (c) For purposes of subsection (b)(4), 40 CFR 131.10 may be
 33 satisfied by including appropriate data and information in the long term
 34 control plan.

35 (d) The department shall implement the CSO wet weather limited
 36 use subcategory and associated water quality based requirements under
 37 this section when the subcategory and requirements are approved by
 38 the United States Environmental Protection Agency. The department
 39 shall seek approval of the United States Environmental Protection
 40 Agency in a timely manner.

41 (e) The NPDES permit holder shall monitor its discharges and the
 42 water quality in the affected receiving stream periodically as provided

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1 in the long term control plan. The NPDES permit holder shall provide
2 all such information to the department.

3 (f) In conjunction with a review of its long term control plan under
4 section 2.4 of this chapter, the NPDES permit holder shall review
5 information generated after the use attainability analysis was approved
6 by the department to determine whether the conclusion of the use
7 attainability analysis is still valid. The NPDES permit holder shall
8 provide the results of the review to the department.

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

11 SECTION 151. IC 13-18-3-2.6, AS ADDED BY P.L.54-2005,
12 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2026]: Sec. 2.6. (a) Where appropriate, permits shall contain
14 schedules of compliance requiring the permittee to take specific steps
15 to achieve expeditious compliance with applicable standards,
16 limitations, and other requirements.

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

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

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

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

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

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

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

2 SECTION 152. IC 13-18-3-13 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. If a violation of ~~327~~
4 ~~IC 15-5~~ **the department's construction storm water general**
5 **permit** occurs, the department shall determine which person is
6 responsible for committing the violation. ~~In making this determination,~~
7 ~~the department shall, if appropriate, consider:~~

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

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

14 SECTION 153. IC 13-18-3-14, AS AMENDED BY P.L.130-2018,
15 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2026]: Sec. 14. (a) The outstanding state resource water
17 improvement fund is established. All money collected under section 2
18 of this chapter and any money accruing to the fund are continuously
19 appropriated to the fund to carry out the purposes of section 2 of this
20 chapter. Money in the fund at the end of a state fiscal year does not
21 revert to the state general fund, unless the outstanding state resource
22 water improvement fund is abolished.

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

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

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

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1 †. **If requested**, the report must include the following information:
 2 (1) Plans for the use and implementation of the outstanding state
 3 resource water improvement fund.
 4 (2) The balance in the fund.
 5 SECTION 154. IC 13-18-3-15, AS ADDED BY P.L.81-2011,
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2026]: Sec. 15. (a) Subject to subsection (c), the board shall
 8 ~~amend 327 IAC 5 and 327 IAC 15 to eliminate:~~
 9 (1) the requirement that NPDES general permit terms and
 10 conditions be contained in a rule; and
 11 (2) the terms and conditions of each NPDES general permit that
 12 is:
 13 (A) contained in that article; and
 14 (B) in effect on the effective date of this section.
 15 (b) The department may develop and issue NPDES general
 16 permits in accordance with 40 CFR 122.28.
 17 (c) After ~~327 IAC 5 and 327 IAC 15 are amended under~~
 18 **eliminating the requirement and terms and conditions described in**
 19 **subsection (a), the terms and conditions of an NPDES general permit**
 20 **under that article as they existed before the amendment remain in effect**
 21 **and are binding on any person regulated under the NPDES general**
 22 **permit until the person submits a notice of intent to be covered by an**
 23 **NPDES general permit developed and issued under subsection (b).**
 24 (d) Any person regulated under an NPDES general permit on the
 25 effective date of the amendment required by subsection (a) must:
 26 (1) submit a notice of intent described in subsection (c) not later
 27 than ninety (90) days after the department makes the form of the
 28 notice of intent available to the person; or
 29 (2) apply for an NPDES individual permit ~~under 327 IAC 5 to~~
 30 maintain permit coverage required under the Clean Water Act.
 31 (e) This section does not affect the authority of the board to adopt
 32 rules that authorize NPDES general permits.
 33 SECTION 155. IC 13-18-4-2 IS REPEALED [EFFECTIVE JULY
 34 1, 2026]. ~~Sec. 2: A rule or determination made by the board or the~~
 35 ~~commissioner under sections † through 4 of this chapter shall be filed~~
 36 ~~of record in the office of the department.~~
 37 SECTION 156. IC 13-18-4-6, AS AMENDED BY P.L.263-2013,
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2026]: Sec. 6. (a) Whenever the commissioner determines that
 40 a person:
 41 (1) is violating; or
 42 (2) is about to violate;

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

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

- 6 (1) cease the violation; and
- 7 (2) abate the condition of pollution;

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

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

12 SECTION 157. IC 13-18-4-7 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Notwithstanding
 14 any rules of the board, the commissioner shall allow for a mixing zone
 15 in permits that involve a discharge into Lake Michigan if the applicant
 16 can demonstrate to the commissioner that the mixing zone will not
 17 cause harm to human health or aquatic life.

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

22 SECTION 158. IC 13-18-5-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board ~~shall~~ **may**
 24 adopt rules under IC 4-22-2 to require the following:

25 (1) The construction or installation of secondary containment
 26 structures at facilities in which hazardous materials are stored or
 27 transferred for the purpose of preventing released hazardous
 28 materials from entering surface water or groundwater.

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

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

34 SECTION 159. IC 13-18-9-4 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department
 36 shall enforce this chapter under IC 13-30-3 or IC 13-14-2-6.

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

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1 established by the board.

2 SECTION 160. IC 13-18-10-2.1, AS AMENDED BY
3 P.L.199-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: Sec. 2.1. (a) The department:

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

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

13 (b) If the department fails to make a determination on a
14 application not later than ninety (90) days after the date the department
15 receives the completed application, the applicant may request and
16 receive a refund of an approval application fee paid by the applicant,
17 and the commissioner shall:

18 (1) continue to review the application;

19 (2) approve or deny the application as soon as practicable; and

20 (3) refund the applicant's application fee not later than
21 twenty-five (25) **working business** days after the receipt of the
22 applicant's request.

23 (c) The commissioner may suspend the processing of an
24 application and the ninety (90) day period described under this section
25 if the department determines within thirty (30) days after the
26 department receives the application that the application is incomplete
27 and has mailed a notice of deficiency to the applicant that specifies the
28 parts of the application that:

29 (1) do not contain adequate information for the department to
30 process the application; or

31 (2) are not consistent with applicable law.

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

35 (1) this chapter;

36 (2) rules adopted under this chapter;

37 (3) the water pollution control laws;

38 (4) rules adopted under the water pollution control laws; and

39 (5) policies and statements adopted under IC 13-14-1-11.5
40 relative to confined feeding operations.

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

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- 1 (1) A responsible party intentionally misrepresented or
 2 concealed any material fact in either or both of the following:
 3 (A) An application for approval under section 1 of this
 4 chapter.
 5 (B) A disclosure statement required by section 1.4 of this
 6 chapter.
- 7 (2) An enforcement action was resolved against a responsible
 8 party as described in either or both of the following:
 9 (A) Section 1.4(c)(5) of this chapter.
 10 (B) Section 1.4(c)(6) of this chapter.
- 11 (f) Before making a determination to approve or deny a
 12 application, the commissioner must consider the following factors:
 13 (1) The nature and details of the acts attributed to the responsible
 14 party.
 15 (2) The degree of culpability of the responsible party.
 16 (3) The responsible party's cooperation with the state, federal, or
 17 foreign agencies involved in the investigation of the activities
 18 involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6)
 19 of this chapter.
 20 (4) The responsible party's dissociation from any other persons
 21 or entities convicted in a criminal enforcement action referred to
 22 in section 1.4(c)(5) and 1.4(c)(6) of this chapter.
 23 (5) Prior or subsequent self-policing or internal education
 24 programs established by the responsible party to prevent acts,
 25 omissions, or violations referred to in section 1.4(c)(5) and
 26 1.4(c)(6) of this chapter.
- 27 (g) Except as provided in subsection (h), in taking action under
 28 subsection (e), the commissioner must make separately stated findings
 29 of fact to support the action taken. The findings of fact must:
 30 (1) include a statement of ultimate fact; and
 31 (2) be accompanied by a concise statement of the underlying
 32 basic facts of record to support the findings.
- 33 (h) If the commissioner denies an application under subsection (e),
 34 the commissioner is not required to explain the extent to which any of
 35 the factors set forth in subsection (f) influenced the denial.
- 36 (i) The department may amend an approval under section 1 of this
 37 chapter or revoke an approval under section 1 of this chapter:
 38 (1) for failure to comply with:
 39 (A) this chapter;
 40 (B) rules adopted under this chapter;
 41 (C) the water pollution control laws; or
 42 (D) rules adopted under the water pollution control laws;

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1 and
2 (2) as needed to prevent discharges of manure into the
3 environment that pollute or threaten to pollute the waters of the
4 state.

5 SECTION 161. IC 13-18-10-4, AS AMENDED BY P.L.127-2009,
6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2026]: Sec. 4. (a) The board may adopt rules under IC 4-22-2
8 and IC 13-14-9 and the department may adopt policies or statements
9 under IC 13-14-1-11.5 that are necessary for the proper administration
10 of this chapter. The rules, policies, or statements may concern
11 construction, expansion, and operation of confined feeding operations
12 and may include uniform standards for:

- 13 (1) construction, expansion, and manure containment that are
14 appropriate for a specific site; and
- 15 (2) manure application and handling that are consistent with best
16 management practices:

- 17 (A) designed to reduce the potential for manure to be
18 conveyed off a site by runoff or soil erosion; ~~and~~
- 19 (B) that are appropriate for a specific site; ~~and~~
- 20 **(C) accurately reflect differences between dry and liquid**
21 **manure.**

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

- 24 (1) consider confined feeding standards that are consistent with
25 standards found in publications from:
 - 26 (A) the United States Department of Agriculture;
 - 27 (B) the Natural Resources Conservation Service of the
28 United States Department of Agriculture;
 - 29 (C) the Midwest Plan Service; and
 - 30 (D) postsecondary educational institution extension
31 bulletins; and

32 (2) be developed through technical review by the department,
33 postsecondary educational institution specialists, and other
34 animal industry specialists.

35 SECTION 162. IC 13-18-11-1.5, AS AMENDED BY
36 P.L.133-2012, SECTION 128, IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. The board ~~shall~~
38 **may** adopt regulations to implement certification programs for
39 operators of water treatment plants or water distribution systems. The
40 certification program for the operators shall be classified in accordance
41 with the complexity, size, and source of the water for the treatment
42 system and the complexity and size for the distribution system.

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1 SECTION 163. IC 13-18-11-8, AS AMENDED BY P.L.128-2024,
 2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 8. (a) The commissioner may suspend or revoke
 4 the certificate of an operator issued under this chapter ~~following a~~
 5 ~~hearing under IC 13-15-7-3 and IC 4-21.5~~; if any of the following
 6 conditions are found:

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

9 (2) Reasonable care, judgment, or the application of the
 10 operator's knowledge or ability was not used in the performance
 11 of the operator's duties.

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

14 (4) A certificate of the operator issued:

15 (A) under this chapter; or

16 (B) by any other state or jurisdiction for a purpose
 17 comparable to the purpose for which a certificate is issued
 18 under this chapter;

19 has been revoked.

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

22 (A) under this chapter; or

23 (B) by any other state or jurisdiction for a purpose
 24 comparable to the purpose for which a certificate is issued
 25 under this chapter.

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

31 SECTION 164. IC 13-18-12-2.2, AS AMENDED BY
 32 P.L.250-2019, SECTION 23, IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. (a) ~~As used in this~~
 34 ~~section:~~

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

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

39 on February 1, 2016.

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

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

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

7 (2) the amount of septage removed from the sewage disposal
 8 system;

9 if the sewage disposal system from which the septage is removed is a
 10 ~~chemical toilet:~~ **portable sanitary unit.**

11 SECTION 165. IC 13-18-12-2.5, AS AMENDED BY
 12 P.L.250-2019, SECTION 24, IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) The department
 14 and the board may allow a person to use industrial waste products in a
 15 land application operation or as ingredients in a soil amendment or soil
 16 substitute to be land applied if:

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

18 (2) the industrial waste products:

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

20 or

21 (B) otherwise provide a benefit to the process of creating
 22 the soil amendments or soil substitute or to the final soil
 23 amendment, soil substitute, or material to be land applied,
 24 such as bulking;

25 (3) the finished soil amendment, soil substitute, or material to be
 26 land applied satisfies the applicable criteria in ~~327 IAC 6.1;~~

27 **rules established by the board;**

28 (4) the finished soil amendment, soil substitute, or material to be
 29 land applied has a beneficial use;

30 (5) the requirements of subsection (b) are satisfied; and

31 (6) the person pays a permit fee in an amount determined under
 32 rules adopted by the board that does not exceed the costs
 33 incurred by the department to issue the permit.

34 **For purposes of this subsection, "beneficial use" means the use of**
 35 **a solid waste for fertilizing or soil conditioning properties to**
 36 **provide nutrients for growing plants or crops, increase organic**
 37 **matter, provide pH adjustment capabilities, or provide other**
 38 **benefits to the soil or crops as shown to the satisfaction of the**
 39 **commissioner through an approved research or demonstration**
 40 **project.**

41 (b) The department:

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



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1 (A) in a land application operation; or
 2 (B) as ingredients in a soil amendment or soil substitute to
 3 be land applied;
 4 on the same basis as other materials under the rules concerning
 5 land application and marketing and distribution permits;
 6 (2) may not:
 7 (A) discriminate against the use of industrial waste products
 8 on the basis that the industrial waste products lack
 9 biological carbon;
 10 (B) impose requirements beyond applicable criteria in ~~327~~
 11 ~~IAC 6.1~~, **rules established by the board**, unless additional
 12 requirements are necessary for the protection of human
 13 health and the environment;
 14 (C) require that the finished soil amendment, soil substitute,
 15 or material to be land applied must be of a particular
 16 economic value; or
 17 (D) for any pollutant that has a pollutant limit or
 18 concentration in 327 IAC 6.1, require that an industrial
 19 waste product or the finished soil amendment, soil
 20 substitute, or material to be land applied satisfies:
 21 (i) the department's remediation closure guidance; or
 22 (ii) any other standards other than criteria in 327
 23 IAC 6.1;
 24 (3) for any pollutant present in the industrial waste products that
 25 does not have a pollutant limit or concentration in 327 IAC 6.1,
 26 shall consider the benefits of the finished soil amendment, soil
 27 substitute, or material to be land applied as compared to the
 28 measurable risks to human health and the environment based on
 29 the anticipated use of the finished soil amendment, soil
 30 substitute, or material to be land applied; and
 31 (4) shall require an application for a permit for the land
 32 application of industrial waste products to include
 33 characterization of individual industrial waste products at the
 34 point of waste generation before mixing the waste streams.
 35 ~~(e) The board may adopt rules for pollutant limits or~~
 36 ~~concentrations for pollutants for which limits or concentrations do not~~
 37 ~~exist in 327 IAC 6.1 as of July 1, 2011.~~
 38 SECTION 166. IC 13-18-12-3, AS AMENDED BY P.L.192-2023,
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2026]: Sec. 3. (a) The ~~board shall initiate~~, **department shall**
 41 **administer**, in accordance with IC 13-15, a septage management
 42 permit program for all persons who offer to perform or are performing

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1 septage management services.

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

7 (1) the board may adopt rules under IC 4-22-2 and IC 13-14-9;

8 or

9 (2) the department may adopt guidelines;

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

14 SECTION 167. IC 13-18-12-4, AS AMENDED BY P.L.112-2016,
15 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2026]: Sec. 4. (a) The board ~~shall~~, **may**, in accordance with
17 IC 13-14-9, adopt rules to establish the following:

18 (1) Standards for the following:

19 (A) The issuance of permits for:

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

21 and

22 (ii) land application of authorized septage, solid waste,
23 and industrial waste products.

24 (B) Transportation, storage, treatment, and disposal of
25 septage.

26 (2) Procedures and standards for approval of sites for land
27 application.

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

31 SECTION 168. IC 13-18-16-3 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner
33 may ~~initiate action under IC 4-21-5-3~~ to assess a civil penalty against
34 a permit holder who fails to take action to correct or prevent
35 contamination of the sanitary or chemical quality of the water supply
36 after the permit holder knew or should have known that the action
37 should be taken. The civil penalty assessed under this section may not
38 exceed one thousand dollars (\$1,000) for each day of violation.

39 SECTION 169. IC 13-18-16-8, AS AMENDED BY P.L.233-2017,
40 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2026]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2
42 and IC 13-14-9 establishing requirements for public water systems,

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1 including the following:

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

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

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

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

14 SECTION 170. IC 13-18-17-3 IS REPEALED [EFFECTIVE
15 JULY 1, 2026]. ~~Sec. 3: (a) The department, with the assistance of other
16 state agencies as requested, shall establish and operate a groundwater
17 quality clearinghouse within the department.~~

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

- 20 ~~(1) Receive complaints about groundwater contamination.~~
21 ~~(2) Screen reports of groundwater pollution.~~
22 ~~(3) Ensure that complaints and reports are adequately
23 investigated.~~
24 ~~(4) Provide information to the public about groundwater and
25 groundwater pollution.~~
26 ~~(5) Coordinate the management of groundwater quality data in
27 Indiana.~~

28 SECTION 171. IC 13-18-17-4 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department
30 under IC 13-14-2-2:

- 31 (1) may investigate allegations of; and
32 (2) shall investigate confirmed incidents of;
33 contamination of groundwater that affect private water supply wells.

34 (b) The commissioner ~~shall:~~ **may:**
35 (1) issue an advisory to the users and owners of a water well
36 found to be contaminated concerning the hazards to health posed
37 by the contamination;
38 (2) take emergency action, including emergency action under
39 IC 13-14-10, to reduce exposure to well water contaminants that
40 pose a threat to human health; and
41 (3) as appropriate to safeguard human health, order
42 abandonment of contaminated water wells.

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1 SECTION 172. IC 13-18-17-5, AS AMENDED BY P.L.56-2023,
 2 SECTION 129, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The board shall adopt rules
 4 under IC 4-22-2 **and IC 13-14-9** establishing groundwater quality
 5 standards that include numeric and narrative criteria, a groundwater
 6 classification plan, and a method of determining where the
 7 groundwater quality standards must apply. The standards established
 8 under this subsection shall be used for the following purposes:

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

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

12 (3) To establish health protection goals for untreated water in
 13 water supply wells.

14 (4) To establish concentration limits for contaminants in ambient
 15 groundwater.

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

20 (1) The department.

21 (2) The department of natural resources.

22 (3) The Indiana department of health.

23 (4) The office of the state chemist.

24 (5) The department of homeland security.

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

29 (d) Any rule adopted by the executive board of the Indiana
 30 department of health is void to the extent that the rule applies the
 31 nitrate and nitrite numeric criteria included in groundwater quality
 32 standards established in rules adopted by the board under subsection
 33 (a) to onsite sewage systems.

34 SECTION 173. IC 13-18-17-6 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board shall
 36 adopt rules under IC 4-22-2 **and IC 13-14-9** to establish protection
 37 zones around community water system wells.

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

42 (c) The department shall establish and operate a program of

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1 education and assistance to local officials in developing and managing
2 well field protection zones.

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

- 6 (1) an owner of land;
- 7 (2) a mineral owner; or
- 8 (3) a mineral leaseholder of record;

9 unless the owner or leaseholder is sent written notice of, and has an
10 opportunity to be heard on, the establishment of the zone and the
11 construction of the community public water system that caused the
12 establishment of the zone.

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

16 SECTION 174. IC 13-18-17-7 IS REPEALED [EFFECTIVE
17 JULY 1, 2026]. ~~Sec. 7: (a) The board shall adopt rules under IC 4-22-2~~
18 ~~for the construction and monitoring of surface impoundments,~~
19 ~~including pits, ponds, and lagoons, used for the storage or treatment of~~
20 ~~nonhazardous waste and wastewater.~~

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

23 SECTION 175. IC 13-18-27-1 IS REPEALED [EFFECTIVE
24 JULY 1, 2026]. ~~Sec. 1: As used in this chapter, "327 IAC 15-5" refers~~
25 ~~to the administrative rule of the environmental rules board in effect on~~
26 ~~March 25, 2019, concerning storm water runoff associated with~~
27 ~~construction activity.~~

28 SECTION 176. IC 13-18-27-3, AS ADDED BY P.L.248-2019,
29 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2026]: Sec. 3. As used in this chapter, "construction plan"
31 means a written plan that:

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

41 SECTION 177. IC 13-18-27-9, AS ADDED BY P.L.248-2019,
42 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2026]: Sec. 9. As used in this chapter, "project site owner"
 2 means the person required to comply with ~~327 IAC 15-5~~; the general
 3 permit, or the applicable ordinance of an MS4 community with respect
 4 to a construction project. The term includes the following:

5 (1) A developer.

6 (2) A person who has financial and operational control of
 7 construction activities and construction project plans and
 8 specifications, including the ability to make modifications to
 9 those plans and specifications.

10 SECTION 178. IC 13-18-27-15, AS ADDED BY P.L.248-2019,
 11 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2026]: Sec. 15. (a) Except as provided in subsection (b), an
 13 MS4 community may not require erosion and sediment control
 14 measures that are more stringent than the erosion and sediment control
 15 measures required by ~~327 IAC 15-5~~ or the general permit.

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

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

26 (2) the review authority to which a construction plan for a very
 27 small construction activity site is submitted is subject to the time
 28 limit set forth in section 16 of this chapter for notifying the
 29 project site owner of the review authority's preliminary
 30 determination concerning the construction plan.

31 SECTION 179. IC 13-18-27-16, AS ADDED BY P.L.248-2019,
 32 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2026]: Sec. 16. (a) A review authority to which a construction
 34 plan is submitted must make a preliminary determination whether the
 35 construction plan is substantially complete before the end of:

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

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

42 (b) If a review authority to which a construction plan is submitted

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- 1 under subsection (a):
- 2 (1) makes a preliminary determination that the construction plan
- 3 is substantially complete; and
- 4 (2) notifies the project site owner of its favorable preliminary
- 5 determination;
- 6 before the end of the tenth ~~working~~ **business** day after the day on which
- 7 the construction plan is submitted to the review authority, in the case
- 8 of a small or very small construction activity site, or the fourteenth
- 9 ~~working~~ **business** day after the day on which the construction plan is
- 10 submitted to the review authority, in the case of a large construction
- 11 activity site, the project site owner may submit a notice of intent letter
- 12 including the information required by ~~327 IAC 15-5-5~~ or the general
- 13 permit and, forty-eight (48) hours after submission of the notice of
- 14 intent letter, may begin the construction project, including the land
- 15 disturbing activities of the construction project.
- 16 (c) If a review authority to which a construction plan for a small
- 17 or very small construction activity site or a large construction activity
- 18 site is submitted under subsection (a) does not notify the project site
- 19 owner before the end of the tenth ~~working~~ **business** day after the day
- 20 on which the construction plan is submitted to the review authority, in
- 21 the case of a small or very small construction activity site, or the
- 22 fourteenth ~~working~~ **business** day after the day on which the
- 23 construction plan is submitted to the review authority, in the case of a
- 24 large construction activity site, of its preliminary determination as to
- 25 whether the construction plan is substantially complete, the project site
- 26 owner may submit a notice of intent letter including the information
- 27 required by ~~327 IAC 15-5-5~~ or the general permit and, forty-eight (48)
- 28 hours after submission of the notice of intent letter, may begin the
- 29 construction project, including the land disturbing activities of the
- 30 construction project.
- 31 (d) If a review authority to which a construction plan is submitted
- 32 under subsection (a) notifies the project site owner before the end of
- 33 the tenth ~~working~~ **business** day after the day on which the construction
- 34 plan is submitted to the review authority, in the case of a small or very
- 35 small construction activity site, or the fourteenth ~~working~~ **business** day
- 36 after the day on which the construction plan is submitted to the review
- 37 authority, in the case of a large construction activity site, of its
- 38 preliminary determination that the construction plan is not substantially
- 39 complete, the project site owner may not submit a notice of intent letter
- 40 until the review authority makes a conclusive favorable determination
- 41 concerning the construction plan under ~~327 IAC 15-5~~; the general
- 42 permit or the applicable ordinance of the MS4 community.

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

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

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

8 the land disturbing activities of the construction project must stop when
9 the review authority notifies the project site owner of the review
10 authority's conclusive unfavorable determination concerning the
11 construction plan.

12 SECTION 180. IC 13-19-1-2, AS AMENDED BY P.L.97-2016,
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2026]: Sec. 2. (a) The goal of the state is to encourage solid
15 waste source reduction, recycling, and other alternatives to conserve
16 environmental resources.

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

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

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

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

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

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

26 SECTION 181. IC 13-19-3-1, AS AMENDED BY P.L.120-2022,
27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2026]: Sec. 1. ~~(a)~~ The board shall do the following:

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

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

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

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

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

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

5 (b) Until the amendments to 40 CFR 261 published by the United
6 States Environmental Protection Agency in the Federal Register at 83
7 FR 24664 et seq. are adopted by rule by the board under subsection
8 (a)(4), those amendments apply to the identification and listing of
9 hazardous waste in Indiana just as if the amendments were
10 incorporated by reference in 329 IAC 3.1-6-1.

11 SECTION 182. IC 13-19-3-3, AS AMENDED BY P.L.249-2023,
12 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2026]: Sec. 3. (a) As used in this section and section 3.1 of
14 this chapter, "coal combustion residuals" means fly ash, bottom ash,
15 boiler slag, and flue gas desulfurization materials generated from
16 burning coal for the purpose of generating electricity by electric
17 utilities and independent power producers.

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

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

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

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

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

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

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

40 (d) The department shall do the following:

41 (1) Establish a state permit program under Section 2301 of the
42 federal Water Infrastructure Improvements for the Nation Act

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

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1 hundred sixty-five (365) days after the initial one (1) time permit
 2 fee established by subdivision (1) has been assessed.
 3 (3) An annual fee of ten thousand dollars (\$10,000) for each
 4 surface impoundment of coal combustion residuals regulated
 5 under the state permit program that has been closed and for
 6 which post-closure care has been initiated and is still required in
 7 accordance with Section 257.104 of the federal CCR rule. The
 8 duty to pay the fee established by this subdivision does not apply
 9 on an annual basis until three hundred sixty-five (365) days after
 10 the initial one (1) time permit fee established by subdivision (1)
 11 has been assessed.

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

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

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

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

24 (k) Upon the effective date that the board adopts rules to
 25 implement the federal CCR rule and subject to subsection (i), annual
 26 fees for CCR landfills that were previously regulated as restricted waste
 27 sites shall be deposited in the CCR program fund established by section
 28 3.2 of this chapter.

29 SECTION 183. IC 13-19-3-3.1, AS ADDED BY P.L.120-2022,
 30 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2026]: Sec. 3.1. Except as provided in section 3(c) of this
 32 chapter, the rules adopted under ~~section 1(a)(1)~~ **section 1(1)** of this
 33 chapter may not regulate the following:

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

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

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

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

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

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

22 SECTION 184. IC 13-19-3-7, AS AMENDED BY P.L.133-2012,
 23 SECTION 133, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~The department and the board~~
 25 ~~shall allow a person~~ **A permit is not required** to use foundry sand that
 26 meets Type III criteria under 329 IAC 10-9 for the following activities:
 27 ~~in accordance with guidance without requiring the person to obtain any~~
 28 ~~permits from the department:~~

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

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

28 SECTION 185. IC 13-19-3-9, AS ADDED BY P.L.189-2005,
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2026]: Sec. 9. (a) This section does not apply to an expansion
 31 of a solid waste landfill:

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

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

39 SECTION 186. IC 13-19-4-6, AS AMENDED BY P.L.154-2005,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2026]: Sec. 6. Before making a determination to deny an
 42 application for the issuance, transfer, or major modification of a permit

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1 under section 5 of this chapter, the commissioner ~~shall~~ **may** consider
2 the following mitigating factors:
3 (1) The nature and details of the acts attributed to the applicant
4 or responsible party.
5 (2) With respect to:
6 (A) a civil or an administrative complaint referred to in
7 section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2)
8 (before its repeal); or
9 (B) a criminal complaint referred to in section 5(a)(3) of
10 this chapter or IC 13-7-10.2-4(a)(3) (before its repeal);
11 whether the matter has been resolved.
12 (3) With respect to:
13 (A) a civil or an administrative complaint referred to in
14 section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2)
15 (before its repeal);
16 (B) a criminal complaint referred to in section 5(a)(3) of
17 this chapter or IC 13-7-10.2-4(a)(3) (before its repeal); or
18 (C) a judgment of conviction referred to in section 5(a)(4)
19 of this chapter or IC 13-7-10.2-4(a)(4);
20 whether any appeal is pending.
21 (4) The degree of culpability of the applicant or responsible
22 party.
23 (5) The applicant's or responsible party's cooperation with the
24 state or federal agencies involved in the investigation of the
25 activities involved in complaints and convictions referred to in
26 section 5(a)(2) through 5(a)(5) of this chapter or
27 IC 13-7-10.2-4(a)(2) through IC 13-7-10.2-4(a)(5) (before their
28 repeal).
29 (6) The applicant's or responsible party's dissociation from any
30 other persons or entities convicted of acts referred to in section
31 5(a)(2) through 5(a)(5) of this chapter or IC 13-7-10.2-4(a)(2)
32 through IC 13-7-10.2-4(a)(5) (before their repeal).
33 (7) Prior or subsequent self-policing or internal education
34 programs established by the applicant to prevent activities
35 referred to in section 5(a) of this chapter or IC 13-7-10.2-4(a)
36 (before its repeal).
37 (8) Whether the best interests of the public will be served by
38 denial of the permit.
39 (9) Any demonstration of good citizenship by the applicant or
40 responsible party.
41 SECTION 187. IC 13-19-4-9 IS REPEALED [EFFECTIVE JULY
42 1, 2026]. ~~Sec. 9: IC 4-21-5 governs determinations; notice; hearings;~~

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1 and appeal of determinations under this chapter.

2 SECTION 188. IC 13-20-1-5 IS REPEALED [EFFECTIVE JULY
3 1, 2026]. Sec. 5: The board shall adopt rules under IC 4-22-2 and
4 IC 13-14-9 to implement this chapter.

5 SECTION 189. IC 13-20-3-5 IS REPEALED [EFFECTIVE JULY
6 1, 2026]. Sec. 5: The board shall adopt rules under IC 4-22-2 and
7 IC 13-14-9 to implement this chapter.

8 SECTION 190. IC 13-20-6-9 IS REPEALED [EFFECTIVE JULY
9 1, 2026]. Sec. 9: The board shall adopt rules under IC 4-22-2 to
10 implement this chapter.

11 SECTION 191. IC 13-20-8-1, AS AMENDED BY P.L.133-2012,
12 SECTION 139, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall adopt rules under
14 IC 4-22-2 and IC 13-14-9 to regulate the construction and operation of
15 incinerators under IC 13-14-8. **The Any rules adopted by the board
16 for the construction and operation of incinerators under
17 IC 13-14-8** must incorporate by reference pertinent rules adopted by
18 the board concerning air pollution control.

19 SECTION 192. IC 13-20-10.5-1, AS ADDED BY P.L.189-2011,
20 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2026]: Sec. 1. (a) A person may not after June 30, 2011, start:

22 (1) construction of:

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

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

25 (2) expansion of:

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

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

28 without obtaining prior approval of the department.

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

35 SECTION 193. IC 13-20-10.5-2, AS ADDED BY P.L.189-2011,
36 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2026]: Sec. 2. **Except as provided in section 3 of this chapter,**
38 **a biomass An** anaerobic digestion facility or a **biomass** gasification
39 facility for which the only input is biomass is not subject to regulation
40 as a solid waste processing facility.

41 SECTION 194. IC 13-20-10.5-3 IS REPEALED [EFFECTIVE
42 JULY 1, 2026]. Sec. 3: The department may determine that a biomass

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1 anaerobic digestion facility or a biomass gasification facility for which
 2 the input is a combination of biomass and solid waste is subject to
 3 regulation as a solid waste processing facility.

4 SECTION 195. IC 13-20-10.5-3.5, AS ADDED BY P.L.27-2024,
 5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2026]: Sec. 3.5. (a) The department shall make a
 7 determination under section 1 of this chapter concerning prior approval
 8 for the construction or expansion of a **biomass an** anaerobic digestion
 9 facility or **biomass** gasification facility for which the only **input is**
 10 **biomass inputs are biomass or appropriate feedstock** not later than
 11 ninety (90) days after the date on which the department receives the
 12 completed application for prior approval, including all required
 13 supplemental information, unless the department and the applicant
 14 agree to a longer time.

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

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

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

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

26 SECTION 196. IC 13-20-13-3 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The
 28 commissioner shall issue a waste tire storage site or waste tire
 29 processing operation certificate of registration to a person that owns or
 30 operates a waste tire storage site or waste tire processing operation if
 31 the person complies with the requirements of this chapter and rules
 32 adopted by the board under section 11 of this chapter.

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

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

- 37 (1) this chapter; and
- 38 (2) rules adopted by the board under this chapter;

39 including a compliance schedule.

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

- 42 (1) the application is incomplete;

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

7 SECTION 197. IC 13-20-13-5, AS AMENDED BY P.L.37-2012,
 8 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2026]: Sec. 5. A person that obtains a certificate of
 10 registration under section 3 of this chapter must do the following:

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

30 SECTION 198. IC 13-20-13-8, AS AMENDED BY P.L.37-2012,
 31 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2026]: Sec. 8. (a) Except as provided in subsection (d)(2),
 33 (d)(3), (d)(6), and (d)(7), the waste tire management fund is established
 34 for the following purposes:

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

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- 1 (A) provide grants and loans under section 9(b) of this
- 2 chapter to entities involved in waste tire management
- 3 activities; and
- 4 (B) pay the expenses of administering the programs
- 5 described in:
- 6 (i) subdivision (1)(B); and
- 7 (ii) clause (A).
- 8 (b) The expenses of administering the fund shall be paid from
- 9 money in the fund.
- 10 (c) Money in the fund at the end of a state fiscal year does not
- 11 revert to the state general fund.
- 12 (d) Sources of money for the fund are the following:
- 13 (1) Fees paid under section 4(a)(6) of this chapter and
- 14 IC 13-20-14-5(c).
- 15 (2) Fees collected under section 7 of this chapter. All money
- 16 deposited in the fund under this subdivision may be used by the
- 17 department for waste reduction, recycling, removal, or
- 18 remediation projects.
- 19 (3) Costs and damages recovered from a person or other entity
- 20 under section 14 of this chapter or IC 13-20-14-8. All money
- 21 deposited in the fund under this subdivision may be used by the
- 22 department for removal and remediation projects.
- 23 (4) Fees established by the general assembly for the purposes of
- 24 this chapter.
- 25 (5) Appropriations made by the general assembly.
- 26 (6) Gifts and donations intended for deposit in the fund. A gift
- 27 or donation deposited in the fund under this subdivision may be
- 28 specified to be entirely for the use of the department.
- 29 (7) Civil penalties collected under IC 13-30-4 for violations of:
- 30 (A) this chapter;
- 31 (B) IC 13-20-14; and
- 32 (C) rules adopted under section 11 of this chapter. ~~and~~
- 33 ~~IC 13-20-14-6.~~
- 34 All money deposited in the fund under this subdivision may be
- 35 used by the department for eligible projects.
- 36 SECTION 199. IC 13-20-13-11, AS AMENDED BY P.L.27-2020,
- 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2026]: Sec. 11. (a) ~~The board shall adopt rules under~~
- 39 ~~IC 4-22-2 and IC 13-14-8 necessary to implement this chapter.~~
- 40 (b) **(a) The Any rules adopted under this section by the board for**
- 41 **waste tires and used tires** must include the following:
- 42 (1) Requirements for the registration of waste tire storage sites

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1 and waste tire processing operations.

2 (2) Requirements concerning the following:

3 (A) The operation of waste tire storage sites and waste tire
4 processing operations.

5 (B) Proper storage and processing of waste tires.

6 (C) Contingency plans concerning the minimization of
7 hazards to human health and the environment at waste tire
8 storage sites and waste tire processing operations.

9 (D) Record keeping guidelines concerning the quantity of
10 waste tires stored and processed at waste tire storage sites
11 and waste tire processing operations.

12 (E) The transportation of waste tires and loads containing
13 any combination of both waste tires and used tires.

14 (F) Reporting requirements concerning the transportation
15 of:

16 (i) waste tires; and

17 (ii) loads containing any combination of both waste
18 tires and used tires;

19 that include evidence of proper end point disposal or
20 processing of tires described in this clause.

21 (3) Financial assurance acceptable to the department necessary
22 for waste tire removal that a person that operates a waste tire
23 storage site must maintain. The rules shall provide for the use of
24 a corporate financial test that is substantially similar to the
25 corporate financial test set forth in 40 CFR 258.74(e) as an
26 optional financial assurance mechanism.

27 (4) The establishment of the fee required by section 4(a)(6) of
28 this chapter in an amount necessary to cover the costs incurred
29 in the following:

30 (A) Registering waste tire storage sites and waste tire
31 processing operations under this chapter.

32 (B) Administering this chapter.

33 ~~(e)~~ (b) The rules adopted under this section may establish
34 standards and procedures for the legitimate use, instead of disposal, of
35 waste tires, including standards and procedures concerning the
36 following:

37 (1) Proper storage and handling.

38 (2) Record keeping.

39 (3) Circumstances under which the use of a waste tire is not
40 considered a legitimate use.

41 SECTION 200. IC 13-20-14-1, AS AMENDED BY P.L.133-2012,
42 SECTION 145, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as provided in:

2 (1) rules adopted under subsection (d); and

3 (2) section 10 of this chapter;

4 a whole waste tire may not be disposed of at a solid waste landfill.

5 (b) The department may approve shredded or ground up tires for
6 use as daily cover for a solid waste landfill.

7 (c) Material approved under subsection (b) is exempt from
8 IC 13-20-22 and IC 13-21-13.

9 (d) The board ~~shall~~ **may** adopt rules that allow for the incidental
10 disposal of small amounts of whole waste tires at solid waste landfills.

11 (e) The rules adopted under subsection (d) may allow a landfill
12 operator to meet the requirements of the rule by employing procedures
13 designed to achieve the objectives of subsection (d) in lieu of a numeric
14 standard.

15 SECTION 201. IC 13-20-14-5, AS AMENDED BY P.L.37-2012,
16 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2026]: Sec. 5. (a) A person may not act as a waste tire
18 transporter, as defined in IC 13-11-2-252, unless the person is
19 registered with the department as a waste tire transporter. To apply for
20 a certificate of registration as a waste tire transporter, a person must
21 submit the following to the department:

22 (1) The person's name.

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

24 (3) The addresses of any offices maintained by the person in
25 Indiana.

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

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

32 (B) a negotiable certificate of deposit; or

33 (C) a negotiable letter of credit;

34 payable to the department and conditional upon faithful
35 performance of the requirements of this chapter and the
36 registration.

37 (b) ~~The rules adopted under section 6 of this chapter~~ **department**
38 **must** adopt a manifest form and require a waste tire transporter to
39 prepare and carry a manifest based upon that form each time a waste
40 tire transporter transports waste tires. The format and wording of the
41 form must require a waste tire transporter to enter information in each
42 manifest indicating the source and number of waste tires to be

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1 transported and the destination to which the waste tires are transported.

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

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

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

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

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

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

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

21 (1) this chapter; and

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

23 including a compliance schedule.

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

26 (1) the application is incomplete;

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

28 (A) this chapter;

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

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

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

33 SECTION 202. IC 13-20-14-5.6, AS AMENDED BY
34 P.L.128-2024, SECTION 27, IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.6. (a) A certificate of
36 registration issued by the department under this chapter may be
37 revoked or modified by the commissioner, or by a designated staff
38 member of the department, after notification in writing is sent in
39 accordance with IC 13-14-2-1 to the holder of the certificate, for:

40 (1) failure to disclose all relevant facts;

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

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

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

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

14 SECTION 203. IC 13-20-14-6 IS REPEALED [EFFECTIVE
 15 JULY 1, 2026]. ~~Sec. 6. The board shall adopt rules under IC 4-22-2 and~~
 16 ~~IC 13-14-9 to implement this chapter.~~

17 SECTION 204. IC 13-20-14-9.5, AS AMENDED BY
 18 P.L.133-2012, SECTION 147, IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9.5. (a) Except as
 20 provided in rules adopted under subsection (c), an operator of a transfer
 21 station shall remove whole waste tires present in solid waste that is
 22 being transferred from a vehicle or container to another vehicle or
 23 container at the transfer station.

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

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

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

32 SECTION 205. IC 13-20-15-1, AS AMENDED BY P.L.133-2012,
 33 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall administer
 35 and implement this chapter to protect the public health, safety, and
 36 welfare from the toxic effects and environmental dangers of PCB. The
 37 board ~~shall~~ **may** adopt ~~the~~ rules ~~required by~~ **under** this chapter under
 38 IC 4-22-2 and IC 13-14-9.

39 SECTION 206. IC 13-20-15-3 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A person may
 41 apply to the commissioner for an exemption certificate on forms
 42 provided by the department. The department may require additional

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1 information or materials to accompany the application as considered
2 necessary for an accurate evaluation of the application.

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

- 5 (1) manufactured for sale;
6 (2) sold for use; or
7 (3) used by the person;

8 in the person's business if the item, product, or material contains
9 incidental concentrations of PCB.

10 (c) In granting a certificate of exemption, the commissioner ~~shall~~
11 **may** impose conditions on the exemption so that the exemption covers
12 only incidental concentrations of PCB.

13 SECTION 207. IC 13-20-17.7-4, AS ADDED BY P.L.170-2006,
14 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2026]: Sec. 4. (a) The commissioner shall do the following:

16 (1) Not more than thirty (30) days after receiving a plan
17 developed by a motor vehicle manufacturer or a group of motor
18 vehicle manufacturers under section 1 of this chapter, issue a
19 public notice of a period of at least thirty (30) days during which
20 the public may submit written comments on the plan to the
21 commissioner.

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

- 25 (A) if the entire plan complies with this chapter, approve
26 the plan in its entirety;
27 (B) if no part of the plan complies with this chapter, reject
28 the plan in its entirety; or
29 (C) if only part of the plan complies with this chapter,
30 approve that part and reject the rest of the plan.

31 (b) If a plan is approved in its entirety under subsection (a)(2)(A),
32 the motor vehicle manufacturers shall begin implementing the plan not
33 more than thirty (30) days after the date the plan is approved. If an
34 entire plan is rejected under subsection (a)(2)(B), the commissioner
35 shall inform the motor vehicle manufacturers why the plan was
36 rejected, and the manufacturers shall submit a new plan not more than
37 thirty (30) days after the commissioner informs the manufacturers that
38 the entire plan was rejected. If a plan is approved in part and rejected
39 in part under subsection (a)(2)(C), the manufacturers shall immediately
40 implement the approved part of the plan and submit a revision of the
41 rejected part of the plan not more than thirty (30) days after the
42 commissioner informs the manufacturers of the commissioner's partial

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1 approval. The commissioner shall make a determination on a revised
2 plan not more than thirty (30) days after receiving the revised plan.

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

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

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

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

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

15 SECTION 208. IC 13-20-22-1, AS AMENDED BY P.L.250-2019,
16 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2026]: Sec. 1. (a) A fee is imposed on the disposal or
18 incineration of solid waste in a final disposal facility in Indiana. Except
19 as provided in section 14 of this chapter, the amount of the fee is as
20 follows:

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

22 (2) For solid waste generated outside Indiana:

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

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

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

28 (1) generated outside Indiana; and

29 (2) disposed of or incinerated in a final disposal facility in
30 Indiana.

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

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

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

42 SECTION 209. IC 13-20-25-1, AS ADDED BY P.L.126-2014,

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1 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2026]: Sec. 1. The goal of the state is to recycle **or divert** at
3 least fifty percent (50%) of its municipal waste.

4 SECTION 210. IC 13-20-25-9, AS AMENDED BY P.L.147-2015,
5 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2026]: Sec. 9. (a) A recycler shall report the recycler's
7 recycling activities under this section. A recycler may elect to report
8 the recycler's recycling activities on an annual basis under subsection
9 (b). ~~or on a quarterly basis under subsection (c).~~

10 (b) A recycler ~~that elects to report on an annual basis shall; in~~
11 ~~2016 and each succeeding calendar year, before March 1; shall~~ submit
12 to the commissioner a completed recycling activity report concerning
13 the recycling activities conducted by the recycler during the calendar
14 year that ended on the most recent December 31.

15 (c) A recycler **may elect to report more frequently than is**
16 **required under subsection (a).** ~~that elects to report on a quarterly~~
17 ~~basis shall; for the July through September quarter of 2014 and each~~
18 ~~succeeding quarter, not more than thirty (30) days after the end of the~~
19 ~~quarter; submit to the commissioner a completed recycling activity~~
20 ~~report concerning the recycling activities conducted by the recycler~~
21 ~~during the quarter. A quarterly report submitted under this subsection~~
22 ~~must concern the recycling activities conducted by the recycler during~~
23 ~~the period of:~~

- 24 (1) July through September;
- 25 (2) October through December;
- 26 (3) January through March; or
- 27 (4) April through June.

28 (d) A recycler shall submit a separate recycling activity report
29 under this section for each reporting ~~period; whether annual or~~
30 ~~quarterly; period~~ for each facility:

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

33 during the reporting period.

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

38 SECTION 211. IC 13-20-25-10, AS AMENDED BY
39 P.L.104-2024, SECTION 34, IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) A person:

- 41 (1) who:
 - 42 (A) is not required to submit a recycling activity report

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- 1 under section 9 of this chapter; but
- 2 (B) recycled recyclable materials during a calendar year;
- 3 (2) who:
- 4 (A) meets the definition of "scrap metal processing facility"
- 5 set forth in IC 8-23-1-36;
- 6 (B) meets the definition of "automotive salvage recycler" set
- 7 forth in IC 9-13-2-10;
- 8 (C) meets the definition of "recycling facility" set forth in
- 9 IC 9-13-2-150.3;
- 10 (D) is engaged in business subject to IC 9-22-3;
- 11 (E) meets the definition of "automotive salvage rebuilder"
- 12 set forth in IC 9-32-2.1-5;
- 13 (F) meets the definition of "scrap metal processor" set forth
- 14 in IC 13-11-2-196.5;
- 15 (G) meets the definition of "core buyer" set forth in
- 16 IC 25-37.5-1-0.2; or
- 17 (H) meets the definition of "valuable metal dealer" set forth
- 18 in IC 25-37.5-1-1(b); or
- 19 (3) who:
- 20 (A) is not required to submit a recycling activity report
- 21 under section 9 of this chapter; but
- 22 (B) took action during a calendar year to recover, from the
- 23 solid waste stream, for purposes of:
- 24 (i) use or reuse;
- 25 (ii) conversion into raw materials; or
- 26 (iii) use in the production of new products;
- 27 materials that were not municipal waste;
- 28 may voluntarily submit a recycling activity report to the commissioner
- 29 concerning the person's recycling activity during the calendar year.
- 30 (b) The commissioner ~~shall~~ **may** include information reported to
- 31 the commissioner under this section in the annual reports that the
- 32 commissioner is required to submit under IC 4-23-5.5-6.
- 33 SECTION 212. IC 13-20-25-11, AS AMENDED BY THE
- 34 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL
- 35 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2026]: Sec. 11. (a) ~~Except as provided in subsection (b);~~ A
- 37 recycling activity report submitted to the commissioner under this
- 38 chapter must be submitted ~~on the uniform recycling activity report form~~
- 39 **posted in a format required** by the commissioner ~~on through~~ the
- 40 department's ~~Internet web site~~ **website.** ~~under section 12 of this~~
- 41 ~~chapter.~~
- 42 (b) ~~If a uniform recycling activity report form is not posted on the~~

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1 department's Internet web site by July 1 in a calendar year in which a
 2 recycler is required to submit a completed recycling activity report
 3 under section 9(a) of this chapter, the recycler may satisfy the recycler's
 4 duties under this chapter by submitting to the commissioner, by a letter
 5 postmarked before August 1 of the calendar year, the types of
 6 information about the recycler's recycling activities during the calendar
 7 year that are set forth in section 12 of this chapter.

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

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

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

12 **(B) principal business activities conducted at;**
 13 **the recycler's establishment.**

14 **(2) Include:**

15 **(A) an appropriate space for; and**

16 **(B) instructions requiring the completion of;**
 17 **an appropriate certification, by signature of the recycler (if**
 18 **the recycler is an individual) or a senior official with**
 19 **management responsibility for the recycler (if the recycler is**
 20 **not an individual), of the accuracy and completeness of the**
 21 **recycling activity report.**

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

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

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

27 **(4) Provide for reporting of the quantity, in tons, of each type**
 28 **of recyclable material listed in subsection (c) that was**
 29 **transported from the reporting recycler's establishment, or**
 30 **(in the case of a recycler that is a recyclable materials**
 31 **broker) that was transported or delivered by arrangement of**
 32 **the recycler, to any of the following:**

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

34 **(B) Persons that are located in Indiana but are not**
 35 **recyclers, including persons that may employ the**
 36 **recyclable material as a raw material or a new product**
 37 **without further recycling.**

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

39 **(c) A uniform recycling activity report form posted on the**
 40 **department's website under subsection (a) must specify that the**
 41 **information to be reported by a recycler under subsection (b)(3)**
 42 **and (b)(4) must be reported separately for each of the following**

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1 types of recyclable materials:

- 2 (1) Glass.
- 3 (2) Metal, including white goods (ferrous).
- 4 (3) Metal (nonferrous).
- 5 (4) Paper and paper products (all grades).
- 6 (5) Plastic and plastic products.
- 7 (6) Single stream recyclable materials.
- 8 (7) Any other distinct type of recyclable material not
- 9 specified in subdivisions (1) through (6).

10 SECTION 213. IC 13-20-25-12 IS REPEALED [EFFECTIVE
 11 JULY 1, 2026]. Sec. 12. (a) Not later than July 1, 2015, the
 12 commissioner shall post on the department's Internet web site a
 13 uniform recycling activity report form. The form must do the following:

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

- 6 (1) Glass:
- 7 (2) Metal, including white goods (ferrous):
- 8 (3) Metal (nonferrous):
- 9 (4) Paper and paper products (all grades):
- 10 (5) Plastic and plastic products:
- 11 (6) Single stream recyclable materials:
- 12 (7) Any other distinct type of recyclable material not specified
13 in subdivisions (1) through (6):

14 SECTION 214. IC 13-20-26-3, AS ADDED BY P.L.153-2023,
15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2026]: Sec. 3. To implement the second round of grants
17 described in this chapter, the Indiana recycling market development
18 board ~~shall~~ **may not** award ~~not~~ more than a total of two million dollars
19 (\$2,000,000) to applicants.

20 SECTION 215. IC 13-20.5-1-4, AS AMENDED BY
21 P.L.200-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person may not operate as
23 a collector of covered electronic devices from covered entities unless
24 the person:

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

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

33 SECTION 216. IC 13-20.5-1-5, AS AMENDED BY
34 P.L.200-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person may not recycle
36 covered electronic devices generated by covered entities unless the
37 person:

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

42 (b) A registered recycler may conduct recycling activities that are

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1 consistent with this article.

2 (c) A registration submitted under this section:

3 (1) is effective upon receipt by the department; and

4 (2) must be submitted for a program year not later than March 1
5 of the program year.

6 SECTION 217. IC 13-20.5-1-6, AS ADDED BY P.L.178-2009,
7 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2026]: Sec. 6. The department may revoke the registration of
9 a collector or recycler that violates either or both of the following:

10 (1) This article.

11 (2) ~~329 IAC 16.~~ **Rules established by the board.**

12 SECTION 218. IC 13-20.5-3-1, AS AMENDED BY
13 P.L.200-2017, SECTION 10, IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than
15 March 1 of each year, a manufacturer shall report to the department the
16 total weight in pounds of covered electronic devices that the
17 manufacturer:

18 (1) collected from eligible entities and recycled; or

19 (2) arranged to have collected from eligible entities and
20 recycled;

21 during the program year that ended on the immediately preceding
22 December 31.

23 (b) Not later than March 1 of each year, a manufacturer shall
24 report the following to the department:

25 (1) The number of recycling credits the manufacturer purchased
26 and sold during the program year that ended on the immediately
27 preceding December 31.

28 (2) The number of recycling credits possessed by the
29 manufacturer that the manufacturer intends to use in the
30 calculation of its variable recycling fee under IC 13-20.5-2-1.

31 (3) The number of recycling credits the manufacturer retained at
32 the beginning of the program year that began on the immediately
33 preceding January 1.

34 (4) The ~~amount~~ **weight** in pounds of covered electronic devices
35 that the manufacturer arranged for a recycler to collect and
36 recycle during the program year that ended on the immediately
37 preceding December 31 and that were not converted to recycling
38 credits.

39 SECTION 219. IC 13-20.5-3-2, AS AMENDED BY
40 P.L.200-2017, SECTION 11, IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. Not later than each
42 March 1, a recycler of covered electronic devices shall do the

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- 1 following:
- 2 (1) Report to the department separately the total weight in
- 3 pounds of covered electronic devices that were:
- 4 (A) recycled by the recycler; and
- 5 (B) taken by the recycler for final disposal;
- 6 during the program year that ended on the immediately
- 7 preceding December 31.
- 8 (2) Submit to the department a list of all collectors from whom
- 9 the recycler received covered electronic devices during the
- 10 program year that ended on the immediately preceding
- 11 December 31.
- 12 (3) Certify that the recycler has complied with IC 13-20.5-5 and
- 13 ~~329 IAC 16~~ **any applicable regulations** during the program year
- 14 that ended on the immediately preceding December 31.

15 SECTION 220. IC 13-20.5-4-1, AS AMENDED BY
 16 P.L.200-2017, SECTION 13, IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A manufacturer shall
 18 **do the following:**

- 19 (1) In each of the manufacturer's program years recycle or
- 20 arrange for the collection and recycling from covered entities of
- 21 an amount of covered electronic devices equal to at least sixty
- 22 percent (60%) of the total weight of the manufacturer's video
- 23 display devices sold to households as reported in the
- 24 manufacturer's registration for the program year under
- 25 IC 13-20.5-1-1(c)(4).
- 26 (2) **Conduct and document due diligence assessments of**
- 27 **collectors and recyclers with which the manufacturer**
- 28 **contracts to allow the manufacturer to comply with this**
- 29 **chapter.**
- 30 (3) **Maintain for three (3) years documentation showing that**
- 31 **all covered electronic devices:**
- 32 (A) recycled;
- 33 (B) partially recycled; or
- 34 (C) sent to downstream recycling operations by the
- 35 **manufacturer;**
- 36 **are recycled in compliance with this article.**
- 37 (4) **Provide the department with contact information for an**
- 38 **individual who can be contacted regarding the**
- 39 **manufacturer's activities under this article.**

40 SECTION 221. IC 13-20.5-4-2 IS REPEALED [EFFECTIVE
 41 JULY 1, 2026]. Sec. 2: (a) ~~A manufacturer shall conduct and document~~
 42 ~~due diligence assessments of collectors and recyclers with which the~~

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1 manufacturer contracts to allow the manufacturer to comply with this
2 chapter.

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

7 SECTION 222. IC 13-20.5-4-3 IS REPEALED [EFFECTIVE
8 JULY 1, 2026]. Sec. 3: A manufacturer shall provide the department
9 with contact information for an individual who can be contacted
10 regarding the manufacturer's activities under this article.

11 SECTION 223. IC 13-20.5-7-3, AS ADDED BY P.L.178-2009,
12 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2026]: Sec. 3. If the revenues in the electronic waste fund
14 established by IC 13-20.5-2-3 exceed the amount that the department
15 determines is necessary for efficient and effective administration of this
16 article, the department shall recommend to the general assembly in a
17 report submitted in an electronic format under IC 5-14-6 that:

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

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

21 be lowered to reduce revenues collected in the subsequent state fiscal
22 year by the estimated amount of the excess: **report to the standing
23 committees with subject matter jurisdiction over environmental
24 affairs for both the house of representatives and the senate.**

25 SECTION 224. IC 13-20.5-7-10 IS REPEALED [EFFECTIVE
26 JULY 1, 2026]. Sec. 10: (a) Solid waste management districts shall
27 conduct educational programs to provide information to the public
28 concerning:

29 (1) reuse and recycling of electronic waste;

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

32 (3) proper disposal of electronic waste.

33 (b) The department, with assistance from solid waste management
34 districts and other appropriate persons, shall provide solid waste
35 management districts with a curriculum model that includes
36 educational core principles concerning the reuse, recycling, collection,
37 and proper disposal of solid waste. Solid waste management districts
38 shall implement educational programs that meet the minimum
39 standards established by the department in the curriculum model.

40 SECTION 225. IC 13-21-1-1 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The commissioner:
42 shall do the following:

SB 277—LS 6849/DI 150



- 1 (1) **shall** adopt the state plan in final form; **and**
- 2 (2) **may** adopt rules under IC 4-22-2 to provide for the plan's
- 3 implementation.

4 SECTION 226. IC 13-21-1-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The state plan must
 6 provide for solid waste management in Indiana for the twenty (20)
 7 years following the adoption of the state plan. The state plan ~~must~~ **may**
 8 include the following, in order of priority:

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

21 SECTION 227. IC 13-21-1-3 IS REPEALED [EFFECTIVE JULY
 22 1, 2026]. Sec. 3. ~~Revisions of the state plan must be implemented using~~
 23 ~~the procedures set forth in section 4 of this chapter.~~

24 SECTION 228. IC 13-21-1-4, AS ADDED BY P.L.37-2012,
 25 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2026]: Sec. 4. (a) ~~In 2015 and every fifth year thereafter,~~ The
 27 legislative council ~~shall~~ **may** require an interim study committee or a
 28 statutory study committee to:

- 29 (1) assess solid waste management districts; and
- 30 (2) determine whether any changes should be made to the
- 31 statutes governing solid waste management districts.
- 32 (b) An interim study committee or a statutory study committee that
- 33 assesses solid waste management districts under subsection (a) shall
- 34 issue a final report, in an electronic format under IC 5-14-6, to the
- 35 legislative council containing the committee's findings and
- 36 recommendations, including any recommended legislation, not later
- 37 than November 1 of the year in which an assessment is conducted.

38 SECTION 229. IC 13-21-13-1, AS AMENDED BY P.L.104-2022,
 39 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2026]: Sec. 1. (a) A board may impose fees on the disposal of
 41 solid waste in a final disposal facility located within the district. A fee
 42 imposed by a board in a county with a population of more than one

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1 hundred twelve thousand (112,000) and less than one hundred twenty
2 thousand (120,000) under this section may not exceed two dollars and
3 fifty cents (\$2.50) a ton. A fee imposed by a board in other counties
4 under this section may not exceed:

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

9 whichever is greater.

10 (b) The board shall do the following:

- 11 (1) Set the amount of fees imposed under this section after a
12 public hearing.
- 13 (2) Give public notice of the hearing.

14 (c) If solid waste has been subject to a district fee under this
15 section, the total amount of the fee that was paid shall be credited
16 against a district fee to which the solid waste may later be subject
17 under this section.

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

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

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

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

30 SECTION 230. IC 13-22-2-2 IS REPEALED [EFFECTIVE JULY
31 1, 2026]. ~~Sec. 2: The board shall adopt rules under IC 4-22-2 and~~
32 ~~IC 13-14-9 to implement this chapter through IC 13-22-8;~~
33 ~~IC 13-22-11.5; and IC 13-22-13 through IC 13-22-14.~~

34 SECTION 231. IC 13-22-2-3, AS AMENDED BY P.L.93-2024,
35 SECTION 118, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The board ~~shall adopt rules~~
37 ~~under IC 4-22-2 and IC 13-14-8 to~~ **may** develop criteria for
38 determining hazardous waste. In developing ~~those~~ criteria **for**
39 **determining hazardous waste**, the board shall determine whether any
40 waste to be or being disposed of meets any of the following conditions:

- 41 (1) Presents immediate or persistent hazards to humans or
42 wildlife.

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- 1 (2) Is resistant to natural degradation or detoxification.
- 2 (3) Is bioconcentrative, flammable, reactive, toxic, corrosive, or
- 3 infectious in addition to any other harmful characteristics.
- 4 (b) The board shall do the following:
- 5 (1) Compile and maintain a listing of wastes that have been
- 6 determined to be hazardous:
- 7 (A) under the criteria described in subsection (a); or
- 8 (B) by regulation of the United States Environmental
- 9 Protection Agency.
- 10 (2) Issue the listing by adopting rules under IC 4-22-2.
- 11 ~~(c)~~ (3) ~~The board shall~~ Consider actions taken by adjoining states
- 12 and the federal government for purposes of uniform criteria
- 13 relating to the listing and delisting of waste under this section.
- 14 ~~(d)~~ (c) The commissioner may exclude a waste produced at a
- 15 particular generating facility from the listing under subsection (b) if the
- 16 person seeking exclusion of the waste demonstrates to the satisfaction
- 17 of the commissioner that the waste does not meet any of the criteria
- 18 under which the waste was listed as a hazardous waste and:
- 19 (1) the person seeking exclusion has already obtained exclusion
- 20 of the waste from the listing maintained under 40 CFR 261 by
- 21 the United States Environmental Protection Agency; or
- 22 (2) if the department has received authority from the United
- 23 States Environmental Protection Agency to delist waste under 40
- 24 CFR 260.20 and 260.22, the person petitions the commissioner
- 25 to consider the removal of a waste from the listing, and the
- 26 commissioner follows the authorized procedure for delisting.
- 27 ~~(e)~~ (d) The department shall establish a procedure by which a
- 28 person may petition the commissioner to consider the removal of a
- 29 specific waste from the lists maintained under subsection (b).
- 30 SECTION 232. IC 13-22-2-4 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall
- 32 adopt rules under IC 4-22-2 and IC 13-14-8 on the proper and safe
- 33 transportation, treatment, storage, and disposal of hazardous wastes.
- 34 Whenever possible, the rules adopted under this section must allow for
- 35 variation in Indiana with regard to population density, climate, and
- 36 geology.
- 37 (b) Rules adopted under this section concerning incinerators used
- 38 as hazardous waste facilities may establish requirements more stringent
- 39 than the requirements for hazardous waste incinerators established by
- 40 regulations adopted by the Administrator of the United States
- 41 Environmental Protection Agency under the following statutes:
- 42 (1) The federal Resource Conservation and Recovery Act (42

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1 U.S.C. 6901 et seq.).
 2 (2) The federal Clean Air Act (42 U.S.C. 7401 et seq.), as
 3 amended by the federal Clean Air Act Amendments of 1990
 4 (P.L.101-549). **amended.**
 5 SECTION 233. IC 13-22-2-6 IS REPEALED [EFFECTIVE JULY
 6 1, 2026]. Sec. 6: The board shall do the following:
 7 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 setting standards
 8 for closure and postclosure monitoring and maintenance plans.
 9 (2) Include in the rules a requirement for prior notice of closure
 10 and a time limit for completion of closure.
 11 SECTION 234. IC 13-22-2-7, AS AMENDED BY P.L.133-2012,
 12 SECTION 151, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2026]: Sec. 7. The board shall adopt rules under
 14 ~~IC 4-22-2 and IC 13-14-9 setting~~ **may set** standards for corrective
 15 action for all releases of hazardous waste or constituents from any solid
 16 waste management unit at a hazardous waste facility. ~~The Any~~
 17 standards **adopted by the board** must require that corrective action be
 18 taken beyond the facility boundary where necessary to protect human
 19 health and the environment, unless the owner or operator of the facility
 20 concerned demonstrates to the satisfaction of the commissioner that,
 21 despite the best efforts of the owner or operator, the owner or operator
 22 is unable to obtain the necessary permission to undertake that action.
 23 The rules adopted under this section apply to the following:
 24 (1) All facilities operating under permits issued under
 25 IC 13-22-3. ~~or IC 13-7-8.5 (before its repeal).~~
 26 (2) All landfills, surface impoundments, and waste piles,
 27 including any new units, replacements of existing units, and
 28 lateral expansions of existing units, that receive hazardous waste
 29 after July 26, 1982.
 30 SECTION 235. IC 13-22-3-3 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Before allowing
 32 the operation of a landfill for the disposal of hazardous waste, the
 33 commissioner and all the owners of the land upon which the landfill is
 34 located must execute and record a restrictive covenant upon the land
 35 involved. The department shall file the instrument imposing the
 36 restrictive covenant for record in the recorder's office in the county in
 37 which the landfill is located.
 38 (b) The covenant must state that:
 39 (1) the land has been or may be used as a landfill for disposal of
 40 hazardous waste; and
 41 (2) neither the property owners, agents, or employees, nor any of
 42 their heirs, successors, lessees, or assignees, may engage in

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1 filling, grading, excavating, building, drilling, or mining on the
 2 property following the completion and closure of the landfill
 3 without authorization of the commissioner.
 4 (c) Before the commissioner grants an authorization for the
 5 activities prohibited in the covenant, the commissioner shall ~~review~~
 6 **consider** the following:
 7 (1) The original design of the landfill.
 8 (2) The type of operation.
 9 (3) The hazardous waste deposited there.
 10 (4) The state of decomposition of the hazardous wastes.
 11 SECTION 236. IC 13-22-7.5-1, AS ADDED BY P.L.172-2005,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2026]: Sec. 1. This chapter applies to a person that transports:
 14 (1) a chemical munition ~~referred to in 329 IAC 3-1-6-3, as in~~
 15 ~~effect on January 1, 2005; as defined in IC 13-11-2-25; or~~
 16 (2) hazardous waste derived from the bulk neutralization and
 17 destruction of the agent VX referred to in IC 13-11-2-25(6).
 18 SECTION 237. IC 13-22-8-1, AS AMENDED BY P.L.133-2012,
 19 SECTION 152, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board ~~shall~~ **may** adopt
 21 rules under IC 4-22-2 and IC 13-14-9 on standards of financial
 22 responsibility for the following:
 23 (1) Closure.
 24 (2) Postclosure monitoring at hazardous waste facilities.
 25 (3) Any required corrective action at those facilities.
 26 (b) ~~The~~ **Any** rules adopted under this section must reflect the
 27 provisions for financial responsibility prescribed by section 2 of this
 28 chapter.
 29 SECTION 238. IC 13-22-11-1 IS REPEALED [EFFECTIVE
 30 JULY 1, 2026]. Sec. 1. (a) ~~The office shall do the following:~~
 31 ~~(1) Continuously gather information on secondary material~~
 32 ~~utilization or waste reduction practices and technology from~~
 33 ~~sources within and outside Indiana.~~
 34 ~~(2) Provide information and advice on secondary material~~
 35 ~~utilization or waste reduction in response to a request from a~~
 36 ~~business or business organization that is active in Indiana.~~
 37 (b) ~~In the absence of a request, the office may, at the direction of~~
 38 ~~the commissioner, present advice on secondary material utilization or~~
 39 ~~waste reduction to a business that:~~
 40 ~~(1) is active in Indiana; and~~
 41 ~~(2) in the judgment of the commissioner, could:~~
 42 (A) significantly reduce;

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1 (B) eliminate; or
 2 (C) avoid;
 3 the generation and disposal of hazardous waste through waste
 4 reduction or secondary material utilization under IC 13-22-11.5.
 5 The office shall study the information to be presented with advice
 6 under this subsection.

7 SECTION 239. IC 13-22-11-2 IS REPEALED [EFFECTIVE
 8 JULY 1, 2026]. Sec. 2: In directing the office to present advice to
 9 businesses under section 1(b) of this chapter, the commissioner shall
 10 establish a priority among types of businesses according to the
 11 following:

- 12 (1) The degree or magnitude of waste reduction that could be
 13 achieved by a type of business, in comparison to the waste
 14 reduction that could be achieved by other businesses.
- 15 (2) The financial and technical feasibility of the waste reduction
 16 practices and technologies available to various types of
 17 businesses.
- 18 (3) The statewide waste reduction impact likely to be achieved
 19 through presenting advice to a type of business due to the
 20 prevalence of that type of business in Indiana.
- 21 (4) Any other factors that, in the judgment of the commissioner,
 22 may affect the overall effectiveness of the office in promoting
 23 waste reduction in Indiana.

24 SECTION 240. IC 13-23-1-2, AS AMENDED BY P.L.38-2012,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2026]: Sec. 2. (a) The board shall adopt rules under IC 4-22-2,
 27 IC 13-14-8, and IC 13-14-9 for the establishment and operation of the
 28 program established under section 1 of this chapter.

29 (b) (a) **The Any rules adopted by the board establishing and**
 30 **operating the program established under section 1 of this chapter**
 31 must not be less stringent than the regulations adopted by the
 32 Administrator of the United States Environmental Protection Agency
 33 under Section 9003 of the federal Solid Waste Disposal Act, as
 34 amended (42 U.S.C. 6991b, as amended).

35 (c) (b) **The rules adopted under subsection (a) section 1 of this**
 36 **chapter** must include the following:

- 37 (1) Requirements for maintaining:
 - 38 (A) a leak detection system;
 - 39 (B) an inventory control system coupled with tank testing;
 - 40 or
 - 41 (C) a comparable system or method;
 - 42 designed to identify releases in a manner consistent with the

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- 1 protection of human health and the environment.
- 2 (2) Requirements for maintaining records of any:
- 3 (A) monitoring;
- 4 (B) leak detection system;
- 5 (C) inventory control system or tank testing; or
- 6 (D) comparable system.
- 7 (3) Requirements for reporting of:
- 8 (A) any releases; and
- 9 (B) corrective action taken in response to a release.
- 10 (4) Requirements for ordering or taking corrective action in
- 11 response to a release.
- 12 (5) Requirements for closure of underground storage tanks to
- 13 prevent future releases of regulated substances into the
- 14 environment.
- 15 (6) Requirements for maintaining evidence of financial
- 16 responsibility for:
- 17 (A) taking corrective action; and
- 18 (B) compensating third parties for bodily injury and
- 19 property damage caused by sudden and nonsudden
- 20 accidental releases arising from the operation of an
- 21 underground storage tank.
- 22 (7) Standards of performance for new underground storage
- 23 tanks.
- 24 (8) Requirements for the following:
- 25 (A) Providing notice to the department of the existence of
- 26 operational and nonoperational underground storage tanks,
- 27 as required under 42 U.S.C. 6991a(a).
- 28 (B) Providing the information required on the form
- 29 prescribed under 42 U.S.C. 6991a(b)(2).
- 30 (C) Providing notice, by any person who sells a tank
- 31 intended to be used as an underground storage tank, to the
- 32 purchaser of that tank of the owner's notification
- 33 requirements established by this article and 42 U.S.C.
- 34 6991a(a).
- 35 (9) Requirements for the delivery prohibition program
- 36 prescribed under 42 U.S.C. 6991k, including:
- 37 (A) notice to owners or operators when an underground
- 38 storage tank is declared ineligible for delivery, deposit, or
- 39 acceptance of a regulated substance; and
- 40 (B) procedures to enforce the delivery prohibition that
- 41 include the use of a temporary emergency order under
- 42 IC 4-21.5-4 for violations of section 4(a) of this chapter.

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1 SECTION 241. IC 13-23-3-1, AS AMENDED BY P.L.176-2023,
 2 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]: Sec. 1. (a) The department shall, under rules adopted
 4 by the board under IC 4-22-2 and IC 13-14-9, establish a certification
 5 program for persons who supervise, manage, or direct underground
 6 storage tank or aboveground storage tank:

- 7 (1) installation or retrofitting;
- 8 (2) testing;
- 9 (3) cathodic protection procedures; or
- 10 (4) decommissioning.

11 (b) A person may be certified by the department if the person
 12 submits evidence to the department that the person has successfully
 13 completed:

- 14 (1) the International Fire Code ~~Institute~~ **Council** examination; or
- 15 (2) another appropriate examination approved by the department.

16 (c) The department may create a supplemental educational library
 17 concerning proper installation and closure of underground storage
 18 tanks or aboveground storage tanks, which includes the American
 19 Petroleum Institute's series, "An Education and Certification Program
 20 for Underground Storage Tank Professionals" and "API 653
 21 Aboveground Storage Tank Inspector Certification Program".

22 SECTION 242. IC 13-23-3-2 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) To obtain a
 24 certificate under section 1 of this chapter, a person must:

- 25 (1) take an examination that is approved;
- 26 (2) achieve a passing score on the examination that is
 27 established; and
- 28 (3) pay any reasonable fees necessary to offset the costs incurred
 29 by the ~~state fire marshal~~ **department** in administering the
 30 examination and certification procedures that are established;

31 under rules adopted by the ~~fire prevention and building safety~~
 32 ~~commission~~ **board**.

33 (b) An examination described under subsection (a) must cover the
 34 following subjects:

- 35 (1) Relevant rules adopted by the
 36 ~~(A) board and~~
 37 ~~(B) fire prevention and building safety commission~~;
 38 concerning underground storage tanks.
- 39 (2) Any other subjects approved under rules adopted by the fire
 40 prevention and building safety commission.

41 (c) The ~~fire prevention and building safety commission~~ **board**
 42 shall adopt rules establishing the following:

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- 1 (1) The number of times a person who fails an examination
- 2 described under this section may take the examination again.
- 3 (2) The period of time a person who fails an examination
- 4 described under this section must wait before taking the
- 5 examination again.

6 (d) The ~~state fire marshal~~ **department** may, under rules adopted
 7 by the ~~fire prevention and building safety commission, board,~~ certify
 8 a person:

- 9 (1) under section 1 of this chapter; and
- 10 (2) by ~~reciprocity, equivalency;~~
- 11 if the person is licensed or certified by another state that has
- 12 certification requirements that are substantially similar to the
- 13 requirements established under this section.

14 SECTION 243. IC 13-23-4-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The rules adopted
 16 under ~~IC 13-23-1-2(e)(6)~~ **IC 13-23-1-2(b)(6)** may allow evidence of
 17 financial responsibility in one (1) or a combination of the following
 18 forms:

- 19 (1) Insurance.
- 20 (2) Guarantee.
- 21 (3) Surety bond.
- 22 (4) Letter of credit.
- 23 (5) Qualification as a self-insurer.
- 24 (6) Any other method satisfactory to the commissioner and the
- 25 Administrator of the United States Environmental Protection
- 26 Agency.

27 SECTION 244. IC 13-23-4-2 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The rules adopted
 29 under ~~IC 13-23-1-2(e)(6)~~ **IC 13-23-1-2(b)(6)** may require the use of
 30 certain policy provisions or contract terms, including provisions or
 31 terms concerning the following:

- 32 (1) The minimum amount of coverage required for various
- 33 classes and categories of underground storage tanks established
- 34 under section 4 of this chapter.
- 35 (2) Conditions or defenses that are necessary or unacceptable in
- 36 establishing evidence of financial responsibility.

37 SECTION 245. IC 13-23-4-4 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The rules adopted
 39 under ~~IC 13-23-1-2(e)(6)~~ **IC 13-23-1-2(b)(6)** may require a minimum
 40 amount of coverage for particular classes or categories of underground
 41 storage tanks containing petroleum. Minimum coverage amounts
 42 established under this subsection must be at least one million dollars

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1 (\$1,000,000) for each occurrence, with an appropriate aggregate
 2 amount.
 3 (b) The board may by rule set minimum coverage amounts lower
 4 than the amount set forth in subsection (a) for underground storage
 5 tanks containing petroleum that are:
 6 (1) not located at facilities engaged in the production, refining,
 7 or marketing of petroleum; and
 8 (2) not used to handle substantial quantities of petroleum.
 9 (c) In adopting rules establishing classes and categories of
 10 underground storage tanks containing petroleum for purposes of this
 11 section, the board may consider the following factors:
 12 (1) The:
 13 (A) size, type, location, storage, and handling capacity of
 14 underground storage tanks in the class or category; and
 15 (B) volume of petroleum handled by those tanks.
 16 (2) The:
 17 (A) likelihood of release; and
 18 (B) potential extent of damage from any release;
 19 from underground storage tanks in the class or category.
 20 (3) The economic impact of the limits on the owners and
 21 operators of each class or category, particularly relating to the
 22 small business segment of the petroleum marketing industry.
 23 (4) The availability of methods of financial responsibility in
 24 amounts greater than the amount established by this section.
 25 (5) Any other factors that the board considers pertinent.
 26 SECTION 246. IC 13-23-7-5, AS AMENDED BY P.L.96-2016,
 27 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2026]: Sec. 5. The treasurer of state shall invest the money in
 29 the ELTF not currently needed to meet the obligations of the ELTF in
 30 the same manner as other public money may be invested. Interest that
 31 accrues from these investments shall be deposited in the ELTF. ~~At least~~
 32 ~~one (1) time each year, the treasurer of state shall provide the financial~~
 33 ~~assurance board a report detailing the investments made under this~~
 34 ~~section.~~
 35 SECTION 247. IC 13-23-8-4, AS AMENDED BY P.L.9-2024,
 36 SECTION 344, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The administrator shall pay
 38 ELTF claims that are:
 39 (1) for costs related to eligible releases;
 40 (2) submitted by eligible parties; and
 41 (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.
 42 (b) **The administrator, if appropriate, may allow** an eligible

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1 party may to assign the **eligible party's** right to receive payment of an
2 ELTF claim to another person.

3 (c) Not more than forty-five (45) business days after an ELTF
4 claim is submitted, the administrator shall do one (1) of the following:

5 (1) Approve the ELTF claim and, under IC 13-23-9-2(c),
6 forward the ELTF claim to the state comptroller for payment.

7 (2) Send to the claimant a written notice that:

8 (A) states that a correction, a clarification, or additional
9 information is needed before the ELTF claim can be
10 approved; and

11 (B) provides a clear explanation:

12 (i) of the correction, clarification, or additional
13 information that is needed; and

14 (ii) of why it is needed.

15 (3) Deny the claim and provide the claimant with a statement of
16 the reasons for the denial under IC 13-23-9-2(b).

17 SECTION 248. IC 13-23-9-1.7, AS AMENDED BY
18 P.L.149-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2026]: Sec. 1.7. (a) The administrator may pay
20 an ELTF claim for fifty percent (50%) of the costs of decommissioning
21 or replacing an underground petroleum storage tank, provided that:

22 (1) the applicant is the owner of the tank;

23 (2) such decommissioning or replacement is necessary, in the
24 judgment of the administrator, to protect human health and the
25 environment considering the age, obsolescence, and level of
26 deterioration of the tank; and

27 (3) the costs:

28 (A) are reasonable and cost effective; and

29 (B) result from or reimburse the claimant for work
30 performed decommissioning the tank or replacing the tank
31 with a new aboveground storage tank as defined in
32 IC 13-11-2-0.4 or underground storage tank as defined in
33 IC 13-11-2-241.

34 (b) **Subject to subsection (c)**, the expenses described in
35 subsection (a) that are paid from the ELTF in a state fiscal year may not
36 exceed:

37 (1) ten million dollars (\$10,000,000) each year for claims
38 submitted by applicants owning not more than twelve (12)
39 underground petroleum storage tanks;

40 (2) seven million five hundred thousand dollars (\$7,500,000)
41 each year for claims submitted by applicants owning more than
42 twelve (12) but not more than one hundred (100) underground

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1 petroleum storage tanks; and
2 (3) two million five hundred thousand dollars (\$2,500,000) each
3 year for claims submitted by applicants owning more than one
4 hundred (100) underground petroleum storage tanks.

5 (c) At the end of each state fiscal year, any funds that were
6 allocated for the decommissioning or replacement of underground
7 petroleum storage tanks, as described in subsection (b), but that were
8 not spent shall roll over to the next state fiscal year and be used to
9 decommission or replace underground petroleum storage tanks within
10 the same category as allocated in the prior state fiscal year pursuant to
11 subsection (b)(1), (b)(2), and (b)(3).

12 SECTION 249. IC 13-23-9-4 IS REPEALED [EFFECTIVE JULY
13 1, 2026]. ~~Sec. 4. If the administrator denies an ELTF claim under this~~
14 ~~chapter, the claimant may appeal the denial under IC 4-21.5 to the~~
15 ~~office of administrative law proceedings under IC 4-15-10.5.~~

16 SECTION 250. IC 13-23-11-2, AS AMENDED BY P.L.176-2023,
17 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2026]: Sec. 2. (a) The board consists of the following ~~nine (9)~~
19 **ten (10)** members:

- 20 (1) The administrator or the administrator's designee.
- 21 (2) One (1) member nominated by the treasurer of state in
22 consultation with the commissioner of the department of state
23 revenue.
- 24 (3) One (1) member representing the independent petroleum
25 wholesale distributor-marketer industry. ~~In making this~~
26 ~~appointment, the governor may consider the recommendation of~~
27 ~~the Indiana petroleum marketers and convenience store~~
28 ~~association.~~
- 29 (4) One (1) member representing the petroleum refiner-supplier
30 industry. ~~In making this appointment, the governor may consider~~
31 ~~the recommendation of the Indiana petroleum council.~~
- 32 (5) One (1) member of the financial lending community who has
33 experience with loan guaranty programs.
- 34 (6) One (1) member representing the convenience store operator
35 industry or independent petroleum retail distributor-marketer
36 industry. ~~In making this appointment, the governor may consider~~
37 ~~the recommendation of the Indiana petroleum marketers and~~
38 ~~convenience store association.~~
- 39 (7) One (1) member representing environmental interests.
- 40 (8) One (1) member representing an environmental consulting
41 firm that performs work involving underground storage tank or
42 aboveground storage tank corrective actions.

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1 (9) One (1) member representing the property and casualty
 2 insurance industry.
 3 **(10) One (1) member representing airports.**
 4 (b) The governor shall appoint the members specified in
 5 subsection (a)(2) through ~~(a)(9)~~ **(a)(10)** for terms of ~~two (2)~~ **four (4)**
 6 years.
 7 **(c) The governor may consider nomination and**
 8 **recommendations for members appointed under subsection (a)(2)**
 9 **through (a)(10) from representative constituencies.**
 10 SECTION 251. IC 13-23-11-4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) If an appointed
 12 member of the board is not able to serve the member's full term, the
 13 governor shall appoint an individual to serve for the remainder of the
 14 unexpired term.
 15 (b) The term of an appointed member of the board continues until
 16 the member's successor has been appointed. ~~and qualified.~~
 17 **(c) No member may serve more than two (2) consecutive**
 18 **terms.**
 19 SECTION 252. IC 13-23-11-5 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. ~~The board, at the~~
 21 ~~board's first meeting of each year, shall elect~~ **The governor may**
 22 **designate** from among the board's members a chairperson and other
 23 officers necessary to transact business.
 24 SECTION 253. IC 13-23-11-6, AS AMENDED BY P.L.113-2014,
 25 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2026]: Sec. 6. (a) The board must have a quorum to transact
 27 business. Five (5) members constitute a quorum.
 28 (b) An affirmative vote of the majority of members present is
 29 required for the board to take action.
 30 ~~(c) The board shall meet upon:~~
 31 ~~(1) the request of the chairperson; or~~
 32 ~~(2) the written request of three (3) of the board's members.~~
 33 ~~(d) A meeting must be held not later than fourteen (14) days after~~
 34 ~~a request is made.~~
 35 SECTION 254. IC 13-23-11-7, AS AMENDED BY P.L.176-2023,
 36 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2026]: Sec. 7. (a) The board shall do the following:
 38 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to do
 39 the following:
 40 (A) Carry out the duties of the board under this article.
 41 (B) Establish standards and procedures under which:
 42 (i) eligible parties may submit ELTF claims; and

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- 1 (ii) the administrator of the ELTF may pay ELTF
- 2 claims.
- 3 (C) Establish standards for determining the reasonableness
- 4 and cost effectiveness of corrective action for purposes of
- 5 reimbursement from the ELTF under IC 13-23-9-1.5(a)(1).
- 6 (D) Establish standards for priorities in the payment of
- 7 ELTF claims, including a priority for claims associated with
- 8 releases from USTs and ASTs that pose an immediate and
- 9 significant threat to the environment.
- 10 (E) Provide reimbursement from the petroleum storage tank
- 11 excess liability trust fund for fifty percent (50%) of costs of
- 12 decommissioning or replacing underground petroleum
- 13 storage tanks that meet the criteria under IC 13-23-9-1.7.
- 14 (F) Establish procedures to reopen ELTF eligibility and
- 15 funding for a release previously granted "no further action"
- 16 (NFA) status by the department should either the
- 17 department or the owner of the underground petroleum
- 18 storage tank or aboveground petroleum storage tank
- 19 subsequently decide to permanently decommission the use
- 20 of the site as a ~~petroleum facility~~ **UST facility or AST**
- 21 **facility** and undertake the investigation and remediation of
- 22 any residual contamination arising from the site's former
- 23 use as a ~~petroleum facility~~. **UST facility or AST facility.**
- 24 Before reopening ELTF eligibility and funding, the
- 25 administrator may require that the applicant provide
- 26 information regarding the planned future use of the site.
- 27 (2) ~~Take testimony and~~ Receive a ~~written~~ report at every meeting
- 28 of the board from the administrator or the administrator's
- 29 designee regarding the financial condition and operation of the
- 30 ELTF, including:
 - 31 (A) a ~~detailed~~ breakdown of contractual and administrative
 - 32 expenses the department is claiming from the ELTF under
 - 33 IC 13-23-7-1(a)(4); and
 - 34 (B) a claims statistics report consisting of:
 - 35 (i) the status and amounts of claims submitted to the
 - 36 ELTF; and
 - 37 (ii) ELTF claims payments made.
- 38 ~~Testimony shall be taken and a written report shall be received~~
- 39 ~~under this subdivision at every meeting of the board. However,~~
- 40 ~~the testimony and written report are not required more than one~~
- 41 ~~(1) time during any thirty (30) day period.~~
- 42 (3) Consult with the department on administration of the ELTF

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1 in developing uniform policies and procedures for revenue
2 collection and claims administration of the ELTF.

3 (b) The department shall consult with the board on administration
4 of the ELTF. The consultation must include evaluation of alternative
5 means of administering the ELTF in a cost effective and efficient
6 manner.

7 ~~(c) At each meeting of the board, the department shall provide the~~
8 ~~board with a written report on the financial condition and operation of~~
9 ~~the ELTF.~~

10 SECTION 255. IC 13-23-11-9 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2026]: **Sec. 9. This chapter expires July 1,**
13 **2031.**

14 SECTION 256. IC 13-23-13-1, AS AMENDED BY P.L.176-2023,
15 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2026]: Sec. 1. (a) Subject to subsections (b)(1) and (d), the
17 commissioner may, under rules adopted under IC 13-23-1-2:

- 18 (1) issue an order under IC 13-14-2-7 or IC 4-21.5-4; or
 - 19 (2) proceed under IC 13-14-2-6;
- 20 to require the owner or operator of an underground storage tank or
21 aboveground storage tank to undertake corrective action with respect
22 to any release of a regulated substance.

23 (b) Except as provided in subsection (d), the commissioner may
24 not, with respect to a release of petroleum from an underground storage
25 tank or aboveground storage tank:

- 26 (1) take action under subsection (a); or
- 27 (2) if a reportable quantity of the released petroleum remains or
28 may remain underground at the site of the underground storage
29 tank or aboveground storage tank:

30 (A) request that the owner or operator of the underground
31 storage tank or aboveground storage tank execute a
32 restrictive covenant (as defined in IC 13-11-2-193.5)
33 applying to the site of the underground storage tank or
34 aboveground storage tank;

35 (B) make a determination of no further action being
36 required at the site of the underground storage tank or
37 aboveground storage tank; or

38 (C) approve closure, or its equivalent, of the site of the
39 underground storage tank or aboveground storage tank;

40 unless the commissioner has received and reviewed the initial site
41 characterization of the site of the release or an alternative evaluation is
42 prepared for submittal to the commissioner in accordance with

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1 subsection (c) **and an evaluation of potential remedial activities to**
2 **achieve remedial objectives including closure options,**
3 **environmental deed restrictions, and remediation methods to**
4 **achieve a no further action determination, including estimated**
5 **costs and time frames sufficient for the commissioner to evaluate**
6 **the adequacy of the proposed response.**

7 (c) When necessary and feasible as determined by a qualified
8 environmental professional, an initial site characterization shall
9 include:

- 10 (1) site-specific geologic information obtained from a minimum
- 11 of three (3) continuously sampled soil borings; and
- 12 (2) hydrogeologic information, including depth to ground water
- 13 and ground water flow directions and gradients, obtained from
- 14 a minimum of three (3) monitoring wells screened across the
- 15 water table.

16 A qualified environmental professional, on behalf of the owner or
17 operator of an underground storage tank or an aboveground storage
18 tank from which there has been a release of petroleum, may submit for
19 approval by the commissioner an alternative procedure for initial site
20 characterization and request a waiver of the requirements in this
21 subsection. The commissioner may approve the request for a waiver
22 and alternative procedure only if the alternative procedure provides
23 substantially equal protection for human health and the environment.
24 If an initial site characterization does not define the nature and extent
25 of the contaminant plume, additional investigation shall be performed
26 when necessary and feasible as determined by a qualified
27 environmental professional.

28 (d) The commissioner may take action under subsection (a)
29 without having received and reviewed the initial site characterization
30 if the commissioner reasonably believes that the release from the
31 underground storage tank or aboveground storage tank creates a threat
32 to human health or the environment sufficient to necessitate action
33 under subsection (a) before the initial site characterization is submitted
34 to the department.

35 (e) If the commissioner:

- 36 (1) requires corrective action under subsection (a); and
- 37 (2) determines that the corrective action will be done properly
- 38 and promptly by the owner or operator of the underground
- 39 storage tank or aboveground storage tank from which the release
- 40 occurs;

41 the commissioner may enter into an agreed order with the owner or
42 operator to implement necessary corrective action.

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1 SECTION 257. IC 13-23-13-2, AS AMENDED BY P.L. 176-2023,
2 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 2. The commissioner, under rules adopted under
4 IC 13-23-1-2, may undertake corrective action with respect to any
5 release of a regulated substance into the environment from an
6 underground storage tank or aboveground storage tank if:

7 (1) that action is necessary, in the judgment of the commissioner,
8 to protect human health and the environment; and

9 (2) at least one (1) of the following conditions exists:

10 (A) A person cannot be found not later than ninety (90)
11 days after a suspected or confirmed release is identified (or
12 a shorter time necessary to protect human health and the
13 environment) who is:

- 14 (i) an owner or operator of the underground storage
15 tank or aboveground storage tank;
- 16 (ii) subject to the rules concerning corrective action;
- 17 and
- 18 (iii) capable of properly carrying out corrective action
19 with respect to the release.

20 (B) An existing situation requires prompt action by the
21 commissioner under this section to protect human health
22 and the environment.

23 (C) The cost of corrective action at the site of an
24 underground storage tank exceeds the amount of financial
25 responsibility required under ~~IC 13-23-1-2(c)(6)~~;
26 **IC 13-23-1-2(b)(6)**, IC 13-23-4-4, and IC 13-23-4-5 and,
27 considering the class or category of underground storage
28 tank from which the release occurred, expenditures by the
29 state are necessary to ensure an effective corrective action.

30 (D) The owner or operator of the underground storage tank
31 or aboveground storage tank has failed or refused to comply
32 with an order of the commissioner or a judgment of a court
33 of competent jurisdiction under section 1 of this chapter to
34 take corrective action with respect to the release.

35 SECTION 258. IC 13-23-13-9 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. In determining the
37 equities for seeking the recovery of costs under section 8 of this
38 chapter, the commissioner may consider the following:

39 (1) The amount of financial responsibility required to be
40 maintained under ~~IC 13-23-1-2(c)(6)~~. **IC 13-23-1-2(b)(6)**.

41 (2) The factors considered in establishing that amount for
42 underground storage tanks containing petroleum under

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1 IC 13-23-4-4.
2 SECTION 259. IC 13-23-16-2, AS AMENDED BY P.L.176-2023,
3 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 2. If the department 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 260. IC 13-23-16-3, AS ADDED BY P.L.221-2007,
15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2026]: Sec. 3. Not more than seven (7) days after receiving a
17 notice from the department under section 2 of this chapter, a county
18 health officer shall **make a reasonable effort to** do the following:
19 (1) Publish notice of the release, spill, or overfill in a newspaper
20 **or other media** of general circulation in the county health
21 officer's county.
22 (2) Provide any other notice of the release, spill, or overfill the
23 county health officer considers necessary or appropriate.
24 SECTION 261. IC 13-23-16-4, AS ADDED BY P.L.221-2007,
25 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2026]: Sec. 4. Notice provided by a county health officer
27 under section 3 of this chapter must include:
28 (1) the same information reported to the department under ~~329~~
29 ~~IAC 9-4-1(1)~~ or ~~329 IAC 9-4-4(a)~~; **40 CFR 280.50 or 40 CFR**
30 **280.53**; and
31 (2) any other information the county health officer considers
32 necessary or appropriate.
33 SECTION 262. IC 13-24-1-1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The
35 commissioner may issue an order under:
36 (1) IC 13-14-2-7;
37 (2) IC 4-21.5-4; or
38 (3) IC 4-21.5-3-6;
39 to require an owner or operator or a responsible person to undertake
40 removal or remedial action with respect to a release of petroleum at a
41 petroleum facility.
42 (b) If the commissioner determines that the removal or remedial

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1 action will be done properly and promptly by the owner, operator, or
 2 responsible person, the commissioner may enter into an agreed order
 3 with the owner, operator, or responsible person to implement necessary
 4 removal or remedial action.

5 ~~(c) If the commissioner and the owner or operator or the~~
 6 ~~responsible party fail to agree on the appropriate and necessary~~
 7 ~~removal or remedial action to be taken, the dispute shall be resolved~~
 8 ~~under IC 4-21-5.~~

9 SECTION 263. IC 13-24-1-8 IS REPEALED [EFFECTIVE JULY
 10 1, 2026]. ~~Sec. 8: IC 4-21-5 applies to:~~

- 11 ~~(1) determinations;~~
- 12 ~~(2) notices;~~
- 13 ~~(3) hearings; and~~
- 14 ~~(4) appeal determinations;~~

15 ~~under this chapter.~~

16 SECTION 264. IC 13-25-2-6.5 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) The department
 18 shall work with interested stakeholders, including the federal
 19 government, the general public, members of the general assembly, and
 20 businesses, to evaluate the feasibility of simplifying and expediting
 21 notification under IC 13-25-2-6. Options to be evaluated include:

- 22 (1) connecting persons required to provide notice under
- 23 IC 13-25-2-6 with the National Response Center; and
- 24 (2) recommending any appropriate changes in federal law.

25 (b) The department shall implement an option evaluated under
 26 subsection (a) if the option:

- 27 (1) is practical to implement;
- 28 (2) is technically feasible;
- 29 (3) is economically feasible;
- 30 (4) is protective of human health and the environment; and
- 31 (5) would adequately serve persons required to provide notice
- 32 under IC 13-25-2-6.

33 (c) The department shall provide a toll free long distance
 34 telephone line through which a person required to provide notice under
 35 IC 13-25-2-6 may contact ~~the office described in IC 13-13-3-1 of this~~
 36 ~~chapter. the department.~~

37 SECTION 265. IC 13-25-4-7, AS AMENDED BY P.L.133-2012,
 38 SECTION 154, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2026]: Sec. 7. The board ~~shall may~~ adopt rules
 40 establishing criteria for determining the commissioner's priorities in
 41 selecting hazardous substance response sites. ~~Until these rules have~~
 42 ~~been adopted, the commissioner shall give priority to those sites~~

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1 presenting a significant threat to public health and environment.

2 SECTION 266. IC 13-25-4-11 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) After a response
4 is initiated under:

- 5 (1) section 9 of this chapter; or
- 6 (2) IC 13-24-1;

7 the **state department** may impose a lien on the property on which the
8 response is undertaken **or impose a restrictive covenant on a facility**
9 **or site where remediation objectives set forth in IC 13-25-5-8.5**
10 **have not been met.** The lien may secure the payment to the state of an
11 amount of money equal to the amount expended from the fund under
12 section 1(a)(3) of this chapter to finance the response.

13 (b) **The board may adopt rules under IC 4-22-2 and IC 13-14-9**
14 **to set forth procedures to allow the department to impose:**

- 15 (1) a lien; or
- 16 (2) a restrictive covenant;

17 **as described in this section.**

18 SECTION 267. IC 13-25-4-12 IS REPEALED [EFFECTIVE
19 JULY 1, 2026]. Sec. 12: For a lien arising under section 11 of this
20 chapter to be perfected, notice of the lien must be filed in the office of
21 the county recorder of the county in which the real property subject to
22 the lien is located. Before notice of a lien may be filed in the office of
23 the county recorder, the department shall provide notice of the
24 intention to file the lien as provided by section 19 of this chapter.

25 SECTION 268. IC 13-25-4-13 IS REPEALED [EFFECTIVE
26 JULY 1, 2026]. Sec. 13: The department shall provide notice of the
27 filing of a lien to the owner of the property if the owner can be
28 identified. If the owner of record cannot be identified, the department
29 shall notify the tenant or other person having control of the property.

30 SECTION 269. IC 13-25-4-14 IS REPEALED [EFFECTIVE
31 JULY 1, 2026]. Sec. 14: When a notice of a lien arising under section
32 11 of this chapter is presented to the county recorder for filing, the
33 county recorder shall enter the lien appropriately in the entry book and
34 in the miscellaneous record. The entries made under this section must
35 show the following:

- 36 (1) The date of filing.
- 37 (2) The book and page number or instrument number.
- 38 (3) The name of the person named in the notice.
- 39 (4) A legal description of the property if appropriate.
- 40 (5) A serial number or other identifying number given in the
41 notice.

42 SECTION 270. IC 13-25-4-15 IS REPEALED [EFFECTIVE

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1 JULY 1, 2026]. Sec. 15: (a) Subject to subsection (b); when a
2 certificate of discharge of a lien arising under section 11 of this chapter
3 or IC 13-7-8.7-10.7 (before its repeal) is:

- 4 (1) issued by an employee or a designated agent of the
5 department; and
- 6 (2) presented for filing in the office of the county recorder of the
7 county where the notice of lien was filed;

8 the county recorder shall record the certificate of discharge as a release
9 of the lien.

10 (b) To be recorded under this section; the certificate must refer to
11 the county recorder's book and page number or instrument number
12 under which the lien was recorded.

13 SECTION 271. IC 13-25-4-16 IS REPEALED [EFFECTIVE
14 JULY 1, 2026]. Sec. 16: When recording a release of a lien under
15 section 15 of this chapter; the county recorder shall inscribe; in the
16 margin of each entry made to record the lien under section 14 of this
17 chapter; a reference to the place where the release is recorded.

18 SECTION 272. IC 13-25-4-17 IS REPEALED [EFFECTIVE
19 JULY 1, 2026]. Sec. 17: Upon:

- 20 (1) the recording of the certificate of discharge as a release under
21 section 15 of this chapter; and
- 22 (2) the inscribing of the references to the release under section
23 16 of this chapter;

24 a certificate of discharge of a lien arising under section 11 of this
25 chapter operates as a full discharge and satisfaction of the lien unless
26 the references to the release inscribed under section 15 of this chapter
27 specifically note the release as a partial lien release.

28 SECTION 273. IC 13-25-4-18 IS REPEALED [EFFECTIVE
29 JULY 1, 2026]. Sec. 18: A lien created under section 11 of this chapter
30 or IC 13-7-8.7-10.7 (before its repeal) continues until the earlier of the
31 following:

- 32 (1) The full discharge and satisfaction of the lien.
- 33 (2) The expiration of a ten (10) year period from the date of the
34 creation of the lien unless an action to foreclose the lien is
35 pending.

36 SECTION 274. IC 13-25-4-19 IS REPEALED [EFFECTIVE
37 JULY 1, 2026]. Sec. 19: (a) At least thirty (30) days before notice of a
38 lien arising under this chapter may be filed under section 12 of this
39 chapter, the department must send a written notice:

- 40 (1) to the owner of the real property that would be subject to the
41 lien; or
- 42 (2) if the owner of record cannot be identified; to the tenant or

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1 other person having control of the real property;
2 of the date on which the state intends to impose a lien under section 11
3 of this chapter.

4 (b) The department shall provide the county recorder of the county
5 in which the real property that would be subject to the lien is located
6 with a copy of the written notice described in subsection (a):

7 SECTION 275. IC 13-25-4-20 IS REPEALED [EFFECTIVE
8 JULY 1, 2026]. Sec. 20: (a) Before the date on which the state intends
9 to impose a lien on real property under section 11 of this chapter, the
10 owner of the real property may request that a hearing be conducted
11 under IC 4-21.5. A hearing conducted under this section and IC 4-21.5
12 shall be limited to determining if there is probable cause to believe
13 that:

14 (1) a removal or a remedial action was conducted on the real
15 property under:

16 (A) this chapter; or

17 (B) IC 13-24-1; and

18 (2) if the removal or the remedial action was conducted under
19 this chapter, the owner of the real property would be subject to
20 liability under 42 U.S.C. 9607 (Section 107 of the federal
21 Comprehensive Environmental Response, Compensation, and
22 Liability Act):

23 (b) For the purposes of a hearing conducted under this section and
24 IC 4-21.5, an administrative law judge is the ultimate authority:

25 SECTION 276. IC 13-25-4-21 IS REPEALED [EFFECTIVE
26 JULY 1, 2026]. Sec. 21: If an owner requests a hearing under section
27 20 of this chapter, the state may not impose a lien on the owner's real
28 property under section 11 of this chapter until the commissioner
29 determines after the hearing that there is probable cause to believe that:

30 (1) a removal or a remedial action was conducted on the real
31 property under this chapter or IC 13-24-1; and

32 (2) if the removal or the remedial action was conducted under
33 this chapter, the owner of the real property would be subject to
34 liability under 42 U.S.C. 9607 (Section 107 of the federal
35 Comprehensive Environmental Response, Compensation, and
36 Liability Act):

37 SECTION 277. IC 13-25-4-22 IS REPEALED [EFFECTIVE
38 JULY 1, 2026]. Sec. 22: If the department provides a county recorder
39 with a copy of a written notice under section 19(b) of this chapter, the
40 department shall retrieve the copy of the written notice from the county
41 recorder on the date a lien is imposed on the real property described in
42 the written notice. However:

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- 1 (1) if:
- 2 (A) a hearing is not held under section 20 of this chapter
- 3 and IC 4-21.5; and
- 4 (B) a lien is not imposed:
- 5 (i) on the real property described in the notice; and
- 6 (ii) by the date indicated in the notice;
- 7 the department shall retrieve the copy of the notice on the day
- 8 after the date the lien was to be imposed on the real property; or
- 9 (2) if:
- 10 (A) a hearing is held under section 20 of this chapter and
- 11 IC 4-21.5; and
- 12 (B) a lien is not imposed on the real property described in
- 13 the notice;
- 14 the department shall retrieve the copy of the notice on the day
- 15 after the date the commissioner determines that a lien may not be
- 16 imposed on the real property.
- 17 SECTION 278. IC 13-25-5-6 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If an applicant's
- 19 application is rejected under section 5 of this chapter **because the**
- 20 **application is incomplete**, the applicant may ~~do the following~~:
- 21 (1) ~~Appeal the department's decision under IC 4-21.5.~~
- 22 (2) ~~If the application is rejected because the application is not~~
- 23 ~~complete~~; submit a completed application without submitting an
- 24 additional application fee.
- 25 (b) If an applicant's application is rejected and the applicant:
- 26 (1) does not appeal the rejection; or
- 27 (2) loses an appeal concerning the rejection;
- 28 the department shall refund the unexpended part of the applicant's
- 29 application fee.
- 30 SECTION 279. IC 13-25-5-8 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Before the
- 32 department evaluates a proposed voluntary remediation work plan, the
- 33 applicant who submitted the work plan and the commissioner must
- 34 enter into a voluntary remediation agreement that sets forth the terms
- 35 and conditions of the evaluation and the implementation of the work
- 36 plan. A voluntary remediation agreement must include the following:
- 37 (1) Provisions for the following:
- 38 (A) A requirement that the department provide the applicant
- 39 with an itemized list of estimated costs the department may
- 40 incur under this chapter.
- 41 (B) The recovery of all reasonable costs that:
- 42 (i) are incurred by the department in the review and

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- 1 oversight of the work plan;
- 2 (ii) are attributable to the voluntary remediation
- 3 agreement; and
- 4 (iii) exceed the fee submitted by the applicant under
- 5 section 2 of this chapter.
- 6 (C) A schedule of payments to be made by the applicant to
- 7 the department to recover the costs to the department.
- 8 (2) A mechanism to resolve disputes arising from the evaluation,
- 9 analysis, and oversight of the implementation of the work plan,
- 10 including any of the following:
- 11 (A) Arbitration.
- 12 (B) Adjudication under IC 4-21.5.
- 13 (C) A dispute resolution procedure provided under the
- 14 Indiana Rules of Court.
- 15 (3) A provision concerning the indemnification of the parties.
- 16 (4) A provision concerning retention of records.
- 17 (5) A timetable for the department to do the following:
- 18 (A) Reasonably review and evaluate the adequacy of the
- 19 work plan.
- 20 (B) Make a determination concerning the approval or
- 21 rejection of the work plan.
- 22 (6) A provision concerning applicable interagency coordination.
- 23 (7) A provision specifying the proposed remediation objectives
- 24 to be achieved on the site, as described in section 8.5 of this
- 25 chapter.
- 26 (8) ~~The A~~ requirement that the applicant submit to the
- 27 department a proposed voluntary remediation work plan
- 28 (A) not later than ~~one hundred eighty (180) days~~ **one (1)**
- 29 **year** after the date the voluntary remediation agreement is
- 30 signed. ~~or~~
- 31 (B) ~~after a longer period if the extension is agreed to by the~~
- 32 ~~department and the applicant.~~
- 33 (9) Any other conditions considered necessary by the
- 34 commissioner or the applicant concerning the effective and
- 35 efficient implementation of this chapter.
- 36 (b) If an agreement is not reached between an applicant and the
- 37 commissioner within a reasonable time after good faith negotiations
- 38 have begun between the applicant and the commissioner:
- 39 (1) the applicant or the commissioner may withdraw from the
- 40 negotiations; and
- 41 (2) the department shall refund the unexpended part of the
- 42 applicant's application fee.

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1 SECTION 280. IC 13-25-5-11 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Before the
 3 commissioner approves or rejects a proposed voluntary remediation
 4 work plan under section 10 of this chapter, the commissioner must:

5 (1) notify local government units located in a county affected by
 6 the proposed voluntary remediation work plan of the work plan;

7 (2) provide that a copy of the proposed voluntary remediation
 8 work plan be ~~placed in at least one (1) public library in a county~~
 9 ~~affected by the work plan;~~ **published electronically on the**
 10 **department's website;** and

11 (3) publish a notice requesting comments concerning the
 12 proposed voluntary remediation work plan.

13 (b) A comment period of at least thirty (30) days must follow
 14 publication of a notice under this section. During a comment period,
 15 interested persons may do the following:

16 (1) Submit written comments to the commissioner concerning
 17 the proposed voluntary remediation work plan.

18 (2) Request a public hearing concerning the proposed voluntary
 19 remediation work plan.

20 (c) If the commissioner receives at least one (1) written request,
 21 the commissioner may hold a public hearing in the geographical area
 22 affected by the proposed voluntary remediation work plan on the
 23 question of whether to approve or reject the work plan. The
 24 commissioner shall consider all written comments and public
 25 testimony.

26 SECTION 281. IC 13-25-5-15 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant
 28 who submitted an approved voluntary remediation work plan proceeds
 29 with the work plan, the department or a person under contract with the
 30 department shall do the following:

31 (1) Oversee and review the implementation of the voluntary
 32 remediation work plan.

33 (2) Make regular reports to the commissioner concerning the
 34 remediation.

35 (b) **Upon submission of a report to the commissioner, the**
 36 **commissioner may evaluate the remedial action to verify the action**
 37 **is achieving project goals. If project goals are not met, the**
 38 **commissioner may require modification of the voluntary**
 39 **remediation work plan.**

40 (c) **If the parties are unable to agree to a modification as**
 41 **provided for in subsection (b) within one hundred eighty (180)**
 42 **days, the commissioner or applicant may withdraw the project**

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1 **from the voluntary remediation work program. Projects**
2 **withdrawn from the voluntary remediation work program may be**
3 **referred to the state clean-up program.**

4 SECTION 282. IC 13-25-5-16 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If the
6 commissioner determines that an applicant has successfully completed
7 a voluntary remediation work plan approved under this chapter, the
8 commissioner shall certify that the work plan has been completed by
9 issuing the applicant a certificate of completion.

10 (b) The issuance of a certificate of completion under this section
11 is a final agency action for purposes of IC 4-21.5.

12 (c) A person who receives a certificate under this section shall
13 attach a copy of the certificate to the recorded deed that concerns the
14 property on which the remediation took place.

15 **(d) If the commissioner determines that an applicant has not**
16 **successfully completed a voluntary remediation work plan**
17 **approved under this chapter, the commissioner shall notify the**
18 **applicant of this determination under IC 4-21.5.**

19 SECTION 283. IC 13-25-5-17 IS REPEALED [EFFECTIVE
20 JULY 1, 2026]. ~~Sec. 17: If the commissioner determines that an~~
21 ~~applicant has not successfully completed a voluntary remediation work~~
22 ~~plan approved under this chapter, the commissioner shall notify the~~
23 ~~applicant of this determination under IC 4-21.5.~~

24 SECTION 284. IC 13-26-2-5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Upon the
26 determination of the department that a sufficient petition has been filed
27 in accordance with this chapter, the commissioner shall appoint a
28 hearing officer. ~~who does not have to be a state employee. If the~~
29 ~~hearing officer is not a full-time state employee, the hearing officer is~~
30 ~~entitled to be paid reasonable:~~

- 31 (1) expenses; and
- 32 (2) per diem;

33 for each day or part of a day in actual attendance at a meeting or
34 hearing or in performance of duties. ~~The reasonable per diem and~~
35 ~~expenses are valid claims against the department.~~

36 SECTION 285. IC 13-26-8-4, AS AMENDED BY P.L.165-2018,
37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2026]: Sec. 4. (a) This section applies to the addition of
39 territory to a regional sewage or solid waste district other than at the
40 request of an eligible entity described in section 1 of this chapter. This
41 section does not apply to a regional water district.

42 (b) To add territory to a district already established, the board of

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1 the district must file with the department a motion adopted by the board
 2 requesting the addition of territory to the district. If the motion is for
 3 the addition of territory to a regional sewage district, the board, not
 4 later than ten (10) days after filing the motion with the department,
 5 must also file a copy of the motion in the office of:
 6 (1) the executive of each governmental entity having territory
 7 within the territory proposed to be added to the regional sewage
 8 district; and
 9 (2) the executive of a city or town having:
 10 (A) a municipal sewage works under IC 36-9-23; or
 11 (B) a public sanitation department under IC 36-9-25;
 12 if the territory proposed to be added to the regional sewage
 13 district includes territory within the extraterritorial jurisdiction
 14 of the municipal sewage works or public sanitation department.
 15 (c) Except as provided under subsections (d) and (e), if a motion
 16 is filed with the department under subsection (b):
 17 (1) the same procedure must be used to add territory to the
 18 district as is provided for the establishment of a district under
 19 IC 13-26-2; and
 20 (2) the department shall proceed in the same manner that is set
 21 forth in IC 13-26-2, IC 13-26-4, IC 13-26-6, and IC 13-26-7.
 22 (d) Not more than one hundred eighty (180) days after the date a
 23 motion is filed with the department under subsection (b) to add
 24 territory to a district already established, if a petition is filed with the
 25 department that is signed by a majority of the freeholders within the
 26 area proposed to be added and indicating that the freeholders are
 27 opposed to the addition of the area by the district:
 28 (1) the department may not proceed under subsection (c); and
 29 (2) the territory may not be added to the district.
 30 (e) For purposes of subsection (c):
 31 (1) the commissioner is not required to appoint a hearing officer
 32 under IC 13-26-2-5;
 33 (2) the board shall:
 34 (A) provide the notice of; and
 35 (B) conduct;
 36 the hearing required under IC 13-26-2-6; and
 37 (3) instead of making findings and recommendations under
 38 IC 13-26-2-8, the board shall submit documentary evidence to
 39 the commissioner to prove the:
 40 (A) notice was provided; and
 41 (B) hearing was conducted;
 42 by the board as required under subdivision (2).

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1 SECTION 286. IC 13-27-2-2 IS REPEALED [EFFECTIVE JULY
2 1, 2026]. Sec. 2: The commissioner shall appoint an assistant
3 commissioner to head the division.

4 SECTION 287. IC 13-27-2-3 IS REPEALED [EFFECTIVE JULY
5 1, 2026]. Sec. 3: The commissioner shall hire employees of the
6 division.

7 SECTION 288. IC 13-27-2-4 IS REPEALED [EFFECTIVE JULY
8 1, 2026]. Sec. 4: (a) The commissioner may appoint liaison advisory
9 panels to assist the division in the functions of the division. Individual
10 panels must include members representing different areas of interest in
11 and potential support of pollution prevention and environmentally
12 related technical assistance, including the following:

- 13 (1) Industry.
- 14 (2) Education.
- 15 (3) Environmental and public interest groups.
- 16 (4) State government.
- 17 (5) Local government officials associated with state programs for
18 pollution prevention.
- 19 (6) Organized labor.

20 (b) A member of a liaison advisory panel is not entitled to the
21 minimum salary per diem provided by IC 4-10-11-2.1(b). The member
22 is, however, entitled to reimbursement for traveling expenses as
23 provided under IC 4-13-1-4 and other expenses actually incurred in
24 connection with the member's duties as provided in the state policies
25 and procedures established by the Indiana department of administration
26 and approved by the budget agency.

27 SECTION 289. IC 13-27-2-5 IS REPEALED [EFFECTIVE JULY
28 1, 2026]. Sec. 5: The commissioner and the assistant commissioner,
29 through coordinated effort, shall do the following:

- 30 (1) Periodically review state environmental programs and
31 projects for their ability and progress in promoting multimedia
32 industrial pollution prevention.
- 33 (2) Assist the division of air, the division of water, and the
34 division of solid and hazardous waste management in
35 identifying, within planned and existing regulatory programs of
36 the department, obstacles to pollution prevention and
37 opportunities to promote and assist in pollution prevention;
38 including the following:
 - 39 (A) Encouraging regulatory flexibility to afford businesses
40 the opportunity to develop or implement pollution
41 prevention technologies and practices.
 - 42 (B) Performing pollution prevention impact analyses of

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- 1 administrative rules before proposed rules are published
- 2 and before final adoption.
- 3 (C) Exploring permanent funding for the program.
- 4 (3) Promote increased coordination between the divisions of the
- 5 department and between the department and other governmental
- 6 regulatory programs with responsibilities and duties relating to
- 7 toxic materials and environmental wastes, including, to the
- 8 fullest extent possible, the following:
- 9 (A) Joint planning processes.
- 10 (B) Joint research and studies.
- 11 (C) Joint public hearings.
- 12 (D) Joint hazard assessments.
- 13 (E) Joint environmental and workplace impact statements.
- 14 (F) Joint pollution prevention impact analyses for existing
- 15 and proposed administrative rules.
- 16 (4) Develop policies and programs to reduce the following by
- 17 means of industrial pollution prevention:
- 18 (A) Generation of municipal wastes.
- 19 (B) Generation of household hazardous wastes and
- 20 pollutants.
- 21 (C) Use of toxic materials in consumer products.
- 22 (5) Provide general information about, and actively publicize the
- 23 advantages of and developments in, pollution prevention and the
- 24 requirements of this article.
- 25 (6) Assist businesses that seek information, guidance, planning
- 26 assistance, or recommendations for pollution prevention by
- 27 providing technical information to those businesses at
- 28 production or commercial locations.
- 29 (7) Work with existing environmental regulatory programs to
- 30 make use of existing information gathering systems that may
- 31 assist the division in assessing the progress of pollution
- 32 prevention statewide.
- 33 (8) Grant or deny applications for pollution prevention grants
- 34 under section 10 of this chapter.
- 35 (9) Provide source reduction and recycling technical assistance
- 36 and administer the Indiana recycling grants program established
- 37 under IC 13-20-22-2.
- 38 SECTION 290. IC 13-27-2-5.1 IS ADDED TO THE INDIANA
- 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 40 [EFFECTIVE JULY 1, 2026]: **Sec. 5.1. The department may do the**
- 41 **following:**
- 42 (1) Periodically review state environmental programs and

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- 1 projects for their ability and progress in promoting
- 2 multimedia industrial pollution prevention.
- 3 (2) Remove obstacles to pollution prevention.
- 4 (3) Develop and implement pollution prevention and
- 5 environmental recognition programs to incentivize:
- 6 (A) communities;
- 7 (B) salvage facilities;
- 8 (C) marinas;
- 9 (D) companies; and
- 10 (E) other entities;
- 11 that exceed environmental regulatory requirements.
- 12 (4) Assist businesses that seek:
- 13 (A) information;
- 14 (B) guidance;
- 15 (C) planning assistance; or
- 16 (D) recommendations;
- 17 for pollution prevention by providing technical information
- 18 to those businesses.
- 19 (5) Work with existing environmental regulatory programs
- 20 to make use of existing information gathering systems that
- 21 may assist the department in assessing the progress of
- 22 pollution prevention.
- 23 (6) Provide source reduction and recycling technical
- 24 assistance and administer the Indiana recycling grants
- 25 program established under IC 13-20-22-2.

26 SECTION 291. IC 13-27-2-6 IS REPEALED [EFFECTIVE JULY
 27 1, 2026]. Sec. 6. The division shall assist other governmental regulatory
 28 programs in devising:

- 29 (1) standards;
- 30 (2) administrative rules; and
- 31 (3) permits;

32 based on goals and principles of pollution prevention:

33 SECTION 292. IC 13-27-2-7 IS REPEALED [EFFECTIVE JULY
 34 1, 2026]. Sec. 7. To facilitate the use and coordination of reporting
 35 requirements, the commissioner may seek unified reporting and
 36 permitting authority from the United States Environmental Protection
 37 Agency with respect to federal toxic material, waste management, and
 38 pollution control laws and regulations in effect on January 1, 1990,
 39 including the following:

- 40 (1) The federal Clean Air Act (42 U.S.C. 7401 et seq.);
- 41 (2) The Federal Water Pollution Control Act (33 U.S.C. 1251 et
 42 seq.);

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- 1 ~~(3) The federal Toxic or Hazardous Substance Control Act (15~~
- 2 ~~U.S.C. 2601 et seq.);~~
- 3 ~~(4) The federal Solid Waste Disposal Act (42 U.S.C. 6901 et~~
- 4 ~~seq.);~~
- 5 ~~(5) The federal Comprehensive Environmental Response,~~
- 6 ~~Compensation, and Liability Act (42 U.S.C. 9601 et seq.);~~

7 SECTION 293. IC 13-27-2-9 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) To:

- 9 (1) promote pollution prevention statewide by all industries and
- 10 companies; and
- 11 (2) assist in obtaining information on the progress of multimedia
- 12 reduction of environmental wastes and related environmental
- 13 policies and programs;

14 the commissioner ~~shall~~ **may** establish and operate a state information
15 clearinghouse for pollution prevention.

16 (b) The commissioner ~~shall~~ **may** use the clearinghouse established
17 under this section to do the following:

- 18 (1) Collect and compile the following:
 - 19 (A) Information from organizations receiving grants under
 - 20 this article.
 - 21 (B) Information from the published technical literature.
- 22 (2) Mount active outreach and educational programs to further
- 23 the development and adoption of principles and techniques of
- 24 pollution prevention.

25 (c) The clearinghouse established under this section must include
26 data on the operation and effectiveness of industry pollution prevention
27 programs. The ~~division~~ **department** shall permit and facilitate free use
28 of this data by businesses, governmental agencies, and the general
29 public. A business may not be required to submit information of a
30 proprietary nature to the clearinghouse or to a governmental program
31 funded under this article.

32 ~~(d) The division shall provide information for the clearinghouse~~
33 ~~established under this section:~~

34 SECTION 294. IC 13-27-2-11 IS REPEALED [EFFECTIVE
35 JULY 1, 2026]. ~~Sec. 11. The division shall sponsor pilot projects to~~
36 ~~develop—and demonstrate innovative techniques for clean~~
37 ~~manufacturing. The results of pilot projects sponsored under this~~
38 ~~section shall be made available for use by the public. However,~~
39 ~~information about a pilot project that is considered proprietary by a~~
40 ~~manufacturer involved in the pilot project may not be disclosed to the~~
41 ~~public.~~

42 SECTION 295. IC 13-27-2-13 IS REPEALED [EFFECTIVE

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1 JULY 1, 2026]. Sec. 13: The commissioner may:
 2 (1) order all hearings and investigations necessary for the
 3 administration of this article; and
 4 (2) advise and assist other governmental units on matters of
 5 planning or program administration within the scope of the
 6 commissioner's powers, duties, and objectives under this article.
 7 SECTION 296. IC 13-27-7-3 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Programs
 9 implemented by the ~~division:~~ **department:**
 10 (1) must encourage pollution prevention; and
 11 (2) may not discourage the use of recycling or treatment
 12 techniques determined to be acceptable for pollution that has not
 13 been prevented.
 14 SECTION 297. IC 13-28-3-2, AS AMENDED BY P.L.53-2014,
 15 SECTION 128, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The assistance program
 17 established under this chapter shall do the following:
 18 (1) ~~Designate an individual to serve as a liaison and ombudsman~~
 19 ~~to the regulated community to~~ Assist the regulated community
 20 with specific regulatory or permit matters pending with the
 21 department.
 22 (2) Provide assistance to new and existing businesses and small
 23 municipalities in identifying:
 24 (A) applicable environmental rules and regulations; and
 25 (B) permit requirements;
 26 that apply to new and existing businesses and small
 27 municipalities.
 28 (3) Develop and distribute educational materials regarding:
 29 (A) environmental requirements;
 30 (B) compliance methods;
 31 (C) voluntary environmental audits;
 32 (D) pollution control technologies; and
 33 (E) other compliance issues;
 34 including standardized forms and procedures for completing
 35 permit applications.
 36 (4) Provide public outreach and training sessions in cooperation
 37 with representatives of the business and municipal communities
 38 regarding existing and future state and federal environmental
 39 requirements.
 40 (5) Develop and operate a clearinghouse to respond to inquiries
 41 from businesses and municipalities concerning applicable
 42 environmental rules, regulations, and requirements.

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1 (6) Provide technical assistance concerning pollution control
2 techniques to local and state governmental entities and
3 businesses and distribute educational materials regarding
4 pollution prevention developed by the ~~pollution prevention~~
5 ~~division established by IC 13-27-2-1.~~ **department.**

6 (7) Provide administrative and technical support for the
7 compliance advisory panel established by IC 13-13-7.1-1.

8 (8) Conduct other activities as required to:
9 (A) improve regulatory compliance; and
10 (B) promote cooperation and assistance in meeting
11 environmental requirements.

12 (b) The assistance program may ~~establish~~ **provide** limited onsite
13 assistance to provide compliance information **and technical assistance**
14 to a small business or small municipality, subject to the confidentiality
15 provisions of section 4 of this chapter. The assistance program may use
16 money from the environmental management special fund to implement
17 this subsection. The assistance program may limit the number of
18 inspections per year and restrict onsite assistance to specific programs.

19 SECTION 298. IC 13-28-3-7 IS ADDED TO THE INDIANA
20 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
21 **[EFFECTIVE JULY 1, 2026]: Sec. 7. As part of the technical and**
22 **compliance assistance program, the department shall establish a**
23 **small business stationary source technical assistance program as**
24 **required under Section 507 of the federal Clean Air Act (42 U.S.C.**
25 **7661f).**

26 SECTION 299. IC 13-28-4-11, AS AMENDED BY P.L.130-2018,
27 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2026]: Sec. 11. (a) The department shall maintain statistics on
29 the use of environmental audit reports in department compliance and
30 enforcement activities, including statistics on:

- 31 (1) ~~the number of times the reports are~~ disclosed to the
32 department;
- 33 (2) ~~the number and types of~~ violations disclosed to the
34 department through the reports; **and**
- 35 (3) the civil penalties collected for the violations. ~~and~~
- 36 (4) ~~the time necessary for the violations to be corrected.~~

37 The department shall report annually to the interim study committee on
38 environmental affairs established by IC 2-5-1.3-4 in an electronic
39 format under IC 5-14-6 on the use of environmental audit reports.

40 (b) The department shall propose an enforcement policy, pursuant
41 to IC 13-14-1-11.5, that provides relief from civil penalties for a
42 voluntary disclosure that results from an internal environmental audit.

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1 In developing this enforcement policy, the department shall consider
2 similar policies implemented by:

- 3 (1) the United States Environmental Protection Agency; and
- 4 (2) states contiguous to Indiana.

5 SECTION 300. IC 13-28-5-2 IS REPEALED [EFFECTIVE JULY
6 1, 2026]. Sec. 2: The program must provide the following:

- 7 ~~(1) Education, training, and information on permit and~~
8 ~~compliance requirements of the federal Clean Air Act (42 U.S.C.~~
9 ~~7401 et seq.).~~
- 10 (2) Standardized forms and procedures for completing permit
11 applications.
- 12 ~~(3) An ombudsman for small businesses.~~

13 SECTION 301. IC 13-28-5-3 IS REPEALED [EFFECTIVE JULY
14 1, 2026]. Sec. 3: The ombudsman described in section 2 of this chapter
15 shall assist as necessary each small business that applies for assistance
16 with the following:

- 17 (1) Specific regulatory matters pending before the department.
- 18 (2) Permit applications.

19 SECTION 302. IC 13-28-5-4 IS REPEALED [EFFECTIVE JULY
20 1, 2026]. Sec. 4: The department may establish the technical and
21 environmental compliance assistance program required by this chapter
22 as part of the technical and compliance assistance program established
23 under IC 13-28-3.

24 SECTION 303. IC 13-29-1-13 IS REPEALED [EFFECTIVE
25 JULY 1, 2026]. Sec. 13: The board shall adopt under IC 4-22-2 and
26 IC 13-14-9 the rules necessary to implement this chapter.

27 SECTION 304. IC 13-30-1-2 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A citizen, a
29 partnership, a corporation, a limited liability company, an association,
30 or a public officer or agency, as a condition precedent to maintaining
31 an action, must give notice in writing by registered or certified mail to:

- 32 ~~(1) the department of natural resources;~~
- 33 (2) (1) the department; and
- 34 ~~(3) (2) the attorney general.~~

35 (b) The attorney general shall promptly notify all state
36 administrative agencies having jurisdiction over or control of the
37 pollution, impairment, destruction, or protection of the environment for
38 which relief is sought.

39 SECTION 305. IC 13-30-2-1, AS AMENDED BY P.L.133-2012,
40 SECTION 158, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not do any of the
42 following:

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- 1 (1) Discharge, emit, cause, allow, or threaten to discharge, emit,
- 2 cause, or allow any contaminant or waste, including any noxious
- 3 odor, either alone or in combination with contaminants from
- 4 other sources, into:
 - 5 (A) the environment; or
 - 6 (B) any publicly owned treatment works;
- 7 in any form that causes or would cause pollution that violates or
- 8 would violate rules, standards, or discharge or emission
- 9 requirements adopted by the board under the environmental
- 10 management laws.
- 11 (2) Increase the quantity or strength of a discharge of
- 12 contaminants into the waters or construct or install a sewer or
- 13 sewage treatment facility or a new outlet for contaminants into
- 14 the waters of Indiana without prior approval of the department.
- 15 (3) Deposit any contaminants upon the land in a place and
- 16 manner that creates or would create a pollution hazard that
- 17 violates or would violate a rule adopted by the board.
- 18 (4) Deposit or cause or allow the deposit of any contaminants or
- 19 solid waste upon the land, except through the use of sanitary
- 20 landfills, incineration, composting, garbage grinding, or another
- 21 method acceptable to the board.
- 22 (5) Dump or cause or allow the open dumping of garbage or of
- 23 any other solid waste in violation of rules adopted by the board.
- 24 (6) Dispose of solid waste in, upon, or within the limits of or
- 25 adjacent to a public highway, state park, state nature preserve, or
- 26 recreation area or in or immediately adjacent to a lake or stream,
- 27 except:
 - 28 (A) in proper containers provided for sanitary storage of the
 - 29 solid waste; or
 - 30 (B) as a part of a sanitary landfill operation or other land
 - 31 disposal method approved by the department.
- 32 (7) Construct, install, operate, conduct, or modify, without prior
- 33 approval of the department, any equipment or facility of any type
- 34 that may:
 - 35 (A) cause or contribute to pollution; or
 - 36 (B) be designed to prevent pollution.
- 37 However, the commissioner or the board may approve
- 38 experimental uses of any equipment, facility, or pollution control
- 39 device that is considered necessary for the further development
- 40 of the state of the art of pollution control.
- 41 (8) Conduct any salvage operation or open dump by open
- 42 burning or burn, cause, or allow the burning of any solid waste

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- 1 in a manner that violates either:
- 2 (A) the air pollution control laws; or
- 3 (B) the rules adopted by the board.
- 4 (9) Commence construction of a proposed hazardous waste
- 5 facility without having first:
- 6 (A) filed an application for; and
- 7 (B) received;
- 8 a permit from the department.
- 9 (10) Commence or engage in the operation of a hazardous waste
- 10 facility without having first obtained a permit from the
- 11 department.
- 12 (11) Deliver any hazardous waste to a hazardous waste facility
- 13 that:
- 14 (A) is not approved; or
- 15 (B) does not hold a permit from the department.
- 16 (12) Cause or allow the transportation of a hazardous waste
- 17 without a manifest if a manifest is required by law.
- 18 (13) Violate any:
- 19 (A) condition;
- 20 (B) limitation; or
- 21 (C) stipulation;
- 22 placed upon a certificate of environmental compatibility by the
- 23 hazardous waste facility site approval authority or any other
- 24 provision of IC 13-22-10.
- 25 (14) Apply or allow the application of used oil to any ground
- 26 surface, except for purposes of treatment in accordance with a
- 27 permit issued by the department under any of the following:
- 28 (A) IC 13-15. ~~except IC 13-15-9.~~
- 29 (B) IC 13-17-11.
- 30 (C) IC 13-18-18.
- 31 (D) IC 13-20-1.
- 32 (15) Commence construction of a solid waste incinerator without
- 33 first obtaining a permit from the department under IC 13-20-8.
- 34 (16) Commence operation of a solid waste incinerator without
- 35 first obtaining the approval of the department under IC 13-20-8.
- 36 SECTION 306. IC 13-30-10-1.5, AS AMENDED BY
- 37 P.L.181-2018, SECTION 14, IS AMENDED TO READ AS
- 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as
- 39 provided in subsection (b), a person regulated under IC 13-22 who
- 40 knowingly:
- 41 (1) transports hazardous waste to an unpermitted facility;
- 42 (2) treats, stores, or disposes of hazardous waste without a

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1 permit issued by the department under IC 13-22; or
 2 (3) transports, treats, stores, disposes, recycles, or causes to be
 3 transported used oil regulated under rules adopted by the board
 4 without a manifest or in violation of the standards established by
 5 the department for the management of used oil;
 6 commits a Class B misdemeanor.
 7 (b) Notwithstanding the maximum fine provisions of IC 35-50-3-3,
 8 criminal fines for a person convicted of an offense described in
 9 subsection (a) shall be assessable in a maximum amount of not less
 10 than ten thousand dollars (\$10,000) per day per violation.
 11 (c) Except as provided in subsection (d), a person regulated under
 12 IC 13-17 who knowingly violates:
 13 (1) any applicable requirements of IC 13-17-4, IC 13-17-5,
 14 IC 13-17-6, ~~IC 13-17-7~~, IC 13-17-8, IC 13-17-9, IC 13-17-10, or
 15 IC 13-17-13 or of rules of the board implementing the chapters
 16 referred to in this subdivision;
 17 (2) any condition of a permit issued by the department under
 18 IC 13-17; or
 19 (3) any fee or filing requirement in IC 13-17, including the
 20 requirement to file an application for a permit under IC 13-17;
 21 commits a Class C misdemeanor.
 22 (d) Notwithstanding the maximum fine provisions of IC 35-50-3-4,
 23 criminal fines for a person convicted of an offense described in
 24 subsection (c) shall be assessable in a maximum amount of not less
 25 than ten thousand dollars (\$10,000) per day per violation.
 26 (e) Except as provided in subsection (f), a person who willfully or
 27 negligently violates:
 28 (1) any applicable standards or limitations of IC 13-18-3-2.4,
 29 IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or
 30 IC 13-18-16 or of rules of the board implementing the chapters
 31 referred to in this subdivision;
 32 (2) any condition of a National Pollutant Discharge Elimination
 33 System permit issued by the department under IC 13-18-19 or
 34 rules adopted by the board under IC 13-18-19;
 35 (3) any National Pollutant Discharge Elimination System Permit
 36 filing requirement under IC 13-18-19; or
 37 (4) any condition of a permit issued by the department in
 38 accordance with the requirements of 33 U.S.C. 1344;
 39 commits a Class A misdemeanor.
 40 (f) Notwithstanding the maximum fine provisions of IC 35-50-3-2,
 41 criminal fines for a person convicted of an offense described in
 42 subsection (e) shall be assessable in a maximum amount of not less

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1 than ten thousand dollars (\$10,000) per day per violation.
 2 (g) A person who willfully or recklessly violates any applicable
 3 standards or limitations of IC 13-18-8 commits a Class B misdemeanor.
 4 (h) A person who willfully or recklessly violates any applicable
 5 standards or limitations of IC 13-18-9, IC 13-18-10, or IC 13-18-10.5
 6 commits a Class C misdemeanor.
 7 (i) A person who:
 8 (1) knowingly commits any act described in subsection (a), (c),
 9 or (e); and
 10 (2) knows that commission of the act places another person in
 11 imminent danger of death or serious bodily injury;
 12 commits a Level 4 felony. However, the offense is a Level 3 felony if
 13 it results in serious bodily injury to any person, and a Level 2 felony if
 14 it results in the death of any person.
 15 (j) It shall be a defense to an offense described in subsection (i)
 16 that the person charged:
 17 (1) did not know; or
 18 (2) could not reasonably have been expected to know;
 19 that the violation would place another person in imminent danger or
 20 threat of serious bodily injury. For the purposes of subsection (i), a
 21 person is responsible only for the person's own actual awareness or
 22 actual belief, and knowledge by another person may not be attributed
 23 to the person.
 24 (k) The penalties under this section apply regardless of whether a
 25 person uses electronic submissions or paper documents to accomplish
 26 the actions described in this section.

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