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# SENATE BILL No. 277

Proposed Changes to January 29, 2026 printing by AM027727

## DIGEST OF PROPOSED AMENDMENT

Indiana department of environmental management. Defines "decision", "PFAS chemicals", and "state prioritized PFAS chemicals". Prohibits the department of environmental management (department) from basing a decision primarily on federal risk values that have not been promulgated through federal rulemaking. Instructs the department to avoid the use of federal risk values that are at or below background concentrations in air, water, soil, or sediment. Provides that the department shall focus on state prioritized PFAS chemicals when PFAS chemicals are relevant to carrying out the department's duties. Provides that various actions are subject to review without restriction or limitation. Requires the environmental rules board to amend various rules. Removes sections addressing the revocation or modification of certain permits. Deletes language addressing nuclear facility permits. Provides that the department may adopt rules to set forth procedures for the department to impose certain liens. Removes various recycling reporting requirements. Makes various technical changes.

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)

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1 staff person to serve as the agency's small business regulatory  
 2 coordinator with respect to the proposed or adopted rule. The agency  
 3 shall assign a staff person to a rule under this subsection based on the  
 4 person's knowledge of, or experience with, the subject matter of the  
 5 rule. A staff person may serve as the coordinator for more than one (1)  
 6 rule proposed or adopted by the agency if the person is qualified by  
 7 knowledge or experience with respect to each rule. The first public  
 8 comment period notice published under section 23 of this chapter must  
 9 include the name, address, telephone number, and electronic mail  
 10 address of the small business coordinator for the proposed rule, the  
 11 name, address, telephone number, and electronic mail address of the  
 12 small business ombudsman designated under IC 5-28-17-6, and a  
 13 statement of the resources available to regulated entities through the  
 14 small business ombudsman designated under IC 5-28-17-6. In the case  
 15 of a rule finally adopted, the final rule, as published in the Indiana  
 16 Register, must include the name, address, telephone number, and  
 17 electronic mail address of the coordinator.

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

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

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

28 ~~(3) (2) if applicable, a statement of~~

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

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

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

42 (d) The coordinator assigned to a rule shall serve as a liaison

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1 between the agency and any small business subject to regulation under  
 2 the rule. The coordinator shall provide guidance to small businesses  
 3 affected by the rule on the following:

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

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

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

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

19 (e) The coordinator assigned to a rule shall provide guidance  
 20 under this section in response to questions and concerns expressed by  
 21 small businesses affected by the rule. The coordinator may also issue  
 22 general guidelines or informational pamphlets to assist small  
 23 businesses in complying with the rule. Any guidelines or informational  
 24 pamphlets issued under this subsection shall be made available:

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

27 (2) electronically through electronic gateway access.

28 (f) The coordinator assigned to a rule shall keep a record of all  
 29 comments, questions, and complaints received from small businesses  
 30 with respect to the rule. The coordinator shall deliver the record, along  
 31 with any accompanying documents submitted by small businesses, to  
 32 the director:

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

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

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

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

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

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

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

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

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- 1 by ~~IC 13-28-1-1~~ to coordinate **coordinator described in**
- 2 **IC 4-22-2-28.1(b)** for the provision of services required under
- 3 IC 4-22-2-28.1 and IC 13-28-3.
- 4 (7) Prepare written and electronic information for periodic
- 5 distribution to small businesses describing the small business
- 6 services provided by coordinators (as defined in
- 7 IC 4-22-2-28.1(a)) and work with the office of technology
- 8 established by IC 4-13.1-2-1 to place information concerning the
- 9 availability of these services on state websites that the small
- 10 business ombudsman or a state agency determines are most
- 11 likely to be visited by small business owners and managers.
- 12 (8) Assist in training agency coordinators who will be assigned
- 13 to rules under IC 4-22-2-28.1(b).
- 14 (9) Investigate and attempt to resolve any matter regarding
- 15 compliance by a small business with a law, rule, or policy
- 16 administered by a state agency, either as a party to a proceeding
- 17 or as a mediator.

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

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

- 27 (1) IC 13-17-3-15.
- 28 ~~(2) IC 13-17-7.~~
- 29 ~~(3) (2) IC 13-17-8-10.~~
- 30 ~~(4) (3) IC 13-17-9.~~
- 31 ~~(5) (4) IC 13-17-10.~~
- 32 ~~(6) (5) IC 13-17-11.~~
- 33 ~~(7) (6) IC 13-17-13.~~

34 SECTION 4. IC 13-11-2-7 IS REPEALED [EFFECTIVE JULY 1,  
 35 2026]. Sec. 7. "~~Alternative PCB technology~~", for purposes of  
 36 ~~IC 13-17-10~~, means a technology for the treatment and disposal of PCB  
 37 that presents:

- 38 ~~(1) an actual; or~~
- 39 ~~(2) a potential;~~
- 40 ~~alternative to incineration.~~

41 SECTION 5. IC 13-11-2-7.3 IS ADDED TO THE INDIANA  
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: **Sec. 7.3. "Anaerobic digestion**  
 2 **facility"**, for purposes of this chapter and IC 13-20-10.5:

3 (1) means a facility that incorporates equipment that  
 4 promotes the decomposition of biomass, appropriate  
 5 feedstock, or both to simple organics and biogas products in  
 6 the oxygen free environment of a closed, sealed chamber;  
 7 and

8 (2) includes a methane recovery system.

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

17 SECTION 7. IC 13-11-2-15 IS REPEALED [EFFECTIVE JULY  
 18 1, 2026]. ~~Sec. 15. "Assistant commissioner"~~, for purposes of IC 13-27,  
 19 ~~refers to the individual appointed by the commissioner under~~  
 20 ~~IC 13-27-2-2 to the highest position in the division of pollution~~  
 21 ~~prevention.~~

22 SECTION 8. IC 13-11-2-16.6, AS ADDED BY P.L.189-2011,  
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2026]: ~~Sec. 16.6. "Biomass"~~, for purposes of sections ~~16.7 and~~  
 25 ~~16.8~~ **7.3, 88.7, 205, and 212** of this chapter and IC 13-20-10.5, means  
 26 biological material that is available on a renewable recurring basis and  
 27 is used as a source of renewable energy, including the following:

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

38 SECTION 9. IC 13-11-2-16.7 IS REPEALED [EFFECTIVE JULY  
 39 1, 2026]. ~~Sec. 16.7. "Biomass anaerobic digestion facility"~~, for  
 40 ~~purposes of IC 13-20-10.5:~~

41 ~~(1) means a facility that incorporates equipment that promotes~~  
 42 ~~the decomposition of biomass to simple organics and biogas~~

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1 products in the oxygen free environment of a closed, sealed  
2 chamber; and

3 (2) includes a methane recovery system:

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

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

16 SECTION 12. IC 13-11-2-22 IS REPEALED [EFFECTIVE JULY  
17 1, 2026]. Sec. 22: "Byproduct material"; for purposes of IC 13-22-10;  
18 has the meaning set forth in section 11c. (2) of the Atomic Energy Act  
19 of 1954 (42 U.S.C. 2014(c)(2)); as in effect on January 1, 1987.

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

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

- 27 (1) 33 U.S.C. 1251 et seq.; and  
28 (2) as applicable, regulations adopted under 33 U.S.C. 1251 et  
29 seq.

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

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

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- 1 (C) IC 13-18-10.  
 2 A determination by the department under this subdivision is appealable  
 3 under IC 4-21.5.  
 4 [ SECTION 16. IC 13-11-2-49.5 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2026]: Sec. 49.5. "Decision", for purposes of  
 7 IC 13-14-2-10, includes standards, permits, enforcement actions,  
 8 and clean up levels.  
 9 ] SECTION 1 ~~6~~ [7]. IC 13-11-2-60 IS REPEALED [EFFECTIVE  
 10 JULY 1, 2026]. Sec. 60: "Division", for purposes of IC 13-27, refers to  
 11 the division of pollution prevention.  
 12 SECTION 1 ~~7~~ [8]. IC 13-11-2-77, AS AMENDED BY  
 13 P.L.176-2023, SECTION 14, IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 77. (a) "Facility", for  
 15 purposes of IC 13-15-1-3, means a structure or an area of land used for  
 16 the disposal, treatment, storage, recovery, processing, or transferring of  
 17 solid waste ~~or hazardous waste. or atomic radiation.~~ The term includes  
 18 the following:  
 19 (1) A hazardous waste facility.  
 20 (2) An incinerator.  
 21 (3) A solid waste landfill.  
 22 (4) A transfer station.  
 23 (b) "Facility", for purposes of IC 13-17-7, means a single structure,  
 24 piece of equipment, installation, or operation that:  
 25 (1) emits; or  
 26 (2) has the potential to emit;  
 27 a regulated air pollutant.  
 28 (c) (b) "Facility", for purposes of IC 13-18-5, means a building, a  
 29 structure, equipment, or other stationary item that is located on:  
 30 (1) a single site; or  
 31 (2) contiguous or adjacent sites that are owned by, operated by,  
 32 or under common control of the same person.  
 33 (d) (c) "Facility", for purposes of IC 13-21, means a facility, a  
 34 plant, a works, a system, a building, a structure, an improvement,  
 35 machinery, equipment, a fixture, or other real or personal property of  
 36 any nature that is to be used, occupied, or employed for the collection,  
 37 storage, separation, processing, recovery, treatment, marketing,  
 38 transfer, or disposal of solid waste.  
 39 (e) (d) "Facility", for purposes of IC 13-23, means a parcel of land  
 40 or site, together with the structures, equipment, and improvements on  
 41 or appurtenant to the land or site, which is used or is being developed  
 42 for the storage or distribution of petroleum.

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

3 (1) located on a single site or on contiguous or adjacent sites;  
4 and

5 (2) owned or operated by:

6 (A) the same person; or

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

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

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

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

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

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

31 SECTION 2 ~~10~~ [1]. IC 13-11-2-93 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 93. (a) "Guarantor", for  
33 purposes of IC 13-22-8, means a person, other than the owner or  
34 operator of a hazardous waste facility, who provides evidence of  
35 financial responsibility for the owner or operator under IC 13-22-8.

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

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

41 (2) the rules adopted under ~~IC 13-23-1-2(c)(6)~~.  
42 IC 13-23-1-2(b)(6).

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

- 6 (1) meets the criteria ~~in 327 IAC 5-13-2(f)~~; **set forth in the**  
7 **applicable rules or regulations**; and
- 8 (2) has been approved by the commissioner in accordance with [  
9 ~~327 IAC 5-13-4~~; **the applicable rules or regulations.**

10 SECTION 2 ~~3~~ 3. IC 13-11-2-114, AS AMENDED BY  
11 P.L.112-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2026]: Sec. 114. "Land application", for  
13 purposes of **section 205 of this chapter and** IC 13-18-12, means the  
14 disposal of:

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

20 SECTION 2 ~~4~~ 4. IC 13-11-2-114.2, AS AMENDED BY  
21 P.L.112-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2026]: Sec. 114.2. "Land application  
23 operation", for purposes of IC 13-18-12 and IC 13-19-3, means an  
24 operation in which sludge, waste products, or wastewater generated by  
25 industrial, municipal, or semipublic facilities are disposed of by  
26 **application upon or spraying or spreading onto the land surface**,  
27 incorporation into the soil, **or injection below the land surface.** The  
28 term does not include the operation of **an underground injection well**,  
29 a landfill, or an open dump.

30 SECTION 2 ~~5~~ 5. IC 13-11-2-138 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 138. "Navigable  
32 waters" ~~for purposes of IC 13-24-2~~; means waters of the United States  
33 (as defined in the federal Clean Water Act (33 U.S.C. 1362(7))).

34 SECTION 2 ~~6~~ 6. IC 13-11-2-143 IS REPEALED [EFFECTIVE  
35 JULY 1, 2026]. Sec. 143: (a) "Office", ~~for purposes of IC 13-22-11~~,  
36 ~~refers to the division of pollution prevention and technical assistance~~  
37 ~~established by IC 13-27-2-1.~~

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

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

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1 [ SECTION 28. IC 13-11-2-163.3 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2026]: Sec. 163.3. "PFAS chemicals", for  
4 purposes of IC 13-14-2-11, means non-polymeric perfluoroalkyl  
5 substances or non-polymeric saturated polyfluoroalkyl substances  
6 that are a group of manmade chemicals that:

- 7 (1) are likely to be persistent in the environment; and
- 8 (2) have bioaccumulation potential in humans, animals, or
- 9 the environment.

10 ] SECTION ~~2~~[9]. IC 13-11-2-165, AS AMENDED BY  
11 P.L.189-2018, SECTION 114, IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 165. "Pollution control  
13 laws" refers to the following:

- 14 (1) IC 13-12-4 and IC 13-12-5.
- 15 (2) IC 13-17, except for the following:
  - 16 (A) IC 13-17-3-15.
  - 17 ~~(B) IC 13-17-7.~~
  - 18 ~~(C) (B) IC 13-17-8-10.~~
  - 19 ~~(D) (C) IC 13-17-10.~~
  - 20 ~~(E) (D) IC 13-17-11.~~
  - 21 ~~(F) (E) IC 13-17-13.~~
- 22 (3) IC 13-18, except for the following:
  - 23 (A) IC 13-18-12 and IC 5-1.2-10.
  - 24 (B) IC 13-18-15 through IC 13-18-20.
- 25 (4) IC 13-19-3.
- 26 (5) IC 13-20-16 and IC 13-20-17.

27 SECTION ~~28~~[30]. IC 13-11-2-168 IS REPEALED  
28 [EFFECTIVE JULY 1, 2026]. Sec. ~~168~~: "Potential emissions"; for  
29 purposes of IC ~~13-17-7~~, means emissions calculated:

- 30 ~~(1)~~ before:
  - 31 ~~(A) the installation of air pollution control equipment; and~~
  - 32 ~~(B) the application of any applicable state or federal:~~
    - 33 ~~(i) rule;~~
    - 34 ~~(ii) regulation; or~~
    - 35 ~~(iii) statute;~~
  - 36 ~~that establishes emission limitations or standards; and~~
- 37 ~~(2) after consideration of any physical or operational limitation~~  
38 ~~on the capacity of a facility or source.~~

39 SECTION ~~29~~[31]. IC 13-11-2-177.5 IS AMENDED TO READ  
40 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 177.5. (a) "Publicly  
41 owned treatment works", for purposes of IC 13-18-3, ~~has the meaning~~  
42 ~~set forth in 327 IAC 5-1.5-48. means a treatment works (as defined~~

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1 **in Section 212(2) of the Clean Water Act) owned by the state or a**  
2 **municipality (as defined in Section 502(4) of the Clean Water Act).**

3 **(b) The term includes:**

4 **(1) devices and systems used in the storage, treatment,**  
5 **recycling, and reclamation of municipal sewage or**  
6 **compatible industrial wastes; and**

7 **(2) a municipality (as defined in Section 502(4) of the Clean**  
8 **Water Act) that has jurisdiction over the indirect discharges**  
9 **to and the discharges from a treatment works.**

10 **(c) The term does not include:**

11 **(1) pipes;**

12 **(2) sewers; or**

13 **(3) other conveyances;**

14 **not connected to a facility providing treatment.**

15 SECTION 3 ~~↔~~ [2]. IC 13-11-2-199.4 IS REPEALED  
16 [EFFECTIVE JULY 1, 2026]. Sec. 199.4. "Septage management  
17 vehicle", for purposes of IC 13-18-12-2.2, has the meaning set forth in  
18 IC 13-18-12-2.2(b).

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

27 (1) store;

28 (2) treat;

29 (3) make inoffensive; or

30 (4) dispose of;

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

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

34 SECTION 3 ~~↔~~ [4]. IC 13-11-2-203.5, AS AMENDED BY  
35 P.L.1-2010, SECTION 60, IS AMENDED TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2026]: Sec. 203.5. (a) Except as provided in  
37 subsection (b), "small business", for purposes of section 47.7 of this  
38 chapter, means a business that satisfies all the following:

39 (1) The business is independently owned and operated.

40 (2) The principal office of the business is located in Indiana.

41 (3) The business satisfies either of the following:

42 (A) The business has not more than:

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- 1 (i) one hundred (100) employees; and
- 2 (ii) average annual gross receipts of ten million dollars
- 3 (\$10,000,000).
- 4 (B) If the business is a manufacturing business, the business
- 5 does not have more than one hundred (100) employees.
- 6 (b) "Small business" does not include a business subject to
- 7 electronic waste regulation under ~~329 IAC 16.1~~ IC 13-20.5.
- 8 SECTION 3 ~~↔~~ [5]. IC 13-11-2-205, AS AMENDED BY
- 9 P.L.54-2023, SECTION 12, IS AMENDED TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 2026]: Sec. 205. (a) "Solid waste", for purposes
- 11 of IC 13-18-12, IC 13-19, IC 13-21, IC 13-20-22, and environmental
- 12 management laws, except as provided in subsection (b), and subject to
- 13 subsection (d), means any garbage, refuse, sludge from a waste
- 14 treatment plant, sludge from a water supply treatment plant, sludge
- 15 from an air pollution control facility, or other discarded material,
- 16 including solid, liquid, semisolid, or contained gaseous material
- 17 resulting from industrial, commercial, mining, or agricultural
- 18 operations or from community activities. The term does not include:
- 19 (1) solid or dissolved material in:
- 20 (A) domestic sewage; or
- 21 (B) irrigation return flows or industrial discharges;
- 22 that are point sources subject to permits under Section 402 of the
- 23 Federal Water Pollution Control Act Amendments (33 U.S.C.
- 24 1342);
- 25 (2) source, special nuclear, or byproduct material (as defined by
- 26 the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);
- 27 (3) manures or crop residues returned to the soil as fertilizers or
- 28 soil conditioners as part of a total farm operation;
- 29 (4) vegetative matter at composting facilities registered under
- 30 IC 13-20-10; or
- 31 (5) material that is discarded if:
- 32 (A) the material is not:
- 33 (i) spent lead acid batteries regulated under
- 34 IC 13-20-16; ~~[ ] and 329 IAC 3-1-11.1;~~
- 35 (ii) salvaged from mobile homes regulated under 329
- 36 IAC 11.6;
- 37 (iii) alternative fuels regulated under 329 IAC 11.7;
- 38 (iv) used oil regulated under 329 IAC 13;
- 39 (v) waste tires regulated under [ IC 13-20-13 and ]
- 40 IC 13-20-14; ~~and 329 IAC 15;~~
- 41 (vi) electronic waste regulated under 329 IAC 16;
- 42 (vii) legitimate use of iron and steelmaking slags, as

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- 1 described in 329 IAC 11-3-1(11);
- 2 (viii) legitimate use of foundry sand, as described in
- 3 329 IAC 11-3-1(12); ~~or~~
- 4 (ix) engineered wood waste burned as a fuel, as
- 5 described in 329 IAC 11-3-1(20);
- 6 **(x) treated in order to be appropriate for land**
- 7 **application; or**
- 8 **(xi) biomass or appropriate feedstock regulated**
- 9 **under IC 13-20-10.5;**
- 10 (B) the material is otherwise:
  - 11 (i) determined under 40 CFR 262.11 to be
  - 12 nonhazardous; or
  - 13 (ii) exempted or excluded from regulation as a
  - 14 hazardous waste under 40 CFR 261; and
- 15 (C) the material is used:
  - 16 (i) by a manufacturer as an ingredient in or a
  - 17 component of a product; or
  - 18 (ii) as a commodity in a process that results in a
  - 19 product.
- 20 (b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and
- 21 IC 13-21, and subject to subsection (d), does not include the following:
  - 22 (1) A waste that is regulated under the following:
    - 23 (A) IC 13-22-1 through IC 13-22-8.
    - 24 (B) IC 13-22-13 through IC 13-22-14.
  - 25 (2) An infectious waste (as defined in IC 16-41-16-4) that is
  - 26 disposed of at an incinerator permitted under rules adopted by
  - 27 the board to dispose of infectious waste.
- 28 (c) "Solid waste", for purposes of IC 13-26, and subject to
- 29 subsection (d), means all putrescible and nonputrescible solid and
- 30 semisolid wastes, except human excreta. The term includes garbage,
- 31 rubbish, ashes, street cleanings, dead animals, offal, and solid
- 32 commercial, industrial, and institutional wastes.
- 33 (d) The term "solid waste" does not include post-use polymers and
- 34 recovered feedstocks that are:
  - 35 (1) converted at an advanced recycling facility; or
  - 36 (2) held at an advanced recycling facility before conversion.
- 37 SECTION 3 ~~4~~ 6. IC 13-11-2-212, AS AMENDED BY
- 38 P.L.54-2023, SECTION 15, IS AMENDED TO READ AS FOLLOWS
- 39 [EFFECTIVE JULY 1, 2026]: Sec. 212. (a) "Solid waste processing
- 40 facility", for purposes of IC 13-19-3-8.2, IC 13-19-4, IC 13-20-1,
- 41 IC 13-20-4, and IC 13-20-6, and subject to subsection (b), means a
- 42 facility at which at least one (1) of the following is located:

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- 1 (1) A solid waste incinerator.
- 2 (2) A transfer station.
- 3 (3) A solid waste baler.
- 4 (4) A solid waste shredder.
- 5 (5) A resource recovery system.
- 6 (6) A composting facility.
- 7 (7) A garbage grinding system.
- 8 (8) A medical or an infectious waste treatment facility.
- 9 (9) A solid waste solidification facility that is not located on an
- 10 operating, permitted landfill.
- 11 (10) A facility that uses plasma arc or another source of heat to
- 12 treat solid waste.

13 (b) The term "solid waste processing facility" does not include the  
 14 following:

- 15 (1) A facility or operation that generates solid waste.
- 16 (2) An advanced recycling facility.
- 17 **(3) A facility that:**
- 18 **(A) processes solely:**
- 19 **(i) biomass, appropriate feedstock, or recyclable**
- 20 **material; or**
- 21 **(ii) a mixture of the materials described in item (i);**
- 22 **and**
- 23 **(B) is located at a permitted beneficial use facility or an**
- 24 **anaerobic digestion facility or gasification facility.**

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

- 29 (1) located on:
- 30 (A) one (1) piece of property; or
- 31 (B) contiguous or adjacent properties; and
- 32 (2) owned, operated, or controlled by the same person.

33 SECTION 3<del>6</del> [8]. IC 13-11-2-214 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 214. "Source  
 35 reduction", for purposes of ~~IC 13-17-7~~ and IC 13-21, means a reduction  
 36 in the amount of solid waste generated that is achieved through actions  
 37 affecting the source of the solid waste.

38 [ SECTION 39. IC 13-11-2-221.3 IS ADDED TO THE INDIANA  
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2026]: Sec. 221.3. (a) "State prioritized PFAS  
 41 chemicals", for purposes of IC 13-14-2-11, means non-polymeric  
 42 perfluoroalkyl substances or non-polymeric saturated

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1 polyfluoroalkyl substances that are a group of manmade chemicals  
2 that:

- 3 (1) contain at least two (2) fully fluorinated sequential
- 4 carbon atoms;
- 5 (2) are likely to be persistent in the environment;
- 6 (3) have bioaccumulation potential in humans, animals, or
- 7 the environment; and
- 8 (4) are regulated by the United States Environmental
- 9 Protection Agency under the federal Safe Drinking Water
- 10 Act (42 U.S.C. 300f et seq.) with respect to maximum
- 11 contaminant levels.

12 (b) The term includes the following targeted fluorinated  
13 substances:

- 14 (1) Perfluorooctanoic acid (PFOA) and its salts.
- 15 (2) Perfluorooctanesulfonic acid or perfluorooctane sulfonate
- 16 (PFOS) and its salts.

17 (c) The term does not include gases or substances that become  
18 gases in use.

19 ] SECTION ~~37~~[40]. IC 13-11-2-224 IS REPEALED  
20 [EFFECTIVE JULY 1, 2026]. Sec. 224. "Stormwater permit"; for  
21 purposes of IC 13-18-20, refers to a permit issued to a facility regulated  
22 under 327 IAC 15-5 or 327 IAC 15-6.

23 SECTION ~~38~~[41]. IC 13-11-2-232 IS REPEALED  
24 [EFFECTIVE JULY 1, 2026]. Sec. 232. "Title V operating permit"; for  
25 purposes of IC 13-17-7, means a permit required by 42 U.S.C. 7661a.

26 SECTION ~~39~~[42]. IC 13-11-2-245, AS AMENDED BY  
27 P.L.198-2016, SECTION 636, IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 245. (a) "Vehicle", for  
29 purposes of IC 13-17-5, refers to a vehicle required to be registered  
30 with the bureau of motor vehicles and required to have brakes. The  
31 term does not include the following:

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

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

39 (c) "Vehicle", for purposes of IC 13-20-13-7, means a motor  
40 vehicle, a farm tractor (as defined in IC 9-13-2-56), an implement of  
41 agriculture (as defined in IC 9-13-2-77), a semitrailer (as defined in  
42 IC 9-13-2-164(a) or IC 9-13-2-164(b)), and types of equipment,

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (5) Achieve a balance between population and resource use that

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1 will permit **Maintain** high standards of living and a wise sharing  
2 of life's amenities.

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

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

9 (1) the policies, rules, and statutes of the state shall be  
10 interpreted and administered in accordance with the policies set  
11 forth in this chapter; and

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

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

17 (B) Identify and develop methods and procedures that will  
18 ensure that unquantified environmental amenities and  
19 values may be given appropriate consideration in decision  
20 making along with economic and technical considerations.

21 ~~(C) Include in every recommendation or report on proposals~~  
22 ~~for legislation and other major state actions significantly~~  
23 ~~affecting the quality of the human environment a detailed~~  
24 ~~statement by the responsible official on the following:~~

25 ~~(i) The environmental impact of the proposed action.~~

26 ~~(ii) Any adverse environmental effects that cannot be~~  
27 ~~avoided should the proposal be implemented.~~

28 ~~(iii) Alternatives to the proposed action.~~

29 ~~(iv) The relationship between local short term uses of~~  
30 ~~the environment and the maintenance and~~  
31 ~~enhancement of long-term productivity.~~

32 ~~(v) Any irreversible and ir retrievable commitments of~~  
33 ~~resources that would be involved if the proposed action~~  
34 ~~should be implemented.~~

35 Before making a detailed statement, the responsible state  
36 official shall consult with and obtain the comments of each  
37 state agency that has jurisdiction by law or special expertise  
38 with respect to any environmental impact involved. Copies  
39 of the statement and the comments and views of the  
40 appropriate federal, state, and local agencies that are  
41 authorized to develop and enforce environmental standards  
42 shall be made available to the governor and to the public

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

20 SECTION 4<del>6</del>[6]. IC 13-12-4-6 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. All state agencies  
 22 shall review their:

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

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

29 SECTION 4<del>8</del>[7]. IC 13-12-4-8 IS REPEALED [EFFECTIVE  
 30 JULY 1, 2026]. Sec. 8: This chapter may not be construed to require an  
 31 environmental impact statement for the issuance of a license or permit  
 32 by any state agency.

33 SECTION 4<del>10</del>[8]. IC 13-12-4-10 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. Any state agency  
 35 that is required by the federal National Environmental Policy Act (P.L.  
 36 91-190) (42 U.S.C. 4321 et seq.) to file a federal environmental impact  
 37 statement is not required to file a statement with the state government  
 38 as provided under sections 5 and 6 of this chapter unless the action  
 39 contemplated requires state legislation or state appropriations: **exempt**  
 40 **from the requirements of this chapter with respect to the action**  
 41 **requiring the statement.**

42 SECTION 4<del>11</del>[9]. IC 13-12-5-1 IS REPEALED [EFFECTIVE

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1 JULY 1, 2026]. Sec. 1: The general assembly recognizes that there are  
2 two (2) approaches to environmental protection:

3 (1) clean manufacturing; or

4 (2) waste management, which is also known as pollution control.

5 SECTION ~~47~~ [50]. IC 13-12-5-2 IS REPEALED [EFFECTIVE  
6 JULY 1, 2026]. Sec. 2: Clean manufacturing consists of economically  
7 feasible practices that reduce, avoid, or eliminate the unnecessary use  
8 of harmful industrial materials and the generation of industrial wastes,  
9 pollutants, emissions, and discharges at the point of production. Clean  
10 manufacturing practices are limited to the following:

11 (1) Product reformulation.

12 (2) Input substitution.

13 (3) Equipment redesign.

14 (4) Improved operations and procedures.

15 SECTION ~~48~~ [51]. IC 13-12-5-3 IS REPEALED [EFFECTIVE  
16 JULY 1, 2026]. Sec. 3: Waste management or pollution control consists  
17 of environmental protection practices employed after industrial wastes,  
18 pollutants, discharges, and emissions have been generated. Waste  
19 management or pollution control practices include the following:

20 (1) Waste storage and waste transportation.

21 (2) Waste treatment, including the following:

22 (A) Detoxification.

23 (B) Incineration.

24 (C) Biological treatment.

25 (3) Land disposal of wastes.

26 (4) Recycling.

27 (5) Burning waste as fuels.

28 (6) Dispersal of waste into air or water.

29 (7) Dewatering of waste.

30 SECTION ~~49~~ [52]. IC 13-13-2-2 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner [  
32 shall **may** appoint individuals to the other positions in the department.

33 SECTION 5 ~~3~~ [3]. IC 13-13-2-3 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner  
35 may establish an ad hoc group to study and make recommendations  
36 regarding critical environmental issues. The ad hoc group may include  
37 the following:

38 (1) University representatives.

39 (2) Scientific research organizations.

40 (3) Public policy and research advisory organizations.

41 (4) Individuals from the private sector with experience in related  
42 disciplines.

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

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

- 5 (1) An office dealing with environmental emergencies.  
6 (2) An office for communications with the public.  
7 (3) A hearings office, including the department's hearing  
8 officers.  
9 (4) An office to conduct investigations.

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

- 14 (1) ~~An air pollution control division.~~ **An office of air quality.**  
15 (2) ~~A water pollution control division.~~ **An office of water**  
16 **quality.**  
17 (3) ~~A solid waste management division.~~ **An office of land**  
18 **quality.**  
19 (4) ~~An administrative services division.~~ **An office of legal**  
20 **counsel.**  
21 (5) ~~A division of pollution prevention.~~ **An office of program**  
22 **support.**

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

- 26 (1) The water pollution agency for Indiana for all purposes of the  
27 Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in  
28 effect January 1, 1988, and the federal Safe Drinking Water Act  
29 (42 U.S.C. 300f through 300j) in effect January 1, 1988.  
30 (2) The solid waste agency for Indiana for all purposes of the  
31 federal Resource Conservation and Recovery Act (42 U.S.C.  
32 6901 et seq.) in effect January 1, 1988.  
33 (3) The air pollution control agency for Indiana for all purposes  
34 of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as  
35 amended. [ ] by the federal Clean Air Act Amendments of 1990  
36 (P.L.101-549).  
37 (4) The state agency with responsibility concerning the Midwest  
38 Interstate Compact on Low-Level Radioactive Waste under  
39 IC 13-29-1.  
40 (5) The state agency with responsibility concerning the federal  
41 Comprehensive Environmental Response, Compensation, and  
42 Liability Act of 1980, as amended by the federal Superfund

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1 Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601  
2 through 9675) as in effect on January 1, 1993, and concerning 40  
3 CFR 300.505, Subpart F of the National Oil and Hazardous  
4 Substances Pollution Contingency Plan.

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

8 SECTION 5~~6~~<sup>7</sup>. IC 13-13-5-2 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The department  
10 may take any action necessary to secure for Indiana the benefits of the  
11 statutes described in section 1 of this chapter.

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

21 SECTION 5~~5~~<sup>8</sup>. IC 13-13-7.1-1, AS ADDED BY P.L.53-2014,  
22 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2026]: Sec. 1. The compliance advisory panel  
24 is established **to carry out the duties required by 42 U.S.C. 7661f.**

25 SECTION 5~~6~~<sup>9</sup>. IC 13-13-7.1-2, AS AMENDED BY  
26 P.L.42-2024, SECTION 97, IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2026]: Sec. 2. The panel consists of the  
28 following members:

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

37 (2) ~~Two~~ (2) members appointed by the speaker of the house of  
38 representatives who are members of the house of representatives  
39 and who are owners of, or who have an interest in, a small  
40 business stationary source. ~~Not more than one~~ (1) of the  
41 members appointed under this subdivision may be affiliated with  
42 the same political party. A member, appointed by the minority

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1 leader of the senate, who is an owner of, or who represents  
 2 owners of, a small business stationary source.  
 3 (3) Two (2) members appointed by the governor to represent the  
 4 public who are not members of the general assembly; owners of  
 5 a small business stationary source; or representatives of owners  
 6 of small business stationary sources. Not more than one (1)  
 7 member appointed under this subdivision may be a solid waste  
 8 management district director and not more than one (1) member  
 9 appointed under this subdivision may be affiliated with the same  
 10 political party. A member, appointed by the speaker of the  
 11 house of representatives, who is an owner of, or represents  
 12 owners of, a small business stationary source.  
 13 (4) A member, appointed by the minority leader of the house  
 14 of representatives, who is an owner of, or who represents  
 15 owners of, a small business stationary source.  
 16 (5) Two (2) members, appointed by the governor, who:  
 17 (A) are not owners of, or representatives of owners of, a  
 18 small business stationary source; and  
 19 (B) will represent the general public.  
 20 Not more than one (1) member appointed under this  
 21 subdivision may be a solid waste management district  
 22 director.  
 23 (4) (6) The commissioner of the department of environmental  
 24 management or the commissioner's designee.  
 25 In appointing members under subdivision (5), the governor may  
 26 consider geographic location, political affiliation, and other factors  
 27 to ensure viewpoints are fairly balanced.  
 28 SECTION ~~57~~[60]. IC 13-13-7.1-3, AS AMENDED BY  
 29 P.L.42-2024, SECTION 98, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The term of a member  
 31 appointed to the panel under section 2(1) or 2(2) of this chapter is two  
 32 (2) years and expires June 30 of each odd-numbered year.  
 33 (b) (a) The term of a member appointed to the panel under section  
 34 2(3) section 2(1) through 2(5) of this chapter is four (4) years. The  
 35 term expires June 30, 2025; and each fourth year thereafter:  
 36 (c) (b) Members of the panel may be reappointed to successive  
 37 terms. However, a member may not serve more than two (2)  
 38 consecutive terms. An appointing authority may replace a member at  
 39 any time during the member's term.  
 40 (c) Notwithstanding section 2 of this chapter or this section, a  
 41 member:  
 42 (1) who is a member of the general assembly; and

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

5           SECTION ~~58~~[61]. IC 13-13-7.1-5, AS ADDED BY  
 6           P.L.53-2014, SECTION 119, IS AMENDED TO READ AS  
 7           FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The individual  
 8           serving on the panel under ~~section 2(4)~~ **section 2(6)** of this chapter is  
 9           a nonvoting member.

10          SECTION ~~59~~[62]. IC 13-13-7.1-6, AS AMENDED BY  
 11          P.L.1-2025, SECTION 177, IS AMENDED TO READ AS FOLLOWS  
 12          [EFFECTIVE JULY 1, 2026]: Sec. 6. The ~~chairperson of the legislative~~  
 13          **council governor** shall appoint the chair of the panel from the  
 14          members appointed under ~~section 2(1) or 2(2)~~ **section 2** of this chapter.  
 15          The chair of the panel serves at the pleasure of the ~~chairperson of the~~  
 16          **legislative council: governor**. The panel shall meet at the call of the  
 17          chair of the panel.

18          SECTION ~~64~~[3]. IC 13-13-7.1-11 IS REPEALED [EFFECTIVE  
 19          JULY 1, 2026]. Sec. 11: ~~The panel shall carry out the duties required~~  
 20          **of a compliance advisory panel under Section 507 of the federal Clean**  
 21          **Air Act (42 U.S.C. 7661f).**

22          SECTION ~~64~~[4]. IC 13-13-7.1-12, AS AMENDED BY  
 23          P.L.42-2024, SECTION 102, IS AMENDED TO READ AS  
 24          FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. The department of  
 25          **environmental management shall may** provide administrative and  
 26          technical support to the panel, as ~~provided in IC 13-28-3-2;~~ including  
 27          duties related to the development and dissemination of reports and  
 28          advisory opinions.

29          SECTION ~~64~~[5]. IC 13-13-7.1-13, AS AMENDED BY  
 30          P.L.42-2024, SECTION 103, IS AMENDED TO READ AS  
 31          FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. Except as provided  
 32          in section 9 of this chapter, the expenses of the panel shall be paid from  
 33          appropriations to the department. ~~of environmental management.~~

34          SECTION ~~64~~[6]. IC 13-13-7.1-14 IS REPEALED [EFFECTIVE  
 35          JULY 1, 2026]. Sec. 14: ~~The panel shall submit an annual report to the~~  
 36          **legislative council in an electronic format under IC 5-14-6.**

37          SECTION ~~64~~[7]. IC 13-13-8-2, AS ADDED BY P.L.133-2012,  
 38          SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39          JULY 1, 2026]: Sec. 2. (a) The following entities are abolished on  
 40          January 1, 2013:

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

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

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

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1 the ex-officio member is unable to attend a board meeting.

2 SECTION ~~<67>~~[70]. IC 13-13-8-6 IS REPEALED [EFFECTIVE  
3 JULY 1, 2026]. Sec. 6. Not more than six (6) of the appointed members  
4 of the board may be members of the same political party.

5 SECTION ~~<68>~~[71]. IC 13-13-8-7, AS ADDED BY  
6 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) An appointed  
8 member of the board serves a term of four (4) years. **A member may  
9 not serve more than two (2) consecutive terms.**

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

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

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

25 SECTION ~~<69>~~[72]. IC 13-13-8-10, AS ADDED BY  
26 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. The governor ~~shall  
28 annually select: may designate:~~

29 (1) one (1) of the appointed members of the board to serve as  
30 chairperson; and

31 (2) another of the appointed members to serve as vice  
32 chairperson.

33 SECTION 7~~<0>~~[3]. IC 13-13-8-11, AS ADDED BY  
34 P.L.133-2012, SECTION 72, IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. Each member of the  
36 board shall fully disclose any potential conflicts of interest ~~relating to  
37 permits or enforcement orders and recuse themselves as appropriate  
38 for particular matters before the board~~ under the:

39 (1) federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended; [  
40 ~~by the Clean Air Act Amendments of 1990;~~

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

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

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

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

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

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

33 SECTION 7~~↔~~[6]. IC 13-14-1-5 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The department shall  
 35 develop and implement a ~~program of public awareness and~~  
 36 ~~participation to assure maximum programs to maximize public~~  
 37 **awareness, participation, and** citizen involvement in the evolution  
 38 and continuation of the environmental programs of the state.

39 SECTION 7~~↔~~[7]. IC 13-14-1-7, AS AMENDED BY  
 40 P.L.133-2012, SECTION 75, IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The commissioner  
 42 shall prepare the proposed budget of the department and, **if necessary**,

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

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

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

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

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

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

26 SECTION ~~<7>~~[80]. IC 13-14-1-11.5, AS AMENDED BY THE  
27 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL  
28 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2026]: Sec. 11.5. (a) If the department proposes to utilize a  
30 policy or statement that:

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

35 (4) is not related solely to internal department organization;  
36 the proposed policy or statement may not be put into effect until the  
37 requirements of subsection (b) have been met.

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

- 42 (1) the proposed policy or statement;

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- 1 (2) information on the availability for public inspection of all
- 2 materials relied upon by the department in the development of
- 3 the proposed policy or statement, including, if applicable:
- 4 (A) health criteria;
- 5 (B) analytical methods;
- 6 (C) treatment technology;
- 7 (D) economic impact data;
- 8 (E) environmental assessment data; and
- 9 (F) other background data;
- 10 (3) the date, time, and location of the presentation under this
- 11 subsection to the appropriate board; and
- 12 (4) information regarding the opportunity for a person to
- 13 comment to the department and the appropriate board on the
- 14 proposed policy or statement before or at the time of the
- 15 presentation under this subsection.

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

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

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

27 (d) The department shall:

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

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

- 34 (1) The title of the policy or statement.
- 35 (2) The identification number of the policy or statement.
- 36 (3) The date the policy or statement was originally adopted.
- 37 (4) The date the policy or statement was last revised.
- 38 (5) A reference to all other policies or statements described in
- 39 subsection (a) that are repealed or amended by the policy or
- 40 statement.
- 41 (6) A brief description of the subject matter of the policy or
- 42 statement.

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

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

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

11 SECTION ~~78~~ [81]. IC 13-14-1-11.7, AS ADDED BY  
12 P.L.218-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2026]: Sec. 11.7. (a) ~~Before July 1 of each year,~~  
14 The department shall ~~report:~~ **make available in an electronic format:**

- 15 (1) any administrative rule that has been:  
16 (A) proposed by the department; or  
17 (B) adopted by the board; **and**  
18 ~~(2) any operating policy or procedure that has been instituted or~~  
19 ~~altered by the department; and~~  
20 ~~(3) (2) any nonrule policy or statement that has been proposed or~~  
21 ~~put into effect under section 11.5 of this chapter;~~

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

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

31 SECTION ~~79~~ [82]. IC 13-14-1-13 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) The  
33 commissioner shall establish and administer monitoring and reporting  
34 requirements as necessary to carry out the duties and to exercise the  
35 powers provided in the following:

- 36 (1) Air pollution control laws.  
37 (2) Water pollution control laws.  
38 (3) Environmental management laws.

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

42 SECTION 8 ~~8~~ [3]. IC 13-14-1-14 IS AMENDED TO READ AS

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

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

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

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

16 SECTION 8 ~~↔~~ [5]. IC 13-14-2-1, AS AMENDED BY  
 17 P.L.263-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) This section applies to any:

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

22 under this title.

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

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

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

31 (e) The department:

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

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

41 (g) The following ~~<agency>~~ actions taken under this title are  
 42 subject to review under IC 4-21.5] without restriction or

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

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

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

10 [ SECTION 87. IC 13-14-2-10 IS ADDED TO THE INDIANA  
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) The department may not  
 13 base a decision primarily on federal risk values that have not been  
 14 promulgated through federal rulemaking, including:

- 15 (1) reference doses;  
 16 (2) reference concentrations;  
 17 (3) inhalation unit risks; or  
 18 (4) hazard determinations, assessments, evaluations, goals,  
 19 or toxicity or risk values;

20 developed or issued under the United States Environmental  
 21 Protection Agency's Integrated Risk Information System, 42 U.S.C.  
 22 300g-1, or 15 U.S.C. 2605.

23 (b) The department shall avoid the use of federal risk values  
 24 that are at or below background concentrations in air, water, soil,  
 25 or sediment.

26 SECTION 88. IC 13-14-2-11 IS ADDED TO THE INDIANA  
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2026]: Sec. 11. The department shall focus on  
 29 state prioritized PFAS chemicals when PFAS chemicals are  
 30 relevant to carrying out the department's duties under this title,  
 31 including research, outreach, testing, and risk communication.

32 ] SECTION 8~~8~~[9]. IC 13-14-3-1 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department  
 34 shall ~~encourage~~ and advise local governmental units referred to in  
 35 IC 13-11-2-158 in developing facilities or establishing standards for the  
 36 following:

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

41 SECTION ~~85~~[90]. IC 13-14-4 IS REPEALED [EFFECTIVE  
 42 JULY 1, 2026]. (Notice to Department of Plans and Programs

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1 Affecting the Environment).

2 SECTION ~~86~~[91]. IC 13-14-5-2 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) ~~Except as~~

4 ~~provided in section 3 of this chapter,~~ The designated agent of the

5 department conducting the inspection must provide the property owner

6 **or representative of the property owner** with the following:

7 (1) ~~Before completing an inspection of property under~~

8 ~~IC 13-14-2-2,~~ **If a representative of the inspected facility is**

9 **available at the time of inspection,** an oral report of the

10 inspection that includes any specific matters discovered during

11 the inspection that the designated agent of the department

12 believes may be a violation of a law or of a permit issued by the

13 department **before completing an inspection of property**

14 **under IC 13-14-2-2.**

15 (2) Not later than forty-five (45) calendar days after the

16 inspection, a written summary of the oral report given under

17 subdivision (1).

18 **(b) The designated agent shall send a written summary of the**

19 **inspection in accordance with IC 13-14-2-1 to the property owner**

20 **not later than forty five (45) days following the inspection.**

21 SECTION ~~87~~[92]. IC 13-14-5-3 IS REPEALED [EFFECTIVE

22 JULY 1, 2026]. Sec. 3: ~~If the designated agent of the department~~

23 ~~completes the inspection at a time when the property owner is not~~

24 ~~available to receive an oral report under section 2 of this chapter,~~ the

25 ~~designated agent shall send a written summary of the inspection in~~

26 ~~accordance with IC 13-14-2-1 to the property owner not later than~~

27 ~~forty-five (45) calendar days following the inspection.~~

28 SECTION ~~88~~[93]. IC 13-14-5-5 IS REPEALED [EFFECTIVE

29 JULY 1, 2026]. Sec. 5: ~~The board shall adopt rules under IC 4-22-2 and~~

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

31 SECTION ~~89~~[94]. IC 13-14-5-6 IS AMENDED TO READ AS

32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The property

33 owner may provide information in response to any of the following:

34 (1) An oral report provided under section 2 of this chapter.

35 (2) A written summary provided under section 2 ~~or 3~~ of this

36 chapter.

37 (3) Questions raised during the inspection visit.

38 (b) The department shall review and consider any information

39 presented by the property owner under subsection (a). The department

40 shall ~~append any written information provided under subsection (a) to~~

41 ~~the inspection report and~~ include the written information **provided**

42 **under subsection (a)** in the public file.

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1 SECTION 9~~9~~[5]. IC 13-14-8-1, AS AMENDED BY  
 2 P.L.93-2024, SECTION 115, IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board may:

- 4 (1) adopt;  
 5 (2) repeal;  
 6 (3) rescind; or  
 7 (4) amend;

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

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

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

16 SECTION 9~~9~~[6]. IC 13-14-8-3 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. A rule or standard  
 18 adopted by a board may:

- 19 (1) make different provisions as required by varying  
 20 circumstances and conditions for different contaminant sources  
 21 and for different geographical areas;  
 22 (2) ~~be made applicable to sources outside Indiana that:~~  
 23 **appropriately consider:**

- 24 (A) ~~are causing;~~ **background;**  
 25 (B) ~~are contributing to;~~ **interstate;** or  
 26 (C) ~~could cause or contribute to;~~ **international sources of;**  
 27 **environmental pollution; in Indiana;** and

- 28 (3) make provision for abatement standards and procedures:  
 29 (A) concerning occurrences, emergencies, or pollution; or  
 30 (B) on other short term conditions constituting an acute  
 31 danger to health or to the environment.

32 SECTION 9~~9~~[7]. IC 13-14-8-4 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. In adopting rules and  
 34 establishing standards, ~~a the board shall take into account may~~  
 35 **consider** the following:

- 36 (1) All existing physical conditions and the character of the area  
 37 affected.  
 38 (2) Past, present, and probable future uses of the area, including  
 39 the character of the uses of surrounding areas.  
 40 (3) Zoning classifications.  
 41 (4) The nature of the existing air quality or existing water  
 42 quality, as appropriate.

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- 1 (5) Technical feasibility, including the quality conditions that
- 2 could reasonably be achieved through coordinated control of all
- 3 factors affecting the quality.
- 4 (6) Economic reasonableness of measuring or reducing any
- 5 particular type of pollution.
- 6 (7) The right of all persons to an environment sufficiently
- 7 uncontaminated as not to be injurious to:
- 8 (A) human, plant, animal, or aquatic life; or
- 9 (B) the reasonable enjoyment of life and property.

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

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

- 20 (b) If **a majority of the voting members of the board** finds that
- 21 the proposal
- 22 (1) **is not plainly devoid of merit; meritorious and authorized**
- 23 **under this title, and**
- 24 (2) **does not deal with a subject on which a hearing was held**
- 25 **within the previous six (6) months of the submission of the**
- 26 **proposal;**

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

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

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

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

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1 the subject of the hearing.

2 SECTION ~~95~~ [100]. IC 13-14-8-7, AS AMENDED BY  
 3 P.L.250-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS  
 4 [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) ~~Without limiting the~~  
 5 ~~generality of the regulatory authority of the board under this title;~~ The  
 6 board may adopt rules under IC 4-22-2 and IC 13-14-9 prescribing the  
 7 following:

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

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

12 (A) the discharge of any contaminants;

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

14 (i) facility;

15 (ii) equipment; or

16 (iii) device;

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

18 (C) the operation of any:

19 (i) facility;

20 (ii) equipment; or

21 (iii) device;

22 to control or to prevent pollution.

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

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

26 (A) water wells;

27 (B) water holes; and

28 (C) drainage holes;

29 to protect ground water against contamination.

30 (5) Alert criteria and abatement standards for pollution episodes  
 31 or emergencies constituting an acute danger to health or to the  
 32 environment, including priority lists for terminating activities  
 33 that contribute to the hazard, whether or not the activities would  
 34 meet all discharge requirements of the board under normal  
 35 conditions.

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

39 (7) Requirements and standards for equipment and procedures  
 40 for:

41 (A) monitoring contaminant discharges at their sources;

42 (B) the collection of samples; and

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- 1 (C) the collection, reporting, and retention, in accordance
- 2 with record retention schedules adopted under IC 5-15-5.1,
- 3 of data resulting from that monitoring.
- 4 (8) Standards or requirements to control:
- 5 (A) the discharge; or
- 6 (B) the pretreatment;
- 7 of contaminants introduced or discharged into publicly owned
- 8 treatment works.
- 9 (9) Fees, in accordance with IC 13-16-1.

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

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

19 SECTION ~~96~~ [101]. IC 13-14-8-10 IS AMENDED TO READ  
20 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. ~~A~~ **The** board  
21 may adopt rules under IC 4-22-2 to specify the following with respect  
22 to any of the board's rules:

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

28 SECTION ~~97~~ [102]. IC 13-14-8-11, AS AMENDED BY  
29 P.L.128-2024, SECTION 17, IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) A person  
31 affected by a decision of the commissioner under sections 8 and 9 of  
32 this chapter may, within fifteen (15) days after receipt of notice of the  
33 decision, appeal the decision to the office of administrative law  
34 proceedings. ~~All proceedings under this section to appeal the~~  
35 ~~commissioner's decision are governed by IC 4-21-5.~~

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

38 SECTION ~~98~~ [103]. IC 13-14-8-11.5 IS AMENDED TO READ  
39 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.5. (a) The  
40 department shall prepare and publish in the Indiana Register guidance  
41 on the application process and criteria for obtaining a site-specific  
42 limitation for a National Pollutant Discharge Elimination System

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1 (NPDES) permit. Criteria to be considered must include wet weather  
2 events, water effects ratio, and other site-specific considerations as  
3 determined by the department. Water effects ratio shall be the ratio of  
4 the aquatic toxicity of a parameter in the water of the receiving stream  
5 compared to the aquatic toxicity of the parameter in the laboratory  
6 water used to determine the standard.

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

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

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

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

25 SECTION ~~<99>~~ [104]. IC 13-14-8-11.6, AS AMENDED BY  
26 P.L.113-2014, SECTION 63, IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.6. (a) A discharger  
28 is not required to obtain a state permit for the modification or  
29 construction of a water pollution treatment or control facility if the  
30 discharger has an effective:

- 31 (1) National Pollutant Discharge Elimination System (NPDES)
- 32 industrial permit for direct discharges to surface water; or
- 33 (2) industrial waste pretreatment permit not issued by the
- 34 department for discharges to a publicly owned treatment works.

35 (b) If a modification is for the treatment or control of any new  
36 influent pollutant or increased levels of any existing pollutant, within  
37 thirty (30) days after commencement of operation, the discharger shall  
38 file with the department a notice of installation for the additional  
39 pollutant control equipment and a design summary of any  
40 modifications.

41 (c) The board ~~shall~~ **may** adopt a general permit rule for the  
42 approval of sanitary collection system plans, lift station plans, and force

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1 main plans.

2 SECTION 10~~0~~~~5~~<sup>[5]</sup>. IC 13-14-9-0.1 IS REPEALED [EFFECTIVE  
3 JULY 1, 2026]. Sec. 0.1. The amendments made to sections 3 and 4 of  
4 this chapter by P.L.100-2006 apply only to proposed rules for which  
5 the department of environmental management provides notice under  
6 section 3 of this chapter, as amended by P.L.100-2006, after June 30,  
7 2006.

8 SECTION 10~~4~~~~6~~<sup>[6]</sup>. IC 13-14-9-3, AS AMENDED BY  
9 P.L.249-2023, SECTION 52, IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Before publication  
11 of the notice described in IC 4-22-2-23, the department may provide  
12 notice in the Indiana Register of a public comment period regarding  
13 potential rulemaking. A notice provided under this section must do the  
14 following:

- 15 (1) Identify the authority under which the proposed rule is to be  
16 adopted.
- 17 (2) Describe the subject matter and the basic purpose of the  
18 proposed rule. The description required by this subdivision must:  
19 (A) list all alternatives being considered by the department  
20 at the time of the notice;  
21 (B) state whether each alternative listed under clause (A)  
22 creates:  
23 (i) a restriction or requirement more stringent **or**  
24 **burdensome** than a restriction or requirement imposed  
25 under federal law; or  
26 (ii) a restriction or requirement in a subject area in  
27 which federal law does not impose restrictions or  
28 requirements;  
29 (C) state the extent to which each alternative listed under  
30 clause (A) differs from federal law;  
31 (D) include any information known to the department about  
32 the potential fiscal impact of each alternative under clause  
33 (A) that creates:  
34 (i) a restriction or requirement more stringent **or**  
35 **burdensome** than a restriction or requirement imposed  
36 under federal law; or  
37 (ii) a restriction or requirement in a subject area in  
38 which federal law does not impose restrictions or  
39 requirements; and  
40 (E) set forth the basis for each alternative listed under  
41 clause (A).  
42 (3) Describe the relevant statutory or regulatory requirements or

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

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1 (5) For any element of the proposed rule that imposes a  
 2 restriction or requirement that is more stringent **or burdensome**  
 3 than a restriction or requirement imposed under federal law or  
 4 that applies in a subject area in which federal law does not  
 5 impose restrictions or requirements, describe the availability for  
 6 public inspection of all materials relied upon by the department  
 7 in the development of the proposed rule, including, if applicable:

- 8 (A) health criteria;  
 9 (B) analytical methods;  
 10 (C) treatment technology;  
 11 (D) economic impact data;  
 12 (E) environmental assessment data;  
 13 (F) analyses of methods to effectively implement the  
 14 proposed rule; and  
 15 (G) other background data.

16 (b) If the notice provided by the department concerning a proposed  
 17 rule identifies an element of the proposed rule that imposes a restriction  
 18 or requirement more stringent **or burdensome** than a restriction or  
 19 requirement imposed under federal law, the proposed rule shall not  
 20 become effective under this chapter until the adjournment sine die of  
 21 the regular session of the general assembly that begins after the  
 22 department provides the notice.

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

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

- 28 (A) altering ordinary operating policies or procedures; or  
 29 (B) implementing new policies or procedures;

30 in response to an emergency situation.

31 SECTION 10-3-8. IC 13-14-10-2 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) Upon receipt of  
 33 evidence that a pollution source or combination of sources, including  
 34 an industrial user of a publicly owned treatment plant, is presenting an  
 35 imminent and substantial endangerment to:

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

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

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

- 42 (1) immediately restrain any person causing or contributing to

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1 the alleged pollution to stop the discharge or introduction of  
 2 contaminants causing or contributing to the pollution; or  
 3 (2) take other necessary action.

4 (c) The ~~due~~ **authority** of the commissioner to bring suit under  
 5 subsection (a) is:

6 (1) in addition to the authority contained in section 1 of this  
 7 chapter; and  
 8 (2) notwithstanding any other provision of this title.

9 SECTION 10~~4~~[9]. IC 13-14-11-5, AS AMENDED BY  
 10 P.L.133-2012, SECTION 92, IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The ~~board shall~~  
 12 ~~adopt rules requiring the execution of a confidentiality agreement~~  
 13 **department may execute confidentiality agreements** with persons  
 14 employed, contracted, or subcontracted by the department that is  
 15 enforceable by:

16 (1) the state; and  
 17 (2) the submitter of the information.

18 SECTION ~~105~~[110]. IC 13-14-12-4, AS AMENDED BY  
 19 P.L.9-2024, SECTION 341, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) **Upon request by:**

21 **(1) the commissioner;**  
 22 **(2) the standing committees of the house of representatives**  
 23 **or the senate concerned with the environment; or**  
 24 **(3) the board;**

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

28 (b) The report must:

29 (1) include the beginning and ending balance, disbursements,  
 30 and receipts, including accrued interest or other investment  
 31 earnings of the fund;  
 32 (2) comply with accounting standards under IC 4-13-2-7(a)(1);  
 33 and  
 34 (3) be available to the public.

35 (c) ~~The state comptroller shall forward copies of the report to the~~  
 36 ~~following:~~

37 ~~(1) The commissioner.~~  
 38 ~~(2) The standing committees of the house of representatives and~~  
 39 ~~the senate concerned with the environment.~~  
 40 ~~(3) The board.~~

41 SECTION 1~~06~~[11]. IC 13-15-1-1, AS AMENDED BY  
 42 P.L.133-2012, SECTION 95, IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board shall  
2 establish requirements for the issuance of permits to control air  
3 pollution, ~~noise, and atomic radiation~~, including the following:

- 4 (1) Permits to control or limit the emission of any contaminants  
5 into the atmosphere.
- 6 (2) Permits for the construction, installation, or modification of  
7 facilities, equipment, or devices to control or limit any discharge,  
8 emission, or disposal of contaminants into the air.
- 9 (3) Permits for the operation of facilities, equipment, or devices  
10 to control or limit the discharge, emission, or disposal of any  
11 contaminants into the environment.

12 SECTION 1~~<07>~~[12]. IC 13-15-1-2, AS AMENDED BY  
13 P.L.133-2012, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The board shall  
14 establish requirements for the issuance of permits to control water  
15 pollution, ~~and atomic radiation~~, including the following:

- 16 (1) Permits to control or limit the discharge of any contaminants  
17 into state waters or into a publicly owned treatment works.
- 18 (2) Permits for the construction, installation, or modification of  
19 facilities, equipment, or devices to control or limit any discharge,  
20 emission, or disposal of contaminants into the waters of Indiana  
21 or into a publicly owned treatment works.
- 22 (3) Permits for the operation of facilities, equipment, or devices  
23 to control or limit the discharge, emission, or disposal of any  
24 contaminants into the waters of Indiana or into a publicly owned  
25 treatment works.

26  
27 However, the board may not require a permit under subdivision (2) for  
28 any facility, equipment, or device constructed, installed, or modified as  
29 part of a surface coal mining operation that is operated under a permit  
30 issued under IC 14-34.

31 SECTION 1~~<08>~~[13]. IC 13-15-1-3, AS AMENDED BY  
32 P.L.100-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS  
33 [EFFECTIVE JULY 1, 2026]: Sec. 3. The board shall establish  
34 requirements for the issuance of permits to control solid waste **and**  
35 hazardous waste, ~~and atomic radiation~~, including the following:

- 36 (1) Permits to control or limit the disposal of any contaminants  
37 onto or into the land.
- 38 (2) Permits for the construction, installation, or modification of  
39 facilities, equipment, or devices:
  - 40 (A) to control or limit any discharge, emission, or disposal  
41 of contaminants into the land; or
  - 42 (B) for the storage, treatment, processing, transferring, or

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1 disposal of solid waste or hazardous waste.  
 2 (3) Permits for the operation of facilities, equipment, or devices:  
 3 (A) to control or limit the discharge, emission, transfer, or  
 4 disposal of any contaminants into the land; or  
 5 (B) for the storage, transportation, treatment, processing,  
 6 transferring, or disposal of solid waste or hazardous waste.  
 7 (4) Permits for the disposal of coal combustion residuals in  
 8 landfills and surface impoundments.  
 9 SECTION 1 ~~109~~ [14]. IC 13-15-1-3.2, AS ADDED BY  
 10 P.L.120-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2026]: Sec. 3.2. (a) A transfer station or any  
 12 facility that holds a valid permit or authorization to haul, treat, store,  
 13 dispose of, or ship hazardous waste may haul, transfer, consolidate,  
 14 process, ship, or otherwise manage solid waste without also holding a  
 15 permit to haul, transfer, process, or ship solid waste.  
 16 (b) A hazardous waste treatment, storage, or disposal facility that  
 17 holds a valid permit to haul, treat, store, dispose of, or ship hazardous  
 18 waste may haul, transfer, treat, store, dispose of, process, or ship solid  
 19 waste without also holding a permit to haul, transfer, treat, store,  
 20 dispose of, process, or ship solid waste.  
 21 (c) Solid waste that is managed:  
 22 (1) at a transfer station; or  
 23 (2) at any facility that holds a valid permit to haul, treat, store,  
 24 dispose of, or ship hazardous waste;  
 25 shall not be stored, treated, or disposed of in direct contact with  
 26 hazardous waste.  
 27 (d) If any portion of a quantity of solid waste that is managed:  
 28 (1) at a transfer station; or  
 29 (2) at any facility that holds a valid permit to haul, treat, store,  
 30 dispose of, or ship hazardous waste;  
 31 comes into direct contact with a hazardous waste, the solid waste  
 32 becomes subject to 40 CFR 261.3(a)(2)(iv) and shall then be managed  
 33 as a hazardous waste.  
 34 ~~(e) The board shall amend 329 IAC 11 to conform to this section:~~  
 35 [ (e) The board shall begin the rulemaking process to amend  
 36 rules to conform to this section not later than December 1, 2027.  
 37 ] SECTION 11 ~~109~~ [5]. IC 13-15-2-1, AS AMENDED BY  
 38 P.L.133-2012, SECTION 98, IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board ~~shall~~  
 40 **may** adopt rules under IC 4-22-2 and IC 13-14-9 to establish  
 41 requirements and procedures for the issuance of permits.  
 42 (b) In rules for the issuance of permits, the board may do the

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1 following:

2 (1) Prescribe standards for the discharge, emission, or disposal

3 of contaminants and the operation of any facility, equipment, or

4 device.

5 (2) Impose the conditions that are considered necessary to

6 accomplish the purposes of this title.

7 SECTION 11~~4~~<sup>6</sup>. IC 13-15-2-2, AS AMENDED BY

8 P.L.133-2012, SECTION 99, IS AMENDED TO READ AS

9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board may

10 adopt rules under IC 4-22-2 and IC 13-14-9 to allow the department to

11 issue permits that do the following:

12 (1) Provide incentives to owners and operators of facilities to

13 assess the pollution emitted by the facilities into all

14 environmental media.

15 (2) Provide incentives to owners and operators of facilities to

16 implement the most innovative and effective pollution control or

17 pollution prevention strategies while maintaining enforceable

18 performance goals.

19 (3) Provide incentives to owners and operators of facilities to

20 reduce pollution levels at the facilities below the levels required

21 by law.

22 (4) Consolidate environmental requirements into one (1) permit

23 that would otherwise be included in more than one (1) permit.

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

25 of facilities and the department on administrative tasks that do

26 not benefit the environment.

27 (6) Provide owners and operators of facilities with as much

28 operational flexibility as can reasonably be provided while being

29 consistent with enforcement of permit requirements.

30 (b) The rules adopted under this section may provide for permits

31 that contain the following:

32 (1) Authorization of emission trading.

33 (2) Consolidated reporting mechanisms.

34 (3) Third party certifications.

35 (4) Multimedia regulation.

36 (5) Other conditions consistent with subsection (a).

37 (c) The rules adopted under this section must provide that a permit

38 issued under the rules adopted under this section meets the following

39 criteria:

40 (1) Activities conducted under the permit must result in greater

41 overall environmental protection than would otherwise be

42 achieved under applicable law.

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- 1 (2) Upon issuance of a permit, all limits, conditions, and
- 2 standards contained in the permit are enforceable under
- 3 IC 13-30-3.
- 4 (3) The permit applicant must give notice in accordance with
- 5 IC 13-15-8, and the commissioner ~~shall~~ **may** give notice to the
- 6 public and provide an opportunity to comment on the proposed
- 7 permit in accordance with IC 13-15-5.
- 8 (d) ~~The rules adopted under this section must allow~~ The
- 9 department **shall strive** to give priority to applications involving
- 10 permits that are issued as described in this section based on:
- 11 (1) the degree of environmental benefit that may be obtained
- 12 under the permit;
- 13 (2) the potential application of any innovative control
- 14 technologies or regulatory procedures that may be made
- 15 available to other permit applicants and permit holders; and
- 16 (3) other criteria that the board may establish.
- 17 (e) The rules adopted under this section must be consistent with
- 18 federal law for federally authorized or delegated permit programs.
- 19 ~~SECTION 112. IC 13-15-3-2 IS AMENDED TO READ AS~~
- 20 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A permit issued~~
- 21 ~~under:~~
- 22 ~~— (1) this article; (except IC 13-15-9);~~
- 23 ~~— (2) IC 13-17-11;~~
- 24 ~~— (3) IC 13-18-18; or~~
- 25 ~~— (4) IC 13-20-1;~~
- 26 ~~may be issued for any period determined by the department to be~~
- 27 ~~appropriate but not to exceed five (5) years.~~
- 28 ~~— (b) Except as provided in federal law, a valid permit that has been~~
- 29 ~~issued under this chapter that concerns an activity of a continuing~~
- 30 ~~nature may be renewed for a period of not more than ten (10) years as~~
- 31 ~~determined by the department. The board shall adopt rules~~
- 32 ~~implementing this subsection.~~
- 33 ~~— (c) The commissioner may delegate authority to issue or deny~~
- 34 ~~permits to a designated staff member.~~
- 35 **> SECTION 11 <=> [7]. IC 13-15-3-3 IS AMENDED TO READ AS**
- 36 **FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A public hearing**
- 37 **shall be held on the question of:**
- 38 (1) the issuance of an original or renewal permit for a hazardous
- 39 waste disposal facility under IC 13-22-3; or
- 40 (2) the issuance of an original permit for a solid waste disposal
- 41 facility or a solid waste incinerator regulated under IC 13-20-8;
- 42 as provided in subsection (b).

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- 1 (b) A public hearing shall be held under subsection (a) upon:  
 2 (1) the request of the applicant;  
 3 (2) the filing of a petition requesting a public hearing that is  
 4 signed by one hundred (100) adult individuals who:  
 5 (A) reside in the county where the proposed or existing  
 6 facility is or is to be located; or  
 7 (B) own real property within one (1) mile of the site of the  
 8 proposed or existing facility; or  
 9 (3) the ~~motion~~ **determination** of the commissioner.

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

12 SECTION 11 ~~<4>~~ [8]. IC 13-15-3-4 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. If the petition under  
 14 section 3(b)(2) of this chapter requests that the public hearing be  
 15 conducted at a location within a county affected by a proposed permit,  
 16 the department shall **attempt to** conduct the public hearing at that  
 17 location.

18 SECTION 11 ~~<5>~~ [9]. IC 13-15-4-1, AS AMENDED BY  
 19 P.L.113-2014, SECTION 64, IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as  
 21 provided in sections 2, 3, and 6 of this chapter, the commissioner shall  
 22 approve or deny an application filed with the department after July 1,  
 23 1995, within the following number of days:

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

- 26 (A) A new hazardous waste or solid waste landfill.  
 27 (B) A new hazardous waste or solid waste incinerator.  
 28 (C) A major modification of a solid waste landfill.  
 29 (D) A major modification of a solid waste incinerator.  
 30 (E) A new hazardous waste treatment or storage facility.  
 31 (F) A new Part B permit issued under 40 CFR 270 et seq.  
 32 for an existing hazardous waste treatment or storage facility.  
 33 (G) A Class 3 modification under 40 CFR 270.42 to a  
 34 hazardous waste landfill.  
 35 (H) A new solid waste processing facility other than a  
 36 transfer station.

37 (2) Except as provided in IC 13-18-3-2.1, two hundred seventy  
 38 (270) days for an application concerning the following:

- 39 (A) A Class 3 modification under 40 CFR 270.42 of a  
 40 hazardous waste treatment or storage facility.  
 41 (B) A major new National Pollutant Discharge Elimination  
 42 System permit.

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- 1 (C) A major modification to a solid waste processing  
 2 facility other than a transfer station.
- 3 (3) Except as provided in IC 13-18-3-2.1, one hundred eighty  
 4 (180) days for an application concerning the following:
- 5 (A) A new transfer station or a major modification to a  
 6 transfer station.
- 7 (B) A minor new National Pollutant Discharge Elimination  
 8 System individual permit.
- 9 (C) A permit concerning the land application of a material.
- 10 (D) A permit for marketing and distribution of a biosolid or  
 11 an industrial waste product.
- 12 (4) Except as provided in IC 13-18-3-2.1, one hundred fifty  
 13 (150) days for an application concerning a minor new National  
 14 Pollutant Discharge Elimination System general permit.
- 15 (5) One hundred twenty (120) days for an application concerning  
 16 a Class 2 modification under 40 CFR 270.42 to a hazardous  
 17 waste facility.
- 18 (6) ~~Ninety (90)~~ ~~One hundred twenty (120)~~ days for an  
 19 application concerning the following:
- 20 (A) A minor modification to a **waste** permit for the  
 21 following:
- 22 (i) A solid waste landfill.
- 23 (ii) A solid waste processing facility.
- 24 (iii) An incinerator.
- 25 (B) A wastewater facility or water facility construction  
 26 permit.
- 27 (7) The amount of time provided for in rules adopted by the  
 28 board for an application ~~concerning the following~~:
- 29 ~~(A) An air pollution construction permit that is subject to~~  
 30 ~~326 IAC 2-2 and 326 IAC 2-3.~~
- 31 ~~(B) An air pollution facility construction permit (other than~~  
 32 ~~as defined in 326 IAC 2-2).~~
- 33 ~~(C) Registration of an air pollution facility. for an air~~  
 34 ~~pollution permit.~~
- 35 (8) Sixty (60) days for an application concerning the following:
- 36 (A) A Class 1 modification under 40 CFR 270.42 requiring  
 37 prior written approval, to a hazardous waste:
- 38 (i) landfill;
- 39 (ii) incinerator;
- 40 (iii) treatment facility; or
- 41 (iv) storage facility.
- 42 (B) Any other permit not specifically described in this

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1 section for which the application fee exceeds forty-nine  
2 dollars (\$49) and for which a time frame has not been  
3 established under section 3 of this chapter.

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

9 SECTION 1 ~~16~~ [20]. IC 13-15-4-2, AS AMENDED BY  
10 P.L.1-2007, SECTION 127, IS AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section does not apply  
12 to permit applications described in section 1(a)(1) or 1(a)(2) of this  
13 chapter.

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

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

21 SECTION ~~17~~ [121]. IC 13-15-4-3, AS AMENDED BY  
22 P.L.93-2024, SECTION 117, IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~A~~ **The** board may  
24 adopt a rule under IC 4-22-2 that changes a period described under  
25 section 1 of this chapter within which the commissioner must approve  
26 or deny an application:

- 27 (1) if:
  - 28 (A) the general assembly enacts a statute;
  - 29 (B) ~~a~~ **the** board adopts a rule; or
  - 30 (C) the federal government enacts a statute or adopts a  
31 regulation;

32 that imposes a new requirement concerning a class of  
33 applications that makes it infeasible for the commissioner to  
34 approve or deny the application within the period;

- 35 (2) if:
  - 36 (A) the general assembly enacts a statute;
  - 37 (B) ~~a~~ **the** board adopts a rule; or
  - 38 (C) the federal government enacts a statute or adopts a  
39 regulation;

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

- 42 (3) if some other significant factor concerning a class of

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1 applications makes it infeasible for the commissioner to approve  
2 or deny the application within the period.

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

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

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

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

12 SECTION 1 ~~<18>~~ [22]. IC 13-15-4-4 IS REPEALED [EFFECTIVE  
13 JULY 1, 2026]. ~~Sec. 4. An application for a permit renewal that~~  
14 ~~includes a modification shall be reviewed within the period applicable~~  
15 ~~to the modification.~~

16 SECTION 1 ~~<19>~~ [23]. IC 13-15-4-5 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Sections 1 through [   
18 ~~4~~ 3 and ~~section~~ 6 of this chapter do not alter the procedures and time  
19 frames set forth in the hazardous waste permit modification rules  
20 adopted by the department, except to the extent that sections 1 through [   
21 ~~4~~ 3 and 6 of this chapter establish specific calendar day time frames  
22 where no time frame exists under the rules.

23 SECTION 12 ~~<4>~~ [4]. IC 13-15-4-6, AS AMENDED BY  
24 P.L.133-2012, SECTION 102, IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Notwithstanding  
26 the periods specified in sections 1 through ~~4~~ 3 of this chapter and this  
27 section, a person proposing to construct, modify, or operate any  
28 equipment, facility, or pollution control device that is demonstrated to  
29 achieve pollution control or pollution prevention in excess of  
30 applicable federal, state, or local requirements may apply to the  
31 commissioner for an interim permit to construct, modify, or operate the  
32 equipment, facility, or pollution control device.

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

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

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

39 (2) rules adopted under this title;

40 to the extent that this title and the rules are not inconsistent with this  
41 section.

42 SECTION 12 ~~<4>~~ [5]. IC 13-15-4-10, AS AMENDED BY

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

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

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

11 (B) are not consistent with applicable law.

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

34 (2) The commissioner receives a written request from an  
35 applicant to:

36 (A) withdraw; or

37 (B) defer processing of;

38 the application for the purposes of resolving an issue related to  
39 a permit or to provide additional information concerning the  
40 application.

41 (3) The department is required by federal law or by an agreement  
42 with the United States Environmental Protection Agency for a

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1 federal permit program to transmit a copy of the proposed permit  
 2 to the administrator of the United States Environmental  
 3 Protection Agency for review and possible objections before the  
 4 permit may be issued. The period described under sections 1  
 5 through 6 of this chapter ~~shall~~ **may** be suspended from the time  
 6 the department submits the proposed permit to the administrator  
 7 for review until:

8 (A) the department receives the administrator's concurrence  
 9 or objection to the issuance of the proposed permit; or

10 (B) the period established in federal law by which the  
 11 administrator is required to make objections expires without  
 12 the administrator having filed an objection.

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

16 SECTION 12 ~~↔~~ [6]. IC 13-15-4-11 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) If an applicant  
 18 is operating pursuant to a continuation of an existing permit pending  
 19 determination of an application for a new or renewed permit under  
 20 IC 13-15-3-6, the applicant may proceed under this section after  
 21 notifying the commissioner in writing of its intent to do so.

22 (b) If the commissioner does not issue or deny a permit within the  
 23 time specified under sections 1 through 6 of this chapter, the applicant  
 24 may proceed under this section. After reaching an agreement with the  
 25 commissioner or after consulting with the commissioner for thirty (30)  
 26 days and failing to reach an agreement, the applicant may choose to  
 27 proceed under ~~one~~ **(+) either** of the following alternatives:

28 (1) The:

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

32 (B) commissioner shall do the following:

33 (i) Continue to review the application.

34 (ii) Approve or deny the application as soon as  
 35 practicable.

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

40 (2) The:

41 (A) applicant may:

42 (i) ~~except as provided in section 12.1 of this chapter;~~

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- 1 request and receive a refund of a permit application fee
- 2 paid by the applicant; and
- 3 (ii) submit to the department a draft permit and any
- 4 required supporting technical justification for the
- 5 permit; and
- 6 (B) commissioner shall do the following:
- 7 (i) Review the draft permit.
- 8 (ii) Approve, with or without revision, or deny the draft
- 9 permit in accordance with section 16 of this chapter.
- 10 (iii) Except as provided in section 12.1 of this chapter,
- 11 refund the applicant's application fee not later than
- 12 twenty-five (25) working days after the receipt of the
- 13 applicant's request.

14 (3) (2) The:

- 15 (A) applicant may hire an outside consultant to prepare a
- 16 draft permit and any required supporting technical
- 17 justification for the permit; and
- 18 (B) commissioner shall:
- 19 (i) review the draft permit; and
- 20 (ii) approve, with or without revision, or deny the draft
- 21 permit in accordance with section 16 of this chapter.

22 SECTION 12<3>[7]. IC 13-15-4-15 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant  
24 chooses to proceed under section ~~11(b)(3)~~ **11(b)(2)** of this chapter, the  
25 department and the applicant shall jointly:

- 26 (1) select a consultant that has the appropriate background to
- 27 review the applicant's application; and
- 28 (2) authorize the consultant to begin work;

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

31 (b) The commissioner may:

- 32 (1) consult with the applicant regarding the advisability of
- 33 proceeding under this section; and
- 34 (2) document the communications.

35 SECTION 12<4>[8]. IC 13-15-4-16 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If an applicant  
37 chooses to proceed under section 11(b)(2) or ~~11(b)(3)~~ of this chapter,  
38 the applicant or a consultant shall prepare and submit to the  
39 commissioner the draft permit and any required supporting technical  
40 justification for the permit not later than thirty-five (35) ~~working~~  
41 **business** days after  
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1           ~~(1)~~ the applicant has notified the commissioner that the applicant  
 2           has chosen to proceed under section ~~11(b)(2)~~ of this chapter; or  
 3           ~~(2)~~ the department and the applicant have authorized a  
 4           consultant to begin work under section ~~11(b)(3)~~ **11(b)(2)** of this  
 5           chapter.

6           (b) Subject to subsection (c), the commissioner shall:  
 7           (1) approve, with or without revision; or  
 8           (2) deny;  
 9           the draft permit not later than twenty-five (25) ~~working~~ **business** days  
 10          after receiving the draft permit.

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

15          (1) approve, with or without revision; or  
 16          (2) deny;  
 17          the draft permit not later than fifty-five (55) ~~working~~ **business** days  
 18          after receipt of the draft permit.

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

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

23          (1) the consultant fails to submit a draft permit and supporting  
 24          technical justification to the commissioner; or  
 25          (2) the commissioner fails to approve or deny the draft permit;  
 26          within the applicable time specified under subsection (a), (b), or (c),  
 27          the department shall refund the applicant's permit application fee not  
 28          later than twenty-five (25) ~~working~~ **business** days after expiration of  
 29          the applicable period.

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

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

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

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

4 SECTION 1 ~~<26>~~[30]. IC 13-15-6-1, AS AMENDED BY  
5 P.L.128-2024, SECTION 18, IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than  
7 fifteen (15) days after being served the notice provided by the  
8 commissioner under IC 13-15-5-3:

- 9 (1) the permit applicant; or
  - 10 (2) any other person aggrieved by the commissioner's action;
- 11 may appeal the commissioner's action to the office of administrative  
12 law proceedings and request that an administrative law judge hold an  
13 adjudicatory hearing concerning the action under IC 4-21.5-3 and  
14 IC 4-15-10.5.

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

21 ~~<— SECTION 127. IC 13-15-7-3, AS AMENDED BY P.L.128-2024,~~  
22 ~~SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~  
23 ~~JULY 1, 2026]. Sec. 3. A person aggrieved by the revocation or~~  
24 ~~modification of a permit may appeal the revocation or modification to~~  
25 ~~the office of administrative law proceedings for an administrative~~  
26 ~~review under IC 4-21.5-3. Pending the decision resulting from the~~  
27 ~~hearing under IC 4-21.5-3 concerning the permit revocation, or~~  
28 ~~modification, the permit remains in force. However, the commissioner~~  
29 ~~may seek injunctive relief with regard to the activity described in the~~  
30 ~~permit while the decision resulting from the hearing is pending.~~

31 > SECTION 1 ~~<28>~~[31]. IC 13-15-7-4, AS AMENDED BY  
32 P.L.133-2012, SECTION 103, IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) This section  
34 applies to a facility that:

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

39 (b) The board ~~shall~~ **may** adopt rules under IC 4-22-2 and  
40 IC 13-14-9 as part of the operating permit program established under  
41 42 U.S.C. 7661 through 7661f providing that a facility may make  
42 changes without a permit revision if the following conditions exist:

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- 1 (1) The changes are not modifications under any provision of  
 2 Title I of 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).~~
- 5 (2) The changes do not exceed emissions:  
 6 (A) expressed as a rate of emissions; or  
 7 (B) expressed as total emissions;  
 8 allowable under the permit.
- 9 (3) The facility provides the commissioner with written  
 10 notification at least seven (7) days before the proposed changes  
 11 are made. However, the board may adopt rules that provide a  
 12 different period for notifications that involve emergency  
 13 situations.
- 14 ~~SECTION 129. IC 13-15-9-1 IS REPEALED [EFFECTIVE JULY~~  
 15 ~~1, 2026]. Sec. 1. A person may not:~~  
 16 ~~— (1) construct or operate a nuclear powered generating facility or~~  
 17 ~~nuclear fuel reprocessing plant; or~~  
 18 ~~— (2) increase the capacity of such an existing facility;~~  
 19 ~~without a permit from the department.~~  
 20 ~~SECTION 130. IC 13-15-9-2 IS REPEALED [EFFECTIVE JULY~~  
 21 ~~1, 2026]. Sec. 2. (a) The board may adopt rules under IC 4-22-2 and~~  
 22 ~~IC 13-14-9 establishing:~~  
 23 ~~— (1) conditions for the issuance of a permit under this chapter;~~  
 24 ~~and~~  
 25 ~~— (2) requirements for the operation of nuclear facilities;~~  
 26 ~~— (b) Rules adopted by the board may relate to:~~  
 27 ~~— (1) air pollution from nuclear facilities;~~  
 28 ~~— (2) water pollution from nuclear facilities; or~~  
 29 ~~— (3) other environmental problems associated with nuclear~~  
 30 ~~facilities.~~  
 31 ~~SECTION 131. IC 13-15-9-3, AS AMENDED BY P.L.133-2012,~~  
 32 ~~SECTION 105, IS AMENDED TO READ AS FOLLOWS~~  
 33 ~~[EFFECTIVE JULY 1, 2026]: Sec. 3. A person proposing to construct:~~  
 34 ~~— (1) a nuclear powered generating facility; or~~  
 35 ~~— (2) a nuclear fuel reprocessing plant;~~  
 36 ~~shall file with the board ~~department~~ an environmental feasibility~~  
 37 ~~report on a form prescribed by the board, concurrently with the filing~~  
 38 ~~of the preliminary safety analysis ~~documents~~ required to be filed with~~  
 39 ~~the United States Atomic Energy Commission. **Nuclear Regulatory**~~  
 40 ~~**Commission.**~~  
 41 ~~SECTION 132. IC 13-15-9-4 IS REPEALED [EFFECTIVE JULY~~  
 42 ~~1, 2026]. Sec. 4. (a) The commissioner, on behalf of the board, may~~

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1 ~~conduct a public hearing at a time and place to be determined by the~~  
 2 ~~department on the environmental effects of the proposed operation:~~

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

5 ~~— SECTION 133.IC 13-15-9-5 IS REPEALED [EFFECTIVE JULY~~  
 6 ~~1, 2026]. Sec. 5. (a) The board shall adopt rules and standards under~~  
 7 ~~section 2 of this chapter to protect the citizens of Indiana from the~~  
 8 ~~hazards of radiation:~~

9 ~~— (b) Each permit required under this chapter according to rules~~  
 10 ~~adopted by the board must specify the maximum allowable level of~~  
 11 ~~radioactive discharge.~~

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

13 ~~— (1) appropriate procedures of monitoring any discharge; and~~

14 ~~— (2) a report of each discharge to the department.~~

15 > SECTION 13<4>[2]. IC 13-15-10-1, AS AMENDED BY  
 16 P.L.133-2012, SECTION 108, IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The board ~~shall~~**may**  
 18 adopt rules to establish a department operated training and certification  
 19 program for the following:

20 (1) Operators of solid waste incinerators and waste to energy  
 21 facilities.

22 (2) Operators of land disposal sites.

23 (3) Operators of facilities described under IC 13-15-1-3 whose  
 24 operation could have an adverse impact on the environment if  
 25 not operated properly.

26 SECTION 13<5>[3]. IC 13-15-10-4, AS AMENDED BY  
 27 P.L.133-2012, SECTION 110, IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. The board ~~shall~~**may**  
 29 adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter.

30 The rules ~~shall~~**must may** include the following:

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

33 (2) Mandatory testing and retraining.

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

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

40 SECTION 13<6>[4]. IC 13-17-3-1 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall  
 42 provide assistance on air pollution matters to towns, cities, and

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1 counties. **The commissioner shall make the commissioner's best**  
 2 **efforts to assist and cooperate with other groups interested in and**  
 3 **affected by air pollution.**

4 SECTION 13~~7~~[5]. IC 13-17-3-4, AS AMENDED BY  
 5 P.L.181-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall adopt rules  
 7 under IC 4-22-2 and IC 13-14-9 that are:

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

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

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

19 (1) environmental significance of;

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

22 (3) need for opportunity for public participation on;

23 the permits or permit modifications.

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

32 (1) emissions; and

33 (2) impacts.

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

37 SECTION 13~~8~~[6]. IC 13-17-3-8 IS REPEALED [EFFECTIVE  
 38 JULY 1, 2026]. Sec. 8. ~~The board shall carry out other duties imposed~~  
 39 ~~by law.~~

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

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

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1 (82,000):  
 2 (2) A county having a population of more than one hundred  
 3 twenty thousand (120,000) and less than one hundred thirty  
 4 thousand (130,000):  
 5 (b) After December 31, 2006, 326 IAC 13-1.1 is void to the extent  
 6 it applies to a county referred to in subsection (a):  
 7 (c) Unless the budget agency approves a periodic vehicle  
 8 inspection program for a county referred to in subsection (a), the board  
 9 shall amend 326 IAC 13-1.1 so that it does not apply after December  
 10 31, 2006, to a county referred to in subsection (a):  
 11 (d) The budget agency, after review by the budget committee, may  
 12 approve in writing the implementation of a periodic vehicle inspection  
 13 program for one (1) or more counties described in subsection (a) only  
 14 if the budget agency determines that the implementation of a periodic  
 15 vehicle inspection program in the designated counties is necessary to  
 16 avoid a loss of federal highway funding for the state or a political  
 17 subdivision. The approval must specify the counties to which the  
 18 periodic vehicle inspection program applies and the time during which  
 19 the periodic vehicle inspection program must be conducted in each  
 20 designated county. The budget agency, after review by the budget  
 21 committee, shall withdraw an approval given under this subsection for  
 22 a periodic vehicle inspection program in a county if the budget agency  
 23 determines that the suspension of the periodic vehicle inspection  
 24 program will not adversely affect federal highway funding for the state  
 25 or a political subdivision: **counties:**  
 26 (1) **in attainment of the national ambient air quality**  
 27 **standards; or**  
 28 (2) **classified below moderate nonattainment for ozone**  
 29 **national ambient air quality standards.**  
 30 SECTION 1 ~~41~~ [39]. IC 13-17-5-10, AS ADDED BY  
 31 P.L.187-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2026]: Sec. 10. Not later than December 31,  
 33 2025, the department shall do the following:  
 34 (1) Perform a comprehensive evaluation of ambient air quality  
 35 within any nonattainment areas in Indiana.  
 36 (2) Identify air pollution reduction or regulatory relief strategies  
 37 that can do the following with respect to the federal Clean Air  
 38 Act (42 U.S.C. 7401 et seq.), as amended: ~~by the federal Clean~~  
 39 ~~Air Act Amendments of 1990 (P.L.101-549):~~  
 40 (A) Ensure that affected areas within Indiana are no longer  
 41 designated as nonattainment.  
 42 (B) Result in the eventual phase out of the inspection and

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- 1 maintenance program for light duty vehicles.
- 2 (C) Meet emissions goals.
- 3 (D) Appropriately address air pollution contributions to
- 4 nonattainment areas in Indiana from sources that cannot be
- 5 addressed by state or local controls, including contributions
- 6 from international, natural or background, interstate,
- 7 mobile, and stationary sources as well as exceptional events
- 8 that are unlikely to recur.
- 9 (E) Result in the withdrawal of Lake County and Porter
- 10 County from the Metropolitan Chicago Interstate Air
- 11 Quality Control Region.

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

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

- 22 (1) the asbestos contractor engaged in the asbestos project; or
- 23 (2) the agent or representative of the asbestos contractor.
- 24 (b) A notice issued under this section must:
  - 25 (1) specifically enumerate the violations of law that are
  - 26 occurring on the asbestos project; and
  - 27 (2) prohibit further work on the asbestos project until the
  - 28 violations enumerated under subdivision (1) cease and the notice
  - 29 is rescinded by the commissioner.
- 30 (c) Not later than ten (10) days after receiving written notification  
 31 from a contractor that violations enumerated in a notice issued under  
 32 this section have been corrected, the commissioner shall issue a  
 33 determination whether or not to rescind the notice.

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

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

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1 reasons:

2 (1) Fraudulently or deceptively obtaining or attempting to obtain

3 a license or accreditation under this chapter.

4 (2) Failing to meet the qualifications for a license or

5 accreditation or failing to comply with the requirements of air

6 pollution control laws or rules adopted under air pollution

7 control laws.

8 (3) Failing to meet an applicable federal or state standard for the

9 abatement, removal, or encapsulation of asbestos.

10 (b) The commissioner may ~~under IC 4-21.5~~ reprimand an asbestos

11 contractor or suspend or revoke the license of an asbestos contractor

12 that does any of the following:

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

14 (2) Permits a person who is not accredited under this chapter to

15 work on an asbestos project.

16 **(c) A commissioner action to suspend or revoke the license of**

17 **an asbestos contractor may be appealed under IC 4-21.5.**

18 SECTION 14~~4~~<sup>[2]</sup>. IC 13-17-7 IS REPEALED [EFFECTIVE

19 JULY 1, 2026]. (Clean Air Act Permit Compliance Program).

20 SECTION 14~~5~~<sup>[3]</sup>. IC 13-17-10-1 IS AMENDED TO READ AS

21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not

22 incinerate PCB in an incinerator unless the person

23 (1) holds a permit issued by the commissioner specifically

24 authorizing the incineration of PCB in the incinerator. ~~and~~

25 (2) has received the recommendation of the local plan

26 commission that has jurisdiction over the area in which the

27 incinerator is located and the county executive of the county in

28 which the incinerator is located has approved the incineration of

29 the PCB or, if an appropriate local plan commission does not

30 exist, the county executive of the county in which the incinerator

31 is located has approved the incineration of the PCB.

32 SECTION 14~~6~~<sup>[4]</sup>. IC 13-17-10-2 IS REPEALED [EFFECTIVE

33 JULY 1, 2026]. Sec. 2: The commissioner may not:

34 (1) issue; or

35 (2) consider an application for;

36 a permit specifically authorizing the incineration of PCB until the study

37 required by section 3 of this chapter is concluded.

38 SECTION 14~~7~~<sup>[5]</sup>. IC 13-17-10-3 IS REPEALED [EFFECTIVE

39 JULY 1, 2026]. Sec. 3: The department, in cooperation with the United

40 States Environmental Protection Agency, an applicant for a permit

41 issued under this chapter, and a city or town in which an incinerator

42 described under section 1 of this chapter is or will be located, shall

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1 conduct a study of alternative PCB technologies. The study must  
2 include an assessment of the efficacy and the technical and economic  
3 feasibility of the following:

- 4 (1) Alternative technologies such as the following:
  - 5 (A) The application of lime to break down PCB.
  - 6 (B) The low temperature thermal disorption process.
  - 7 (C) Disorption and vaporization extraction.
  - 8 (D) Plasma torch technology.
  - 9 (E) Bacterial remediation.
- 10 (2) Other technologies identified by the commissioner as having  
11 possible value in the treatment or disposal of PCB in Indiana.

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

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

- 17 (1) present the report to:
  - 18 (A) the governor; and
  - 19 (B) the general assembly; and
- 20 (2) make copies of the report available to the public.

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

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

- 28 (1) is being operated under a valid existing operating permit  
29 issued under IC 13-17-7; and
- 30 (2) is in compliance with the applicable federal requirements  
31 listed in section 4 of this chapter;

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

33 SECTION 1~~<51>~~[49]. IC 13-18-2-3, 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. 3. (a) The department shall prepare a list of  
37 impaired waters for the purpose of complying with federal regulations  
38 implementing Section 303(d) of the federal Clean Water Act (33  
39 U.S.C. 1313(d)). In determining whether a water body is impaired, the  
40 department shall consider all existing and readily available water  
41 quality data and related information. The department, before submitting  
42 the list to the United States Environmental Protection Agency, shall:

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- 1 (1) post the list to the department's ~~Internet web site;~~ **website;**
- 2 (2) publish in the Indiana Register a link to the list posted to the
- 3 department's ~~Internet web site;~~ **website;**
- 4 (3) make the list available for public comment for at least
- 5 forty-five (45) days; and
- 6 (4) provide information about the list to the board.
- 7 (b) The board shall adopt a rule that:
- 8 (1) establishes the methodology to be used in identifying waters
- 9 as impaired; and
- 10 (2) specifies the methodology and criteria for including and
- 11 removing waters from the list of impaired waters.
- 12 (c) In the establishment of the total maximum daily load for a
- 13 surface water under Section 303(d)(1)(C) of the federal Clean Water
- 14 Act (33 U.S.C. 1313(d)(1)(C)), the department shall, in identifying the
- 15 surface water under Section 303(d)(1)(A) of the federal Clean Water
- 16 Act (33 U.S.C. 1313(d)(1)(A)), make every reasonable effort to identify
- 17 the pollutant or pollutants under consideration for the establishment of
- 18 the total maximum daily load.
- 19 (d) The department shall comply with subsection (e) if either of
- 20 the following applies:
- 21 (1) The department:
- 22 (A) is unable, in identifying the surface water as described
- 23 in subsection (c), to identify the pollutant or pollutants
- 24 under consideration for the establishment of the total
- 25 maximum daily load; and
- 26 (B) determines, after identifying the surface water as
- 27 described in subsection (c), that one (1) or more pollutants
- 28 should be under consideration for establishment of the total
- 29 maximum daily load.
- 30 (2) The department:
- 31 (A) in identifying the surface water as described in
- 32 subsection (c), identifies the pollutant or pollutants under
- 33 consideration for the establishment of the total maximum
- 34 daily load; and
- 35 (B) determines, after identifying the pollutant or pollutants
- 36 as described in clause (A), that one (1) or more other
- 37 pollutants should be under consideration for establishment
- 38 of the total maximum daily load.
- 39 (e) The department complies with subsection (d) if the department
- 40 does the following before making a pollutant or pollutants the subject
- 41 of consideration for the establishment of the total maximum daily load:
- 42 (1) Determines and demonstrates that either or both of the

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- 1 following apply:
- 2 (A) The surface water does not attain water quality
- 3 standards (as established in ~~327 IAC 2-1 and 327~~
- 4 ~~IAC 2-1.5) by rule~~) due to an individual pollutant, multiple
- 5 pollutants, pollution, or an unknown cause of impairment.
- 6 (B) The surface water:
- 7 (i) receives a thermal discharge from one (1) or more
- 8 point sources; and
- 9 (ii) does not have or maintain a balanced indigenous
- 10 population of shellfish, fish, and wildlife.
- 11 (2) Posts on the department's ~~Internet web site~~ **website** the
- 12 determination referred to in subdivision (1).
- 13 (3) Makes the determination referred to in subdivision (1)
- 14 available for public comment for at least forty-five (45) days.
- 15 (4) Presents the determination referred to in subdivision (1) to
- 16 the commissioner for final approval after the comment period
- 17 under subdivision (3).

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

- 23 ~~(1) that is deleterious to:~~
- 24 ~~(A) the public health; or~~
- 25 ~~(B) the prosecution of any industry or lawful occupation; or~~
- 26 ~~(2) by which:~~
- 27 ~~(A) any fish life or any beneficial animal or vegetable life~~
- 28 ~~may be destroyed; or~~
- 29 ~~(B) the growth or propagation of fish life or beneficial~~
- 30 ~~animal or vegetable life is prevented or injuriously affected.~~

31 SECTION 15 ~~↔~~ [1]. IC 13-18-3-2, AS AMENDED BY  
 32 P.L.112-2016, SECTION 17, IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board may  
 34 adopt rules under IC 4-22-2 that are necessary to the implementation  
 35 of:

- 36 (1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et
- 37 seq.), as in effect January 1, 1988; and
- 38 (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through
- 39 300j), as in effect January 1, 1988;
- 40 except as provided in IC 14-37.
- 41 (b) "Degradation" has the meaning set forth in IC 13-11-2-50.5.
- 42 (c) "Outstanding national resource water" has the meaning set

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1       forth in IC 13-11-2-149.5.

2       (d) "Outstanding state resource water" has the meaning set forth  
3       in IC 13-11-2-149.6.

4       (e) "Watershed" has the meaning set forth in IC 14-8-2-310.

5       (f) The board may designate a water body as an outstanding state  
6       resource water by rule if the board determines that the water body has  
7       a unique or special ecological, recreational, or aesthetic significance.

8       (g) Before the board may adopt a rule designating a water body as  
9       an outstanding state resource water, the board must consider the  
10       following:

11       (1) Economic impact analyses, presented by any interested party,  
12       taking into account future population and economic development  
13       growth.

14       (2) The biological criteria scores for the water body, using  
15       factors that consider fish communities, macro invertebrate  
16       communities, and chemical quality criteria using representative  
17       biological data from the water body under consideration.

18       (3) The level of current urban and agricultural development in  
19       the watershed.

20       (4) Whether the designation of the water body as an outstanding  
21       state resource water will have a significant adverse effect on  
22       future population, development, and economic growth in the  
23       watershed, if the water body is in a watershed that has more than  
24       three percent (3%) of its land in urban land uses or serves a  
25       municipality with a population greater than five thousand  
26       (5,000).

27       (5) Whether the designation of the water body as an outstanding  
28       state resource water is necessary to protect the unique or special  
29       ecological, recreational, or aesthetic significance of the water  
30       body.

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

36       (i) **Upon request by the house of representatives or senate**  
37       **committees on environmental affairs**, the commissioner shall  
38       present  a summary of the comments received from the comment  
39       period and information that supports a water body designation as an  
40       outstanding state resource water to the interim study committee on  
41       environmental affairs established by IC 2-5-1.3-4 in an electronic  
42       format under IC 5-14-6. not later than one hundred twenty (120) days

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

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1 projects in the watershed that result in improvement in water  
2 quality in the outstanding state resource water.

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

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

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

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

38 (q) Subsection (r) applies to:

39 (1) an application for an NPDES permit subject to  
40 IC 13-15-4-1(a)(2)(B), IC 13-15-4-1(a)(3)(B), or  
41 IC 13-15-4-1(a)(4); or

42 (2) an application for a modification or renewal of an NPDES

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

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

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

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

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

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

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

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

34           (2) the approved long term control plan:

35           (A) is incorporated into:

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

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

38           (B) satisfies the requirements of section 2.3 of this chapter;

39           and

40           (C) specifies the water quality based requirements that  
 41 apply to combined sewer overflows during and immediately

42 following wet weather events, as provided in subsection

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- 1 (a)(1);  
 2 (3) the NPDES permit holder has implemented the approved  
 3 long term control plan; and  
 4 (4) subject to subsection (c), 40 CFR 131.10, 40 CFR 131.20,  
 5 and 40 CFR 131.21 are satisfied.  
 6 (c) For purposes of subsection (b)(4), 40 CFR 131.10 may be  
 7 satisfied by including appropriate data and information in the long term  
 8 control plan.  
 9 (d) The department shall implement the CSO wet weather limited  
 10 use subcategory and associated water quality based requirements under  
 11 this section when the subcategory and requirements are approved by  
 12 the United States Environmental Protection Agency. The department  
 13 shall seek approval of the United States Environmental Protection  
 14 Agency in a timely manner.  
 15 (e) The NPDES permit holder shall monitor its discharges and the  
 16 water quality in the affected receiving stream periodically as provided  
 17 in the long term control plan. The NPDES permit holder shall provide  
 18 all such information to the department.  
 19 (f) In conjunction with a review of its long term control plan under  
 20 section 2.4 of this chapter, the NPDES permit holder shall review  
 21 information generated after the use attainability analysis was approved  
 22 by the department to determine whether the conclusion of the use  
 23 attainability analysis is still valid. The NPDES permit holder shall  
 24 provide the results of the review to the department.  
 25 (g) The board shall adopt rules under IC 13-14-8 and IC 13-14-9  
 26 to implement this section. ~~before October 1, 2006.~~  
 27 SECTION 15 ~~↔~~ [3]. IC 13-18-3-2.6, AS ADDED BY  
 28 P.L.54-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2026]: Sec. 2.6. (a) Where appropriate, permits  
 30 shall contain schedules of compliance requiring the permittee to take  
 31 specific steps to achieve expeditious compliance with applicable  
 32 standards, limitations, and other requirements.  
 33 (b) The schedule of compliance shall require compliance as soon  
 34 as reasonably possible, but **not later than five (5) years from the date**  
 35 **applicable standards, limitations, or other requirements are**  
 36 **incorporated into the permit and** may remain in effect as long as the  
 37 National Pollutant Discharge Elimination System (NPDES) permit  
 38 requirements are in effect.  
 39 (c) The department shall, at the request of the NPDES permit  
 40 holder, incorporate in the permit a schedule of compliance for meeting  
 41 the water quality based requirements associated with combined sewer  
 42 overflows during the period of development, approval, and

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1 implementation of the long term control plan. The schedules of  
2 compliance:

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

6 (d) If the term of a schedule of compliance exceeds the term of an  
7 NPDES permit, the department shall continue to implement the  
8 schedule of compliance continuously before and during each  
9 successive permit term, to the maximum duration as provided in  
10 subsection (c). The permit shall specify that the schedule of compliance  
11 lasts beyond the term of the permit.

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

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

18 SECTION 15~~6~~[4]. IC 13-18-3-5 IS REPEALED [EFFECTIVE  
19 JULY 1, 2026]. ~~Sec. 5: The board shall carry out other duties imposed  
20 by law.~~

21 SECTION 15~~7~~[5]. IC 13-18-3-11 IS REPEALED [EFFECTIVE  
22 JULY 1, 2026]. ~~Sec. 11: Since the water pollution control laws are  
23 necessary for the public health, safety, and welfare, the water pollution  
24 control laws shall be liberally construed to effectuate the purposes of  
25 the water pollution control laws.~~

26 SECTION 15~~8~~[6]. IC 13-18-3-12, AS AMENDED BY  
27 P.L.113-2014, SECTION 70, IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. ~~The board shall  
29 adopt rules providing that whenever~~ **department may not require a  
30 permit, permission, or review from a person submits who develops  
31 plans to a unit** concerning the design or construction of:

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

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- 1 by the professional surveyor subject to IC 25-21.5-7;  
 2 (C) the unit provided for review of the plans by a qualified  
 3 engineer and subsequently approved the plans; and  
 4 (D) all other requirements specified in rules adopted by the  
 5 board are met;

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

8 SECTION 15-9-7. IC 13-18-3-13 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. If a violation of ~~327~~  
 10 ~~IAC 15-5~~ the department's construction storm water general  
 11 permit occurs, the department shall determine which person is  
 12 responsible for committing the violation. In making this determination,  
 13 the department shall, if appropriate, consider:

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

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

20 SECTION 1-60-58. IC 13-18-3-14, AS AMENDED BY  
 21 P.L.130-2018, SECTION 64, IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) The outstanding  
 23 state resource water improvement fund is established. All money  
 24 collected under section 2 of this chapter and any money accruing to the  
 25 fund are continuously appropriated to the fund to carry out the purposes  
 26 of section 2 of this chapter. Money in the fund at the end of a state  
 27 fiscal year does not revert to the state general fund, unless the  
 28 outstanding state resource water improvement fund is abolished.

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

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

41 (c) If money is disbursed from the outstanding state resource water  
 42 improvement fund in the previous state fiscal year or the commissioner

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1 determines that the fund had a positive balance at the close of the  
 2 previous state fiscal year; **Upon request by the house of**  
 3 **representatives or senate committees on environmental affairs or**  
 4 **the board,** the commissioner shall submit a status report on the fund  
 5 to the interim study committee on environmental affairs established by  
 6 ~~IC 2-5-1.3-4~~; in an electronic format under IC 5-14-6. ~~before November~~  
 7 ~~†. If requested,~~ the report must include the following information:

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

10 (2) The balance in the fund.

11 SECTION 1 ~~6†~~ [59]. IC 13-18-3-15, AS ADDED BY  
 12 P.L.81-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) Subject to subsection (c), the  
 14 board shall ~~amend 327 IAC 5 and 327 IAC 15~~ to eliminate:

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

17 (2) the terms and conditions of each NPDES general permit that  
 18 is:

19 (A) contained in that article; and

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

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

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

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

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

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

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

39 SECTION 16 ~~6~~ [0]. IC 13-18-4-2 IS REPEALED [EFFECTIVE  
 40 JULY 1, 2026]. ~~Sec. 2: A rule or determination made by the board or~~  
 41 ~~the commissioner under sections † through 4 of this chapter shall be~~  
 42 ~~filed of record in the office of the department.~~

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1 SECTION 16~~3~~[1]. IC 13-18-4-4 IS REPEALED [EFFECTIVE  
2 JULY 1, 2026]. Sec. 4: The commissioner may take appropriate steps  
3 to prevent any pollution that is determined to be unreasonable and  
4 against public interests in view of the condition in any stream or other  
5 waters of Indiana.

6 SECTION 16~~4~~[2]. IC 13-18-4-6, AS AMENDED BY  
7 P.L.263-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Whenever the commissioner  
9 determines that a person:

- 10 (1) is violating; or  
11 (2) is about to violate;

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

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

- 17 (1) cease the violation; and  
18 (2) abate the condition of pollution;

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

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

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

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

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

- 36 (1) The construction or installation of secondary containment  
37 structures at facilities in which hazardous materials are stored or  
38 transferred for the purpose of preventing released hazardous  
39 materials from entering surface water or groundwater.  
40 (2) The development by the owner or operator of each facility at  
41 which hazardous materials are stored or handled of a plan for  
42 responding to the release of a hazardous material at that facility.

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

3 SECTION 16~~<7>~~[5]. IC 13-18-9-4 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The department  
5 shall enforce this chapter under IC 13-30-3 or IC 13-14-2-6.

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

13 SECTION 16~~<8>~~[6]. IC 13-18-10-2.1, AS AMENDED BY  
14 P.L.199-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2026]: Sec. 2.1. (a) The department:

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

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

24 (b) If the department fails to make a determination on an  
25 application not later than ninety (90) days after the date the department  
26 receives the completed application, the applicant may request and  
27 receive a refund of an approval application fee paid by the applicant,  
28 and the commissioner shall:

29 (1) continue to review the application;  
30 (2) approve or deny the application as soon as practicable; and  
31 (3) refund the applicant's application fee not later than  
32 twenty-five (25) **working business** days after the receipt of the  
33 applicant's request.

34 (c) The commissioner may suspend the processing of an  
35 application and the ninety (90) day period described under this section  
36 if the department determines within thirty (30) days after the  
37 department receives the application that the application is incomplete  
38 and has mailed a notice of deficiency to the applicant that specifies the  
39 parts of the application that:

40 (1) do not contain adequate information for the department to  
41 process the application; or  
42 (2) are not consistent with applicable law.

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

- 4 (1) this chapter;  
 5 (2) rules adopted under this chapter;  
 6 (3) the water pollution control laws;  
 7 (4) rules adopted under the water pollution control laws; and  
 8 (5) policies and statements adopted under IC 13-14-1-11.5  
 9 relative to confined feeding operations.

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

12 (1) A responsible party intentionally misrepresented or  
 13 concealed any material fact in either or both of the following:

14 (A) An application for approval under section 1 of this  
 15 chapter.

16 (B) A disclosure statement required by section 1.4 of this  
 17 chapter.

18 (2) An enforcement action was resolved against a responsible  
 19 party as described in either or both of the following:

20 (A) Section 1.4(c)(5) of this chapter.

21 (B) Section 1.4(c)(6) of this chapter.

22 (f) Before making a determination to approve or deny a  
 23 application, the commissioner must consider the following factors:

24 (1) The nature and details of the acts attributed to the responsible  
 25 party.

26 (2) The degree of culpability of the responsible party.

27 (3) The responsible party's cooperation with the state, federal, or  
 28 foreign agencies involved in the investigation of the activities  
 29 involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6)  
 30 of this chapter.

31 (4) The responsible party's dissociation from any other persons  
 32 or entities convicted in a criminal enforcement action referred to  
 33 in section 1.4(c)(5) and 1.4(c)(6) of this chapter.

34 (5) Prior or subsequent self-policing or internal education  
 35 programs established by the responsible party to prevent acts,  
 36 omissions, or violations referred to in section 1.4(c)(5) and  
 37 1.4(c)(6) of this chapter.

38 (g) Except as provided in subsection (h), in taking action under  
 39 subsection (e), the commissioner must make separately stated findings  
 40 of fact to support the action taken. The findings of fact must:

41 (1) include a statement of ultimate fact; and

42 (2) be accompanied by a concise statement of the underlying

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- 1 basic facts of record to support the findings.
- 2 (h) If the commissioner denies an application under subsection (e),
- 3 the commissioner is not required to explain the extent to which any of
- 4 the factors set forth in subsection (f) influenced the denial.
- 5 (i) The department may amend an approval under section 1 of this
- 6 chapter or revoke an approval under section 1 of this chapter:
- 7 (1) for failure to comply with:
- 8 (A) this chapter;
- 9 (B) rules adopted under this chapter;
- 10 (C) the water pollution control laws; or
- 11 (D) rules adopted under the water pollution control laws;
- 12 and
- 13 (2) as needed to prevent discharges of manure into the
- 14 environment that pollute or threaten to pollute the waters of the
- 15 state.
- 16 SECTION 16~~9~~[7]. IC 13-18-10-4, AS AMENDED BY
- 17 P.L.127-2009, SECTION 10, IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board may
- 19 adopt rules under IC 4-22-2 and IC 13-14-9 and the department may
- 20 adopt policies or statements under IC 13-14-1-11.5 that are necessary
- 21 for the proper administration of this chapter. The rules, policies, or
- 22 statements may concern construction, expansion, and operation of
- 23 confined feeding operations and may include uniform standards for:
- 24 (1) construction, expansion, and manure containment that are
- 25 appropriate for a specific site; and
- 26 (2) manure application and handling that are consistent with best
- 27 management practices:
- 28 (A) designed to reduce the potential for manure to be
- 29 conveyed off a site by runoff or soil erosion; ~~and~~
- 30 (B) that are appropriate for a specific site; ~~and~~
- 31 **(C) accurately reflect differences between dry and liquid**
- 32 **manure.**
- 33 (b) Standards adopted in a rule, policy, or statement under
- 34 subsection (a) must:
- 35 (1) consider confined feeding standards that are consistent with
- 36 standards found in publications from:
- 37 (A) the United States Department of Agriculture;
- 38 (B) the Natural Resources Conservation Service of the
- 39 United States Department of Agriculture;
- 40 (C) the Midwest Plan Service; and
- 41 (D) postsecondary educational institution extension
- 42 bulletins; and

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

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

12 SECTION 1<del>71</del>[69]. IC 13-18-11-8, AS AMENDED BY  
13 P.L.128-2024, SECTION 24, IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The  
15 commissioner may suspend or revoke the certificate of an operator  
16 issued under this chapter ~~following a hearing under IC 13-15-7-3 and~~  
17 ~~IC 4-21.5~~, if any of the following conditions are found:

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

20 (2) Reasonable care, judgment, or the application of the  
21 operator's knowledge or ability was not used in the performance  
22 of the operator's duties.

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

25 (4) A certificate of the operator issued:  
26 (A) under this chapter; or  
27 (B) by any other state or jurisdiction for a purpose  
28 comparable to the purpose for which a certificate is issued  
29 under this chapter;

30 has been revoked.

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

33 (A) under this chapter; or  
34 (B) by any other state or jurisdiction for a purpose  
35 comparable to the purpose for which a certificate is issued  
36 under this chapter.

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

42 SECTION 17<del>72</del>[0]. IC 13-18-12-2.2, AS AMENDED BY

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1 P.L.250-2019, SECTION 23, IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.2. (a) As used in this  
 3 section:

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

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

8 on February 1, 2016:

9 (b) As used in this section, "septage management vehicle" means  
 10 a vehicle used for the removal of septage from sewage disposal  
 11 systems:

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

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

18 (2) the amount of septage removed from the sewage disposal  
 19 system;

20 if the sewage disposal system from which the septage is removed is a  
 21 ~~chemical toilet.~~ **portable sanitary unit.**

22 SECTION 17~~3~~<sup>[1]</sup>. IC 13-18-12-2.5, AS AMENDED BY  
 23 P.L.250-2019, SECTION 24, IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) The department  
 25 and the board may allow a person to use industrial waste products in a  
 26 land application operation or as ingredients in a soil amendment or soil  
 27 substitute to be land applied if:

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

29 (2) the industrial waste products:

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

32 (B) otherwise provide a benefit to the process of creating  
 33 the soil amendments or soil substitute or to the final soil  
 34 amendment, soil substitute, or material to be land applied,  
 35 such as bulking;

36 (3) the finished soil amendment, soil substitute, or material to be  
 37 land applied satisfies the applicable criteria in ~~327 IAC 6.1-~~  
 38 **rules established by the board;**

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

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

42 (6) the person pays a permit fee in an amount determined under

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1 rules adopted by the board that does not exceed the costs  
2 incurred by the department to issue the permit.

3 **For purposes of this subsection, "beneficial use" means the use of**  
4 **a solid waste for fertilizing or soil conditioning properties to**  
5 **provide nutrients for growing plants or crops, increase organic**  
6 **matter, provide pH adjustment capabilities, or provide other**  
7 **benefits to the soil or crops as shown to the satisfaction of the**  
8 **commissioner through an approved research or demonstration**  
9 **project.**

10 (b) The department:

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

12 (A) in a land application operation; or

13 (B) as ingredients in a soil amendment or soil substitute to  
14 be land applied;

15 on the same basis as other materials under the rules concerning  
16 land application and marketing and distribution permits;

17 (2) may not:

18 (A) discriminate against the use of industrial waste products  
19 on the basis that the industrial waste products lack  
20 biological carbon;

21 (B) impose requirements beyond applicable criteria in ~~327~~  
22 ~~IAC 6.1~~, **rules established by the board**, unless additional  
23 requirements are necessary for the protection of human  
24 health and the environment;

25 (C) require that the finished soil amendment, soil substitute,  
26 or material to be land applied must be of a particular  
27 economic value; or

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

32 (i) the department's remediation closure guidance; or

33 (ii) any other standards other than criteria in 327  
34 IAC 6.1;

35 (3) for any pollutant present in the industrial waste products that  
36 does not have a pollutant limit or concentration in 327 IAC 6.1,  
37 shall consider the benefits of the finished soil amendment, soil  
38 substitute, or material to be land applied as compared to the  
39 measurable risks to human health and the environment based on  
40 the anticipated use of the finished soil amendment, soil  
41 substitute, or material to be land applied; and

42 (4) shall require an application for a permit for the land

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1 application of industrial waste products to include  
2 characterization of individual industrial waste products at the  
3 point of waste generation before mixing the waste streams.

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

7 SECTION 17~~<4>~~[2]. IC 13-18-12-3, AS AMENDED BY  
8 P.L.192-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) ~~The board shall initiate,~~  
10 **department shall administer**, in accordance with IC 13-15, a septage  
11 management permit program for all persons who offer to perform or are  
12 performing septage management services.

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

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

19 or

20 (2) the department may adopt guidelines;  
21 concerning the reports to be provided to the department by local health  
22 departments under IC 16-41-25-9(h). The rules or guidelines may  
23 specify the content to be included in the reports and the frequency at  
24 which the reports must be provided.

25 SECTION 17~~<5>~~[3]. IC 13-18-12-4, AS AMENDED BY  
26 P.L.112-2016, SECTION 19, IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) ~~The board shall,~~  
28 **may**, in accordance with IC 13-14-9, adopt rules to establish the  
29 following:

30 (1) Standards for the following:

31 (A) The issuance of permits for:

32 (i) septage management under section 3 of this chapter;  
33 and

34 (ii) land application of authorized septage, solid waste,  
35 and industrial waste products.

36 (B) Transportation, storage, treatment, and disposal of  
37 septage.

38 (2) Procedures and standards for approval of sites for land  
39 application.

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

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1 SECTION 17~~<6>~~[4]. IC 13-18-16-3 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The commissioner  
 3 may initiate action under IC 4-21.5-3 to assess a civil penalty against  
 4 a permit holder who fails to take action to correct or prevent  
 5 contamination of the sanitary or chemical quality of the water supply  
 6 after the permit holder knew or should have known that the action  
 7 should be taken. The civil penalty assessed under this section may not  
 8 exceed one thousand dollars (\$1,000) for each day of violation.

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

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

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

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

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

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

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

32 (1) Receive complaints about groundwater contamination.

33 (2) Screen reports of groundwater pollution.

34 (3) Ensure that complaints and reports are adequately  
 35 investigated.

36 (4) Provide information to the public about groundwater and  
 37 groundwater pollution.

38 (5) Coordinate the management of groundwater quality data in  
 39 Indiana.

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

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- 1 (1) may investigate allegations of; and  
 2 (2) shall investigate confirmed incidents of;  
 3 contamination of groundwater that affect private water supply wells.  
 4 (b) The commissioner ~~shall~~ **may**:  
 5 (1) issue an advisory to the users and owners of a water well  
 6 found to be contaminated concerning the hazards to health posed  
 7 by the contamination;  
 8 (2) take emergency action, including emergency action under  
 9 IC 13-14-10, to reduce exposure to well water contaminants that  
 10 pose a threat to human health; and  
 11 (3) as appropriate to safeguard human health, order  
 12 abandonment of contaminated water wells.  
 13 SECTION ~~<180>~~ [178]. IC 13-18-17-5, AS AMENDED BY  
 14 P.L.56-2023, SECTION 129, IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The board shall  
 16 adopt rules under IC 4-22-2 **and IC 13-14-9** establishing groundwater  
 17 quality standards that include numeric and narrative criteria, a  
 18 groundwater classification plan, and a method of determining where  
 19 the groundwater quality standards must apply. The standards  
 20 established under this subsection shall be used for the following  
 21 purposes:  
 22 (1) To establish minimum compliance levels for groundwater  
 23 quality monitoring at regulated facilities.  
 24 (2) To ban the discharge of effluents into potable groundwater.  
 25 (3) To establish health protection goals for untreated water in  
 26 water supply wells.  
 27 (4) To establish concentration limits for contaminants in ambient  
 28 groundwater.  
 29 (b) Except as provided in subsection (c) and subject to subsection  
 30 (d), the following agencies shall adopt rules under IC 4-22-2 to apply  
 31 the groundwater quality standards established under this section to  
 32 activities regulated by the agencies:  
 33 (1) The department.  
 34 (2) The department of natural resources.  
 35 (3) The Indiana department of health.  
 36 (4) The office of the state chemist.  
 37 (5) The department of homeland security.  
 38 (c) The executive board of the Indiana department of health may  
 39 not adopt rules to apply the nitrate and nitrite numeric criteria included  
 40 in groundwater quality standards established in rules adopted by the  
 41 board under subsection (a) to onsite sewage systems.  
 42 (d) Any rule adopted by the executive board of the Indiana

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1 department of health is void to the extent that the rule applies the  
2 nitrate and nitrite numeric criteria included in groundwater quality  
3 standards established in rules adopted by the board under subsection  
4 (a) to onsite sewage systems.

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

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

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

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

- 19 (1) an owner of land;
- 20 (2) a mineral owner; or
- 21 (3) a mineral leaseholder of record;

22 unless the owner or leaseholder is sent written notice of, and has an  
23 opportunity to be heard on, the establishment of the zone and the  
24 construction of the community public water system that caused the  
25 establishment of the zone.

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

29 SECTION 18 ~~2~~ [0]. IC 13-18-17-7 IS REPEALED [EFFECTIVE  
30 JULY 1, 2026]. Sec. 7: (a) ~~The board shall adopt rules under IC 4-22-2~~  
31 ~~for the construction and monitoring of surface impoundments,~~  
32 ~~including pits, ponds, and lagoons, used for the storage or treatment of~~  
33 ~~nonhazardous waste and wastewater.~~

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

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

41 SECTION 18 ~~4~~ [2]. IC 13-18-27-3, AS ADDED BY  
42 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. As used in this  
2 chapter, "construction plan" means a written plan that:

3 (1) presents information about a construction project and  
4 activities associated with the construction project;

5 (2) includes a storm water pollution prevention plan that outlines  
6 how erosion and sedimentation will be controlled on the site of  
7 the construction project; and

8 (3) must be submitted to a review authority as a condition of  
9 proceeding with the construction project under the general  
10 permit rule program established ~~under 327 IAC 15-5~~ **by the**  
11 **department** or the general permit.

12 SECTION 18~~↔~~[3]. IC 13-18-27-9, AS ADDED BY  
13 P.L.248-2019, SECTION 14, IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. As used in this  
15 chapter, "project site owner" means the person required to comply with  
16 ~~327 IAC 15-5~~, the general permit, or the applicable ordinance of an  
17 MS4 community with respect to a construction project. The term  
18 includes the following:

19 (1) A developer.

20 (2) A person who has financial and operational control of  
21 construction activities and construction project plans and  
22 specifications, including the ability to make modifications to  
23 those plans and specifications.

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

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

36 (1) the erosion and sediment control measures required by an  
37 MS4 community at a very small construction activity site may  
38 not be more stringent than the erosion and sediment control  
39 measures required by ~~327 IAC 15-5~~ **or** by the general permit at  
40 a small construction activity site; and

41 (2) the review authority to which a construction plan for a very  
42 small construction activity site is submitted is subject to the time

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1 limit set forth in section 16 of this chapter for notifying the  
 2 project site owner of the review authority's preliminary  
 3 determination concerning the construction plan.

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

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

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

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

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

20 (2) notifies the project site owner of its favorable preliminary  
 21 determination;

22 before the end of the tenth ~~working~~ **business** day after the day on which  
 23 the construction plan is submitted to the review authority, in the case  
 24 of a small or very small construction activity site, or the fourteenth  
 25 ~~working~~ **business** day after the day on which the construction plan is  
 26 submitted to the review authority, in the case of a large construction  
 27 activity site, the project site owner may submit a notice of intent letter  
 28 including the information required by ~~327 IAC 15-5-5~~ or the general  
 29 permit and, forty-eight (48) hours after submission of the notice of  
 30 intent letter, may begin the construction project, including the land  
 31 disturbing activities of the construction project.

32 (c) If a review authority to which a construction plan for a small  
 33 or very small construction activity site or a large construction activity  
 34 site is submitted under subsection (a) does not notify the project site  
 35 owner before the end of the tenth ~~working~~ **business** day after the day  
 36 on which the construction plan is submitted to the review authority, in  
 37 the case of a small or very small construction activity site, or the  
 38 fourteenth ~~working~~ **business** day after the day on which the  
 39 construction plan is submitted to the review authority, in the case of a  
 40 large construction activity site, of its preliminary determination as to  
 41 whether the construction plan is substantially complete, the project site  
 42 owner may submit a notice of intent letter including the information

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1 required by ~~§~~ 327 IAC 15-5-5 or the general permit and, forty-eight  
2 (48) hours after submission of the notice of intent letter, may begin the  
3 construction project, including the land disturbing activities of the  
4 construction project.

5 (d) If a review authority to which a construction plan is submitted  
6 under subsection (a) notifies the project site owner before the end of  
7 the tenth ~~working business~~ day after the day on which the construction  
8 plan is submitted to the review authority, in the case of a small or very  
9 small construction activity site, or the fourteenth ~~working business~~ day  
10 after the day on which the construction plan is submitted to the review  
11 authority, in the case of a large construction activity site, of its  
12 preliminary determination that the construction plan is not substantially  
13 complete, the project site owner may not submit a notice of intent letter  
14 until the review authority makes a conclusive favorable determination  
15 concerning the construction plan under 327 IAC 15-5; the general  
16 permit or the applicable ordinance of the MS4 community.

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

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

21 (2) makes a conclusive unfavorable determination concerning  
22 the construction plan under 327 IAC 15-5; the general permit or  
23 the applicable ordinance of the MS4 community;

24 the land disturbing activities of the construction project must stop when  
25 the review authority notifies the project site owner of the review  
26 authority's conclusive unfavorable determination concerning the  
27 construction plan.

28 SECTION 18 ~~8~~ [6]. IC 13-19-1-2, AS AMENDED BY  
29 P.L.97-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The goal of the state is to  
31 encourage solid waste source reduction, recycling, and other  
32 alternatives to conserve environmental resources.

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

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

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

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

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

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

42 SECTION 18 ~~9~~ [7]. IC 13-19-3-1, AS AMENDED BY

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1 P.L.120-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board shall do the  
 3 following:

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

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

10 (B) rules necessary for the establishment of a state permit  
 11 program under Section 2301 of the federal Water  
 12 Infrastructure Improvements for the Nation Act (42 U.S.C.  
 13 6945(d)) for the implementation in Indiana of the federal  
 14 CCR rule.

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

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

18 ~~(4) (2) Expeditiously~~ Adopt by rule all exemptions or exclusions  
 19 from regulation as waste that are adopted by the United States  
 20 Environmental Protection Agency. ~~and set forth in 40 CFR 261~~  
 21 ~~on or after January 1, 2022.~~

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

28 SECTION 1 ~~<90>~~ [88]. IC 13-19-3-3, AS AMENDED BY  
 29 P.L.249-2023, SECTION 68, IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) As used in this  
 31 section and section 3.1 of this chapter, "coal combustion residuals"  
 32 means fly ash, bottom ash, boiler slag, and flue gas desulfurization  
 33 materials generated from burning coal for the purpose of generating  
 34 electricity by electric utilities and independent power producers.

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

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

39 (2) "Legacy generation resource" means an electric generating  
 40 facility that is directly or indirectly owned by a corporation that  
 41 was originally formed for the purpose of providing power to the  
 42 federal government for use in the nation's defense or in

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1 furtherance of national interests. The term includes the Ohio  
2 Valley Electric Corporation.

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

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

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

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

15 (d) The department shall do the following:

16 (1) Establish a state permit program under Section 2301 of the  
17 federal Water Infrastructure Improvements for the Nation Act  
18 (42 U.S.C. 6945(d)) for the implementation in Indiana of the  
19 federal CCR rule.

20 (2) Submit to the administrator of the United States  
21 Environmental Protection Agency under 42 U.S.C.  
22 6945(d)(1)(A) evidence of the state permit program.

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

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

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

30 (1) the department shall initiate rulemaking for the establishment  
31 of the state permit program not more than sixty (60) days after  
32 the effective date of the SECTION of Senate Enrolled Act  
33 271-2021 amending this section; and

34 (2) the board shall adopt a final rule for the establishment of the  
35 state permit program not more than sixteen (16) months after  
36 initiation of the rulemaking under subdivision (1).

37 (g) The state permit program established under this section must  
38 not establish requirements for any surface impoundment of coal  
39 combustion residuals unless and until the state permit program is  
40 approved by the administrator of the United States Environmental  
41 Protection Agency under 42 U.S.C. 6945(d)(1). The authority of the  
42 department to establish requirements under the state permit program

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1 established under this section is the only authority the department has  
 2 to establish requirements for a surface impoundment of coal  
 3 combustion residuals located on the grounds of a legacy generation  
 4 resource.

5 (h) The definitions set forth in Section 257.53 of the federal CCR  
 6 rule, as in effect January 1, 2021, apply throughout subsection (i).

7 (i) The department shall charge the following fees under the state  
 8 permit program established under this section:

9 (1) An initial one (1) time permit fee of twenty thousand five  
 10 hundred dollars (\$20,500) for each surface impoundment of coal  
 11 combustion residuals regulated under the state permit program.

12 (2) An annual fee of twenty thousand five hundred dollars  
 13 (\$20,500) for each surface impoundment of coal combustion  
 14 residuals regulated under the state permit program that has not  
 15 completed closure in accordance with Section 257.102 of the  
 16 federal CCR rule. The duty to pay the fee established by this  
 17 subdivision does not apply on an annual basis until three  
 18 hundred sixty-five (365) days after the initial one (1) time permit  
 19 fee established by subdivision (1) has been assessed.

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

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

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

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

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

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

41 (k) Upon the effective date that the board adopts rules to  
 42 implement the federal CCR rule and subject to subsection (i), annual

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1 fees for CCR landfills that were previously regulated as restricted waste  
 2 sites shall be deposited in the CCR program fund established by section  
 3 3.2 of this chapter.

4 SECTION ~~191~~[189]. IC 13-19-3-3.1, AS ADDED BY  
 5 P.L.120-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2026]: Sec. 3.1. Except as provided in section  
 7 3(c) of this chapter, the rules adopted under ~~section 1(a)(1)~~ **section**  
 8 **1(1)** of this chapter may not regulate the following:

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

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

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

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

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

18 (B) Bottom ash as an antiskid material.

19 (C) Raw material for manufacturing another product.

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

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

23 (F) A base in road construction.

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

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

36 (I) Agricultural applications, when applied using  
 37 appropriate agronomic amounts to improve crop or  
 38 vegetative production.

39 SECTION 19~~1~~[0]. IC 13-19-3-7, AS AMENDED BY  
 40 P.L.133-2012, SECTION 133, IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. ~~The department and~~  
 42 ~~the board shall allow a person~~ **A permit is not required** to use foundry

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1 sand that meets Type III criteria under 329 IAC 10-9 for the following  
 2 activities: ~~in accordance with guidance without requiring the person~~  
 3 ~~to obtain any permits from the department:~~

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

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

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

11 (4) For use:

12 (A) in a land application operation; or

13 (B) as a soil amendment;

14 if the application or amendment does not include the operation  
 15 of a landfill.

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

18 (A) Roads.

19 (B) Road shoulders.

20 (C) Parking lots.

21 (D) Floor slabs.

22 (E) Utility trenches.

23 (F) Bridge abutments.

24 (G) Tanks and vaults.

25 (H) Construction or architectural fill.

26 (I) Other similar uses.

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

29 (A) Flowable fill.

30 (B) Concrete.

31 (C) Asphalt.

32 (D) Brick.

33 (E) Block.

34 (F) Portland cement.

35 (G) Glass.

36 (H) Roofing materials.

37 (I) Rock wool.

38 (J) Plastics.

39 (K) Fiberglass.

40 (L) Mineral wool.

41 (M) Lightweight aggregate.

42 (N) Paint.

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1 (O) Plaster.  
 2 (P) Other similar products.  
 3 SECTION 19-4-1. IC 13-19-3-9, AS ADDED BY  
 4 P.L.189-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) This section does not apply  
 6 to an expansion of a solid waste landfill:  
 7 (1) that accepts only construction\demolition waste; and  
 8 (2) for which a construction\demolition waste permit was issued  
 9 before January 1, 2005.  
 10 (b) A solid waste landfill that accepts only construction\demolition  
 11 waste shall comply with setback requirements concerning public  
 12 schools established by the board ~~under 329 IAC 10-16-11~~ for  
 13 municipal solid waste landfills.  
 14 SECTION 19-4-2. IC 13-19-4-6, AS AMENDED BY  
 15 P.L.154-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2026]: Sec. 6. Before making a determination  
 17 to deny an application for the issuance, transfer, or major modification  
 18 of a permit under section 5 of this chapter, the commissioner ~~shall~~ **may**  
 19 consider the following mitigating factors:  
 20 (1) The nature and details of the acts attributed to the applicant  
 21 or responsible party.  
 22 (2) With respect to:  
 23 (A) a civil or an administrative complaint referred to in  
 24 section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2)  
 25 (before its repeal); or  
 26 (B) a criminal complaint referred to in section 5(a)(3) of  
 27 this chapter or IC 13-7-10.2-4(a)(3) (before its repeal);  
 28 whether the matter has been resolved.  
 29 (3) With respect to:  
 30 (A) a civil or an administrative complaint referred to in  
 31 section 5(a)(2) of this chapter or IC 13-7-10.2-4(a)(2)  
 32 (before its repeal);  
 33 (B) a criminal complaint referred to in section 5(a)(3) of  
 34 this chapter or IC 13-7-10.2-4(a)(3) (before its repeal); or  
 35 (C) a judgment of conviction referred to in section 5(a)(4)  
 36 of this chapter or IC 13-7-10.2-4(a)(4);  
 37 whether any appeal is pending.  
 38 (4) The degree of culpability of the applicant or responsible  
 39 party.  
 40 (5) The applicant's or responsible party's cooperation with the  
 41 state or federal agencies involved in the investigation of the  
 42 activities involved in complaints and convictions referred to in

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1 section 5(a)(2) through 5(a)(5) of this chapter or  
 2 IC 13-7-10.2-4(a)(2) through IC 13-7-10.2-4(a)(5) (before their  
 3 repeal).

4 (6) The applicant's or responsible party's dissociation from any  
 5 other persons or entities convicted of acts referred to in section  
 6 5(a)(2) through 5(a)(5) of this chapter or IC 13-7-10.2-4(a)(2)  
 7 through IC 13-7-10.2-4(a)(5) (before their repeal).

8 (7) Prior or subsequent self-policing or internal education  
 9 programs established by the applicant to prevent activities  
 10 referred to in section 5(a) of this chapter or IC 13-7-10.2-4(a)  
 11 (before its repeal).

12 (8) Whether the best interests of the public will be served by  
 13 denial of the permit.

14 (9) Any demonstration of good citizenship by the applicant or  
 15 responsible party.

16 SECTION 19~~6~~<sup>3</sup>. IC 13-19-4-9 IS REPEALED [EFFECTIVE  
 17 JULY 1, 2026]. Sec. 9: ~~IC 4-21.5 governs determinations, notice,~~  
 18 ~~hearings, and appeal of determinations under this chapter.~~

19 SECTION 19~~6~~<sup>4</sup>. IC 13-20-1-5 IS REPEALED [EFFECTIVE  
 20 JULY 1, 2026]. Sec. 5: ~~The board shall adopt rules under IC 4-22-2 and~~  
 21 ~~IC 13-14-9 to implement this chapter.~~

22 SECTION 19~~7~~<sup>5</sup>. IC 13-20-3-5 IS REPEALED [EFFECTIVE  
 23 JULY 1, 2026]. Sec. 5: ~~The board shall adopt rules under IC 4-22-2 and~~  
 24 ~~IC 13-14-9 to implement this chapter.~~

25 SECTION 19~~8~~<sup>6</sup>. IC 13-20-6-9 IS REPEALED [EFFECTIVE  
 26 JULY 1, 2026]. Sec. 9: ~~The board shall adopt rules under IC 4-22-2 to~~  
 27 ~~implement this chapter.~~

28 SECTION 19~~9~~<sup>7</sup>. IC 13-20-8-1, AS AMENDED BY  
 29 P.L.133-2012, SECTION 139, IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. ~~The board shall~~  
 31 ~~adopt rules under IC 4-22-2 and IC 13-14-9 to regulate the construction~~  
 32 ~~and operation of incinerators under IC 13-14-8. The Any rules adopted~~  
 33 **by the board for the construction and operation of incinerators**  
 34 **under IC 13-14-8** must incorporate by reference pertinent rules  
 35 adopted by the board concerning air pollution control.

36 SECTION ~~200~~<sup>198</sup>. IC 13-20-10.5-1, AS ADDED BY  
 37 P.L.189-2011, SECTION 13, IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A person may not  
 39 after June 30, 2011, start:

- 40 (1) construction of:  
 41 (A) a biomass an anaerobic digestion facility; or  
 42 (B) a biomass gasification facility; or

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1 (2) expansion of:

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

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

4 without obtaining prior approval of the department.

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

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

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

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

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

35 (1) is consistent with the department's duties under this chapter;  
36 and

37 (2) the department considers necessary;

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

39 (c) If the department fails to make a determination within the time  
40 frame provided in subsection (a), the applicant may request and receive  
41 a refund of the fee paid by the applicant when the application for prior  
42 approval was submitted. The department shall continue to review the

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1 application and approve or deny the application as soon as practicable.

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

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

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

13 (1) this chapter; and

14 (2) rules adopted by the board under this chapter;  
15 including a compliance schedule.

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

18 (1) the application is incomplete;

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

20 (A) this chapter;

21 (B) IC 13-20-14; or

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

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

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

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

30 (A) The number of passenger tire equivalents received at  
31 the waste tire storage site or by the waste tire processing  
32 operation.

33 (B) The number and manner of disposal of the passenger  
34 tire equivalents.

35 (2) Maintain contingency plans to protect public health and the  
36 environment.

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

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

42 (5) Comply with applicable rules and requirements established

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1 by the fire prevention and building safety commission for indoor  
 2 waste tire storage sites.

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

6 SECTION 20~~6~~[4]. IC 13-20-13-8, AS AMENDED BY  
 7 P.L.37-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Except as provided in  
 9 subsection (d)(2), (d)(3), (d)(6), and (d)(7), the waste tire management  
 10 fund is established for the following purposes:

11 (1) The department may use not more than thirty-five percent  
 12 (35%) of the money deposited in the fund each year for:

13 (A) the removal and disposal of waste tires from sites where  
 14 the waste tires have been disposed of improperly; and  
 15 (B) operating the waste tire education program under  
 16 section 15 of this chapter.

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

19 (A) provide grants and loans under section 9(b) of this  
 20 chapter to entities involved in waste tire management  
 21 activities; and  
 22 (B) pay the expenses of administering the programs  
 23 described in:

24 (i) subdivision (1)(B); and  
 25 (ii) clause (A).

26 (b) The expenses of administering the fund shall be paid from  
 27 money in the fund.

28 (c) Money in the fund at the end of a state fiscal year does not  
 29 revert to the state general fund.

30 (d) Sources of money for the fund are the following:

31 (1) Fees paid under section 4(a)(6) of this chapter and  
 32 IC 13-20-14-5(c).

33 (2) Fees collected under section 7 of this chapter. All money  
 34 deposited in the fund under this subdivision may be used by the  
 35 department for waste reduction, recycling, removal, or  
 36 remediation projects.

37 (3) Costs and damages recovered from a person or other entity  
 38 under section 14 of this chapter or IC 13-20-14-8. All money  
 39 deposited in the fund under this subdivision may be used by the  
 40 department for removal and remediation projects.

41 (4) Fees established by the general assembly for the purposes of  
 42 this chapter.

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- 1 (5) Appropriations made by the general assembly.
- 2 (6) Gifts and donations intended for deposit in the fund. A gift
- 3 or donation deposited in the fund under this subdivision may be
- 4 specified to be entirely for the use of the department.
- 5 (7) Civil penalties collected under IC 13-30-4 for violations of:
- 6 (A) this chapter;
- 7 (B) IC 13-20-14; and
- 8 (C) rules adopted under section 11 of this chapter. ~~and~~
- 9 ~~IC 13-20-14-6.~~

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

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

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

- 18 (1) Requirements for the registration of waste tire storage sites
- 19 and waste tire processing operations.
- 20 (2) Requirements concerning the following:
- 21 (A) The operation of waste tire storage sites and waste tire
- 22 processing operations.
- 23 (B) Proper storage and processing of waste tires.
- 24 (C) Contingency plans concerning the minimization of
- 25 hazards to human health and the environment at waste tire
- 26 storage sites and waste tire processing operations.
- 27 (D) Record keeping guidelines concerning the quantity of
- 28 waste tires stored and processed at waste tire storage sites
- 29 and waste tire processing operations.
- 30 (E) The transportation of waste tires and loads containing
- 31 any combination of both waste tires and used tires.
- 32 (F) Reporting requirements concerning the transportation
- 33 of:
- 34 (i) waste tires; and
- 35 (ii) loads containing any combination of both waste
- 36 tires and used tires;
- 37 that include evidence of proper end point disposal or
- 38 processing of tires described in this clause.
- 39 (3) Financial assurance acceptable to the department necessary
- 40 for waste tire removal that a person that operates a waste tire
- 41 storage site must maintain. The rules shall provide for the use of
- 42 a corporate financial test that is substantially similar to the

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1 corporate financial test set forth in 40 CFR 258.74(e) as an  
2 optional financial assurance mechanism.

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

6 (A) Registering waste tire storage sites and waste tire  
7 processing operations under this chapter.

8 (B) Administering this chapter.

9 (c) (b) The rules adopted under this section may establish  
10 standards and procedures for the legitimate use, instead of disposal, of  
11 waste tires, including standards and procedures concerning the  
12 following:

13 (1) Proper storage and handling.

14 (2) Record keeping.

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

17 SECTION 20<8>[6]. IC 13-20-14-1, AS AMENDED BY  
18 P.L.133-2012, SECTION 145, IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as  
20 provided in:

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

22 (2) section 10 of this chapter;

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

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

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

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

30 (e) The rules adopted under subsection (d) may allow a landfill  
31 operator to meet the requirements of the rule by employing procedures  
32 designed to achieve the objectives of subsection (d) in lieu of a numeric  
33 standard.

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

41 (1) The person's name.

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

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

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

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

10 SECTION ~~210~~ [208]. IC 13-20-14-5.6, AS AMENDED BY  
11 P.L.128-2024, SECTION 27, IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5.6. (a) A certificate of  
13 registration issued by the department under this chapter may be  
14 revoked or modified by the commissioner, or by a designated staff  
15 member of the department, after notification in writing is sent in  
16 accordance with IC 13-14-2-1 to the holder of the certificate, for:

- 17 (1) failure to disclose all relevant facts;
- 18 (2) making a misrepresentation in obtaining the registration; or
- 19 (3) failure to correct, within the time established by the  
20 department, a violation of:
  - 21 (A) a condition of the registration;
  - 22 (B) this chapter; or
  - 23 (C) a rule adopted by the board. ~~under section 6 of this~~  
24 ~~chapter.~~

25 (b) A person aggrieved by the revocation or modification of a  
26 certificate of registration may appeal the revocation or modification to  
27 the office of administrative law proceedings under IC 4-15-10.5.  
28 Pending the decision resulting from a hearing under IC 4-21.5-3  
29 concerning the revocation or modification, the registration remains in  
30 force. However, subsequent to revocation or modification, the  
31 commissioner may seek injunctive relief concerning the activity  
32 described in the registration.

33 SECTION 2~~11~~ [09]. IC 13-20-14-6 IS REPEALED  
34 [EFFECTIVE JULY 1, 2026]. ~~Sec. 6: The board shall adopt rules under~~  
35 ~~IC 4-22-2 and IC 13-14-9 to implement this chapter.~~

36 SECTION 21~~2~~ [0]. IC 13-20-14-9.5, AS AMENDED BY  
37 P.L.133-2012, SECTION 147, IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9.5. (a) Except as  
39 provided in rules adopted under subsection (c), an operator of a transfer  
40 station shall remove whole waste tires present in solid waste that is  
41 being transferred from a vehicle or container to another vehicle or  
42 container at the transfer station.

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

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

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

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

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

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

- 24 (1) manufactured for sale;
- 25 (2) sold for use; or
- 26 (3) used by the person;

27 in the person's business if the item, product, or material contains  
28 incidental concentrations of PCB.

29 (c) In granting a certificate of exemption, the commissioner ~~shall~~  
30 **may** impose conditions on the exemption so that the exemption covers  
31 only incidental concentrations of PCB.

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

- 36 (1) Not more than thirty (30) days after receiving a plan  
37 developed by a motor vehicle manufacturer or a group of motor  
38 vehicle manufacturers under section 1 of this chapter, issue a  
39 public notice of a period of at least thirty (30) days during which  
40 the public may submit written comments on the plan to the  
41 commissioner.

- 42 (2) Not more than one hundred twenty (120) days after receiving

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- 1 a plan, determine whether the entire plan complies with this
- 2 chapter and:
- 3 (A) if the entire plan complies with this chapter, approve
- 4 the plan in its entirety;
- 5 (B) if no part of the plan complies with this chapter, reject
- 6 the plan in its entirety; or
- 7 (C) if only part of the plan complies with this chapter,
- 8 approve that part and reject the rest of the plan.
- 9 (b) If a plan is approved in its entirety under subsection (a)(2)(A),
- 10 the motor vehicle manufacturers shall begin implementing the plan not
- 11 more than thirty (30) days after the date the plan is approved. If an
- 12 entire plan is rejected under subsection (a)(2)(B), the commissioner
- 13 shall inform the motor vehicle manufacturers why the plan was
- 14 rejected, and the manufacturers shall submit a new plan not more than
- 15 thirty (30) days after the commissioner informs the manufacturers that
- 16 the entire plan was rejected. If a plan is approved in part and rejected
- 17 in part under subsection (a)(2)(C), the manufacturers shall immediately
- 18 implement the approved part of the plan and submit a revision of the
- 19 rejected part of the plan not more than thirty (30) days after the
- 20 commissioner informs the manufacturers of the commissioner's partial
- 21 approval. The commissioner shall make a determination on a revised
- 22 plan not more than thirty (30) days after receiving the revised plan.
- 23 (c) Not more than two hundred forty (240) days after receiving a
- 24 plan developed by motor vehicle manufacturers under section 1 of this
- 25 chapter, the commissioner shall complete, on behalf of the
- 26 manufacturer, any part of the plan that has not yet been approved.
- 27 (d) ~~After a plan has been approved under this section, the~~
- 28 ~~commissioner shall:~~
- 29 ~~(1) review the plan three (3) years after the original date of~~
- 30 ~~approval of the plan and every three (3) years thereafter; and~~
- 31 ~~(2) work with the motor vehicle manufacturers to agree with the~~
- 32 ~~manufacturers on appropriate modifications to the plan.~~
- 33 ~~(e) Motor vehicle manufacturers are not required to resubmit a~~
- 34 ~~plan modified under subsection (d) to the commissioner for approval.~~
- 35 SECTION 21~~6~~[4]. IC 13-20-22-1, AS AMENDED BY
- 36 P.L.250-2019, SECTION 31, IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A fee is imposed
- 38 on the disposal or incineration of solid waste in a final disposal facility
- 39 in Indiana. Except as provided in section 14 of this chapter, the amount
- 40 of the fee is as follows:
- 41 (1) For solid waste generated in Indiana, fifty cents (\$0.50) a ton.
- 42 (2) For solid waste generated outside Indiana:

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- 1 (A) fifty cents (\$0.50) a ton; and
- 2 (B) if the board has adopted rules under subsection (b), an
- 3 additional amount imposed under the rules.

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

- 6 (1) generated outside Indiana; and
- 7 (2) disposed of or incinerated in a final disposal facility in
- 8 Indiana.

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

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

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

20 SECTION 21 ~~<7>~~ [5]. IC 13-20-25-1, AS ADDED BY  
21 P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2026]: Sec. 1. The goal of the state is to recycle  
23 **or divert** at least fifty percent (50%) of its municipal waste.

24 SECTION 21 ~~<8>~~ [6]. IC 13-20-25-9, AS AMENDED BY  
25 P.L.147-2015, SECTION 15, IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) A recycler shall  
27 report the recycler's recycling activities under this section. A recycler  
28 may elect to report the recycler's recycling activities on an annual basis  
29 under subsection (b). ~~or on a quarterly basis under subsection (c).~~

30 (b) A recycler ~~that elects to report on an annual basis shall, in~~  
31 ~~2016 and each succeeding calendar year, before March 1, shall~~ submit  
32 to the commissioner a completed recycling activity report concerning  
33 the recycling activities conducted by the recycler during the calendar  
34 year that ended on the most recent December 31.

35 (c) A recycler **may elect to report more frequently than is**  
36 **required under subsection (a).** ~~that elects to report on a quarterly~~  
37 ~~basis shall, for the July through September quarter of 2014 and each~~  
38 ~~succeeding quarter, not more than thirty (30) days after the end of the~~  
39 ~~quarter, submit to the commissioner a completed recycling activity~~  
40 ~~report concerning the recycling activities conducted by the recycler~~  
41 ~~during the quarter. A quarterly report submitted under this subsection~~  
42 ~~must concern the recycling activities conducted by the recycler during~~

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- 1 the period of:
- 2 (1) July through September;
- 3 (2) October through December;
- 4 (3) January through March; or
- 5 (4) April through June.
- 6 (d) A recycler shall submit a separate recycling activity report
- 7 under this section for each reporting period; ~~whether annual or~~
- 8 ~~quarterly;~~ **period** for each facility:
- 9 (1) that was owned or operated by the recycler; and
- 10 (2) at which the recycler conducted recycling activities;
- 11 during the reporting period.
- 12 (e) **A person who operates a composting facility that must be**
- 13 **registered under this chapter shall submit an annual report to the**
- 14 **commissioner that indicates the volume of material processed by**
- 15 **the composting facility during the preceding year.**
- 16 SECTION 21~~9~~<sup>7</sup>. IC 13-20-25-10, AS AMENDED BY
- 17 P.L.104-2024, SECTION 34, IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) A person:
- 19 (1) who:
- 20 (A) is not required to submit a recycling activity report
- 21 under section 9 of this chapter; but
- 22 (B) recycled recyclable materials during a calendar year;
- 23 (2) who:
- 24 (A) meets the definition of "scrap metal processing facility"
- 25 set forth in IC 8-23-1-36;
- 26 (B) meets the definition of "automotive salvage recycler" set
- 27 forth in IC 9-13-2-10;
- 28 (C) meets the definition of "recycling facility" set forth in
- 29 IC 9-13-2-150.3;
- 30 (D) is engaged in business subject to IC 9-22-3;
- 31 (E) meets the definition of "automotive salvage rebuilder"
- 32 set forth in IC 9-32-2.1-5;
- 33 (F) meets the definition of "scrap metal processor" set forth
- 34 in IC 13-11-2-196.5;
- 35 (G) meets the definition of "core buyer" set forth in
- 36 IC 25-37.5-1-0.2; or
- 37 (H) meets the definition of "valuable metal dealer" set forth
- 38 in IC 25-37.5-1-1(b); or
- 39 (3) who:
- 40 (A) is not required to submit a recycling activity report
- 41 under section 9 of this chapter; but
- 42 (B) took action during a calendar year to recover, from the

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1 solid waste stream, for purposes of:  
 2 (i) use or reuse;  
 3 (ii) conversion into raw materials; or  
 4 (iii) use in the production of new products;  
 5 materials that were not municipal waste;  
 6 may voluntarily submit a recycling activity report to the commissioner  
 7 concerning the person's recycling activity during the calendar year.

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

11 SECTION 2 ~~<20>~~ [18]. IC 13-20-25-11, AS AMENDED BY THE  
 12 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL  
 13 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2026]: Sec. 11. (a) ~~Except as provided in subsection (b);~~ A  
 15 recycling activity report submitted to the commissioner under this  
 16 chapter must be submitted ~~on the uniform recycling activity report form~~  
 17 **posted in a format required** by the commissioner ~~on through~~ the  
 18 department's ~~Internet web site~~ **website**. ~~under section 12 of this~~  
 19 ~~chapter.~~

20 (b) ~~If a uniform recycling activity report form is not posted on the~~  
 21 ~~department's Internet web site by July 1 in a calendar year in which a~~  
 22 ~~recycler is required to submit a completed recycling activity report~~  
 23 ~~under section 9(a) of this chapter; the recycler may satisfy the recycler's~~  
 24 ~~duties under this chapter by submitting to the commissioner; by a letter~~  
 25 ~~postmarked before August 1 of the calendar year; the types of~~  
 26 ~~information about the recycler's recycling activities during the calendar~~  
 27 ~~year that are set forth in section 12 of this chapter.~~

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

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

42 [ ] (3) ~~Provide for reporting of the quantity, in tons, of each~~

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1 ~~type of recyclable material listed in subsection (c) that was in~~  
 2 ~~storage at the reporting recycler's establishment:~~

3 ~~(A) at the start of the calendar year; and~~

4 ~~(B) at the close of the calendar year.~~

5 ~~(4)~~ Provide for reporting of the quantity, in tons, of each  
 6 type of recyclable material listed in subsection (c) that was  
 7 transported from the reporting recycler's establishment, or  
 8 (in the case of a recycler that is a recyclable materials  
 9 broker) that was transported or delivered by arrangement of  
 10 the recycler, to any of the following:

11 (A) Other recyclers located in Indiana.

12 (B) Persons that are located in Indiana but are not  
 13 recyclers, including persons that may employ the  
 14 recyclable material as a raw material or a new product  
 15 without further recycling.

16 (C) Persons located outside Indiana.

17 (c) A uniform recycling activity report form posted on the  
 18 department's website under subsection (a) must specify that the  
 19 information to be reported by a recycler under subsection (b)(3)  
 20 ~~and (b)(4)~~ must be reported separately for each of the following  
 21 types of recyclable materials:

22 (1) Glass.

23 (2) Metal, including white goods (ferrous).

24 (3) Metal (nonferrous).

25 (4) Paper and paper products (all grades).

26 (5) Plastic and plastic products.

27 (6) Single stream recyclable materials.

28 (7) Any other distinct type of recyclable material not  
 29 specified in subdivisions (1) through (6).

30 SECTION ~~221~~ [219]. IC 13-20-25-12 IS REPEALED  
 31 [EFFECTIVE JULY 1, 2026]. Sec. 12: (a) Not later than July 1, 2015,  
 32 the commissioner shall post on the department's Internet web site a  
 33 uniform recycling activity report form. The form must do the following:

34 (1) Provide for reporting of the:

35 (A) name and location of; and

36 (B) principal business activities conducted at;  
 37 the recycler's establishment.

38 (2) Include:

39 (A) an appropriate space for; and

40 (B) instructions requiring the completion of;  
 41 an appropriate certification; by signature of the recycler (if the  
 42 recycler is an individual) or a senior official with management

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1 responsibility for the recycler (if the recycler is not an  
 2 individual), of the accuracy and completeness of the recycling  
 3 activity report.  
 4 (3) Provide for reporting of the quantity, in tons, of each type of  
 5 recyclable material listed in subsection (b) that was in storage at  
 6 the reporting recycler's establishment:  
 7 (A) at the start of the calendar year; and  
 8 (B) at the close of the calendar year.  
 9 (4) Provide for reporting of the quantity, in tons, of each type of  
 10 recyclable material listed in subsection (b) that was transported  
 11 from the reporting recycler's establishment, or (in the case of a  
 12 recycler that is a recyclable materials broker) that was  
 13 transported or delivered by arrangement of the recycler, to any  
 14 of the following:  
 15 (A) Other recyclers located in Indiana;  
 16 (B) Persons that are located in Indiana but are not recyclers,  
 17 including persons who may employ the recyclable material  
 18 as a raw material or a new product without further  
 19 recycling.  
 20 (C) Persons located outside Indiana.  
 21 (b) The uniform recycling activity report form posted on the  
 22 department's Internet web site under subsection (a) must specify that  
 23 the information to be reported by a recycler under subsection (a)(3) and  
 24 (a)(4) must be reported separately for each of the following types of  
 25 recyclable materials:  
 26 (1) Glass;  
 27 (2) Metal, including white goods (ferrous);  
 28 (3) Metal (nonferrous);  
 29 (4) Paper and paper products (all grades);  
 30 (5) Plastic and plastic products;  
 31 (6) Single stream recyclable materials;  
 32 (7) Any other distinct type of recyclable material not specified  
 33 in subdivisions (1) through (6).  
 34 SECTION 22 ~~↔~~ [0]. IC 13-20-26-3, AS ADDED BY  
 35 P.L.153-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2026]: Sec. 3. To implement the second round  
 37 of grants described in this chapter, the Indiana recycling market  
 38 development board ~~shall~~ **may not** award ~~not~~ more than a total of two  
 39 million dollars (\$2,000,000) to applicants.  
 40 SECTION 22 ~~↔~~ [1]. IC 13-20.5-1-4, AS AMENDED BY  
 41 P.L.200-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person may not operate as

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1 a collector of covered electronic devices from covered entities unless  
2 the person:

3 (1) has submitted to the department a completed registration  
4 form; ~~as required by 329 IAC 16-5-1;~~ and

5 (2) otherwise complies with ~~329 IAC 16:~~ **rules established by**  
6 **the board.**

7 (b) A registration submitted under this section:

8 (1) is effective upon receipt by the department; and

9 (2) must be submitted for a program year not later than March 1  
10 of the program year.

11 SECTION 22~~<4>~~[2]. IC 13-20.5-1-5, AS AMENDED BY  
12 P.L.200-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A person may not recycle  
14 covered electronic devices generated by covered entities unless the  
15 person:

16 (1) has submitted to the department a completed registration  
17 form; ~~as required by 329 IAC 16-5-1;~~ and

18 (2) otherwise complies with ~~329 IAC 16:~~ **rules established by**  
19 **the board.**

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

22 (c) A registration submitted under this section:

23 (1) is effective upon receipt by the department; and

24 (2) must be submitted for a program year not later than March 1  
25 of the program year.

26 SECTION 22~~<5>~~[3]. IC 13-20.5-1-6, AS ADDED BY  
27 P.L.178-2009, SECTION 27, IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. The department may  
29 revoke the registration of a collector or recycler that violates either or  
30 both of the following:

31 (1) This article.

32 (2) ~~329 IAC 16:~~ **Rules established by the board.**

33 SECTION 22~~<6>~~[4]. IC 13-20.5-3-1, AS AMENDED BY  
34 P.L.200-2017, SECTION 10, IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Not later than  
36 March 1 of each year, a manufacturer shall report to the department the  
37 total weight in pounds of covered electronic devices that the  
38 manufacturer:

39 (1) collected from eligible entities and recycled; or

40 (2) arranged to have collected from eligible entities and  
41 recycled;

42 during the program year that ended on the immediately preceding

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

18 SECTION 22~~<7>~~[5]. IC 13-20.5-3-2, AS AMENDED BY  
 19 P.L.200-2017, SECTION 11, IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. Not later than each  
 21 March 1, a recycler of covered electronic devices shall do the  
 22 following:

- 23 (1) Report to the department separately the total weight in
- 24 pounds of covered electronic devices that were:
- 25 (A) recycled by the recycler; and
- 26 (B) taken by the recycler for final disposal;
- 27 during the program year that ended on the immediately
- 28 preceding December 31.
- 29 (2) Submit to the department a list of all collectors from whom
- 30 the recycler received covered electronic devices during the
- 31 program year that ended on the immediately preceding
- 32 December 31.
- 33 (3) Certify that the recycler has complied with IC 13-20.5-5 and[
- 34 ~~§29 IAC 46~~ **any applicable regulations** during the program
- 35 year that ended on the immediately preceding December 31.

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

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

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

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

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

- 11 (A) recycled;
- 12 (B) partially recycled; or
- 13 (C) sent to downstream recycling operations by the
- 14 manufacturer;

15 are recycled in compliance with this article.

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

19 SECTION 22~~<9>~~[7]. IC 13-20.5-4-2 IS REPEALED [EFFECTIVE  
20 JULY 1, 2026]. Sec. 2: (a) A manufacturer shall conduct and document  
21 due diligence assessments of collectors and recyclers with which the  
22 manufacturer contracts to allow the manufacturer to comply with this  
23 chapter.

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

28 SECTION 2~~<30>~~[28]. IC 13-20.5-4-3 IS REPEALED  
29 [EFFECTIVE JULY 1, 2026]. Sec. 3: A manufacturer shall provide the  
30 department with contact information for an individual who can be  
31 contacted regarding the manufacturer's activities under this article.

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

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

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1 be lowered to reduce revenues collected in the subsequent state fiscal  
 2 year by the estimated amount of the excess: **report to the standing**  
 3 **committees with subject matter jurisdiction over environmental**  
 4 **affairs for both the house of representatives and the senate.**

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

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

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

20 SECTION 23~~↔~~[1]. IC 13-21-1-1 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The commissioner:  
 22 shall do the following:

- 23 (1) **shall** adopt the state plan in final form; **and**  
 24 (2) **may** adopt rules under IC 4-22-2 to provide for the plan's  
 25 implementation.

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

- 31 (1) The establishment of voluntary statewide goals for source  
 32 reduction.  
 33 (2) The establishment of criteria for alternatives to final disposal,  
 34 including the following:  
 35 (A) Recycling.  
 36 (B) Composting.  
 37 (C) The availability of markets.  
 38 (3) The establishment of general criteria for the siting,  
 39 construction, operation, closing, and monitoring of final disposal  
 40 facilities.  
 41 (4) Criteria and other elements to be considered in the adoption  
 42 of district solid waste management plans.

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1 SECTION 23~~5~~<sup>3</sup>. IC 13-21-1-3 IS REPEALED [EFFECTIVE  
2 JULY 1, 2026]. Sec. 3: Revisions of the state plan must be  
3 implemented using the procedures set forth in section 4 of this chapter.

4 SECTION 23~~6~~<sup>4</sup>. IC 13-21-1-4, AS ADDED BY P.L.37-2012,  
5 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2026]: Sec. 4. (a) ~~In 2015 and every fifth year thereafter,~~ The  
7 legislative council ~~shall~~ **may** require an interim study committee or a  
8 statutory study committee to:

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

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

18 SECTION 23~~7~~<sup>5</sup>. IC 13-21-13-1, AS AMENDED BY  
19 P.L.104-2022, SECTION 90, IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A board may  
21 impose fees on the disposal of solid waste in a final disposal facility  
22 located within the district. A fee imposed by a board in a county with  
23 a population of more than one hundred twelve thousand (112,000) and  
24 less than one hundred twenty thousand (120,000) under this section  
25 may not exceed two dollars and fifty cents (\$2.50) a ton. A fee imposed  
26 by a board in other counties under this section may not exceed:

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

31 whichever is greater.

32 (b) The board shall do the following:

- 33 (1) Set the amount of fees imposed under this section after a  
34 public hearing.  
35 (2) Give public notice of the hearing.

36 (c) If solid waste has been subject to a district fee under this  
37 section, the total amount of the fee that was paid shall be credited  
38 against a district fee to which the solid waste may later be subject  
39 under this section.

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

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

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

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

10 SECTION 23 ~~8~~ [6]. IC 13-22-2-2 IS REPEALED [EFFECTIVE  
 11 JULY 1, 2026]. ~~Sec. 2: The board shall adopt rules under IC 4-22-2 and~~  
 12 ~~IC 13-14-9 to implement this chapter through IC 13-22-8,~~  
 13 ~~IC 13-22-11.5, and IC 13-22-13 through IC 13-22-14.~~

14 SECTION 23 ~~9~~ [7]. IC 13-22-2-3, AS AMENDED BY  
 15 P.L.93-2024, SECTION 118, IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The board ~~shall~~  
 17 ~~adopt rules under IC 4-22-2 and IC 13-14-8 to~~ **may** develop criteria for  
 18 determining hazardous waste. In developing ~~those~~ criteria **for**  
 19 **determining hazardous waste**, the board shall determine whether any  
 20 waste to be or being disposed of meets any of the following conditions:

- 21 (1) Presents immediate or persistent hazards to humans or  
 22 wildlife.
- 23 (2) Is resistant to natural degradation or detoxification.
- 24 (3) Is bioconcentrative, flammable, reactive, toxic, corrosive, or  
 25 infectious in addition to any other harmful characteristics.

26 (b) The board shall do the following:

- 27 (1) Compile and maintain a listing of wastes that have been  
 28 determined to be hazardous:
  - 29 (A) under the criteria described in subsection (a); or
  - 30 (B) by regulation of the United States Environmental  
 31 Protection Agency.
- 32 (2) Issue the listing by adopting rules under IC 4-22-2.

33 ~~(c) (3) The board shall~~ Consider actions taken by adjoining states  
 34 and the federal government for purposes of uniform criteria  
 35 relating to the listing and delisting of waste under this section.

36 ~~(c)~~ (c) The commissioner may exclude a waste produced at a  
 37 particular generating facility from the listing under subsection (b) if the  
 38 person seeking exclusion of the waste demonstrates to the satisfaction  
 39 of the commissioner that the waste does not meet any of the criteria  
 40 under which the waste was listed as a hazardous waste and:

- 41 (1) the person seeking exclusion has already obtained exclusion  
 42 of the waste from the listing maintained under 40 CFR 261 by

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1 the United States Environmental Protection Agency; or  
 2 (2) if the department has received authority from the United  
 3 States Environmental Protection Agency to delist waste under 40  
 4 CFR 260.20 and 260.22, the person petitions the commissioner  
 5 to consider the removal of a waste from the listing, and the  
 6 commissioner follows the authorized procedure for delisting.

7 ~~(e)~~ **(d)** The department shall establish a procedure by which a  
 8 person may petition the commissioner to consider the removal of a  
 9 specific waste from the lists maintained under subsection (b).

10 SECTION 2~~40~~ **[38]**. IC 13-22-2-4 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board shall  
 12 adopt rules under IC 4-22-2 and IC 13-14-8 on the proper and safe  
 13 transportation, treatment, storage, and disposal of hazardous wastes.  
 14 Whenever possible, the rules adopted under this section must allow for  
 15 variation in Indiana with regard to population density, climate, and  
 16 geology.

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

22 (1) The federal Resource Conservation and Recovery Act (42  
 23 U.S.C. 6901 et seq.).

24 (2) The federal Clean Air Act (42 U.S.C. 7401 et seq.), as [  
 25 ~~amended by the federal Clean Air Act Amendments of 1990~~  
 26 ~~(P.L.101-549)~~]. **amended.**

27 SECTION 2~~41~~ **[39]**. IC 13-22-2-6 IS REPEALED [EFFECTIVE  
 28 JULY 1, 2026]. Sec. 6: ~~The board shall do the following:~~

29 ~~(1) Adopt rules under IC 4-22-2 and IC 13-14-9 setting standards~~  
 30 ~~for closure and postclosure monitoring and maintenance plans.~~

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

33 SECTION 24~~42~~ **[0]**. IC 13-22-2-7, AS AMENDED BY  
 34 P.L.133-2012, SECTION 151, IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The board ~~shall~~  
 36 ~~adopt rules under IC 4-22-2 and IC 13-14-9 setting~~ **may set** standards  
 37 for corrective action for all releases of hazardous waste or constituents  
 38 from any solid waste management unit at a hazardous waste facility.  
 39 ~~The~~ **Any standards adopted by the board** must require that corrective  
 40 action be taken beyond the facility boundary where necessary to protect  
 41 human health and the environment, unless the owner or operator of the  
 42 facility concerned demonstrates to the satisfaction of the commissioner

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1 that, despite the best efforts of the owner or operator, the owner or  
 2 operator is unable to obtain the necessary permission to undertake that  
 3 action. The rules adopted under this section apply to the following:

4 (1) All facilities operating under permits issued under  
 5 IC 13-22-3. ~~[1] or IC 13-7-8.5 (before its repeal).~~

6 (2) All landfills, surface impoundments, and waste piles,  
 7 including any new units, replacements of existing units, and  
 8 lateral expansions of existing units, that receive hazardous waste  
 9 after July 26, 1982.

10 SECTION 24 ~~<=>~~ [1]. IC 13-22-3-3 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Before allowing  
 12 the operation of a landfill for the disposal of hazardous waste, the  
 13 commissioner and all the owners of the land upon which the landfill is  
 14 located must execute and record a restrictive covenant upon the land  
 15 involved. The department shall file the instrument imposing the  
 16 restrictive covenant for record in the recorder's office in the county in  
 17 which the landfill is located.

18 (b) The covenant must state that:

19 (1) the land has been or may be used as a landfill for disposal of  
 20 hazardous waste; and

21 (2) neither the property owners, agents, or employees, nor any of  
 22 their heirs, successors, lessees, or assignees, may engage in  
 23 filling, grading, excavating, building, drilling, or mining on the  
 24 property following the completion and closure of the landfill  
 25 without authorization of the commissioner.

26 (c) Before the commissioner grants an authorization for the  
 27 activities prohibited in the covenant, the commissioner shall ~~review~~  
 28 **consider** the following:

29 (1) The original design of the landfill.

30 (2) The type of operation.

31 (3) The hazardous waste deposited there.

32 (4) The state of decomposition of the hazardous wastes.

33 SECTION 24 ~~<=>~~ [2]. IC 13-22-7.5-1, AS ADDED BY  
 34 P.L.172-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter applies to a person  
 36 that transports:

37 (1) a chemical munition ~~referred to in 329 IAC 3-1-6-3; as in~~  
 38 ~~effect on January 1, 2005; as defined in IC 13-11-2-25;~~ or

39 (2) hazardous waste derived from the bulk neutralization and  
 40 destruction of the agent VX referred to in IC 13-11-2-25(6).

41 SECTION 24 ~~<=>~~ [3]. IC 13-22-8-1, AS AMENDED BY  
 42 P.L.133-2012, SECTION 152, IS AMENDED TO READ AS

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1       FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The board ~~shall~~  
2       **may** adopt rules under IC 4-22-2 and IC 13-14-9 on standards of  
3       financial responsibility for the following:

- 4           (1) Closure.  
5           (2) Postclosure monitoring at hazardous waste facilities.  
6           (3) Any required corrective action at those facilities.

7       (b) ~~The Any~~ rules adopted under this section must reflect the  
8       provisions for financial responsibility prescribed by section 2 of this  
9       chapter.

10       SECTION 24~~<6>~~ [4]. IC 13-22-11-1 IS REPEALED [EFFECTIVE  
11       JULY 1, 2026]. Sec. 1. (a) The office shall do the following:

12           (1) ~~Continuously gather information on secondary material~~  
13           ~~utilization or waste reduction practices and technology from~~  
14           ~~sources within and outside Indiana.~~

15           (2) ~~Provide information and advice on secondary material~~  
16           ~~utilization or waste reduction in response to a request from a~~  
17           ~~business or business organization that is active in Indiana.~~

18       (b) ~~In the absence of a request, the office may, at the direction of~~  
19       ~~the commissioner, present advice on secondary material utilization or~~  
20       ~~waste reduction to a business that:~~

- 21           (1) ~~is active in Indiana; and~~  
22           (2) ~~in the judgment of the commissioner, could:~~  
23               (A) ~~significantly reduce;~~  
24               (B) ~~eliminate; or~~  
25               (C) ~~avoid;~~

26           ~~the generation and disposal of hazardous waste through waste~~  
27           ~~reduction or secondary material utilization under IC 13-22-11.5.~~

28       ~~The office shall study the information to be presented with advice~~  
29       ~~under this subsection.~~

30       SECTION 24~~<7>~~ [5]. IC 13-22-11-2 IS REPEALED [EFFECTIVE  
31       JULY 1, 2026]. Sec. 2. ~~In directing the office to present advice to~~  
32       ~~businesses under section 1(b) of this chapter, the commissioner shall~~  
33       ~~establish a priority among types of businesses according to the~~  
34       ~~following:~~

35           (1) ~~The degree or magnitude of waste reduction that could be~~  
36           ~~achieved by a type of business, in comparison to the waste~~  
37           ~~reduction that could be achieved by other businesses.~~

38           (2) ~~The financial and technical feasibility of the waste reduction~~  
39           ~~practices and technologies available to various types of~~  
40           ~~businesses.~~

41           (3) ~~The statewide waste reduction impact likely to be achieved~~  
42           ~~through presenting advice to a type of business due to the~~

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1 prevalence of that type of business in Indiana.

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

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

10 (b) (a) The Any rules adopted by the board establishing and  
11 operating the program established under section 1 of this chapter  
12 must not be less stringent than the regulations adopted by the  
13 Administrator of the United States Environmental Protection Agency  
14 under Section 9003 of the federal Solid Waste Disposal Act, as  
15 amended (42 U.S.C. 6991b, as amended).

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

18 (1) Requirements for maintaining:

19 (A) a leak detection system;

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

21 or

22 (C) a comparable system or method;

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

25 (2) Requirements for maintaining records of any:

26 (A) monitoring;

27 (B) leak detection system;

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

29 (D) comparable system.

30 (3) Requirements for reporting of:

31 (A) any releases; and

32 (B) corrective action taken in response to a release.

33 (4) Requirements for ordering or taking corrective action in  
34 response to a release.

35 (5) Requirements for closure of underground storage tanks to  
36 prevent future releases of regulated substances into the  
37 environment.

38 (6) Requirements for maintaining evidence of financial  
39 responsibility for:

40 (A) taking corrective action; and

41 (B) compensating third parties for bodily injury and  
42 property damage caused by sudden and nonsudden

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- 1           accidental releases arising from the operation of an
- 2           underground storage tank.
- 3       (7) Standards of performance for new underground storage
- 4       tanks.
- 5       (8) Requirements for the following:
- 6           (A) Providing notice to the department of the existence of
- 7           operational and nonoperational underground storage tanks,
- 8           as required under 42 U.S.C. 6991a(a).
- 9           (B) Providing the information required on the form
- 10          prescribed under 42 U.S.C. 6991a(b)(2).
- 11          (C) Providing notice, by any person who sells a tank
- 12          intended to be used as an underground storage tank, to the
- 13          purchaser of that tank of the owner's notification
- 14          requirements established by this article and 42 U.S.C.
- 15          6991a(a).
- 16       (9) Requirements for the delivery prohibition program
- 17       prescribed under 42 U.S.C. 6991k, including:
- 18           (A) notice to owners or operators when an underground
- 19           storage tank is declared ineligible for delivery, deposit, or
- 20           acceptance of a regulated substance; and
- 21           (B) procedures to enforce the delivery prohibition that
- 22           include the use of a temporary emergency order under
- 23           IC 4-21.5-4 for violations of section 4(a) of this chapter.
- 24       SECTION 24~~9~~<sup>7</sup>. IC 13-23-3-1, AS AMENDED BY
- 25       P.L.176-2023, SECTION 33, IS AMENDED TO READ AS
- 26       FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The department
- 27       shall, under rules adopted by the board under IC 4-22-2 and
- 28       IC 13-14-9, establish a certification program for persons who
- 29       supervise, manage, or direct underground storage tank or aboveground
- 30       storage tank:
- 31           (1) installation or retrofitting;
- 32           (2) testing;
- 33           (3) cathodic protection procedures; or
- 34           (4) decommissioning.
- 35       (b) A person may be certified by the department if the person
- 36       submits evidence to the department that the person has successfully
- 37       completed:
- 38           (1) the International Fire Code Institute Council examination; or
- 39           (2) another appropriate examination approved by the department.
- 40       (c) The department may create a supplemental educational library
- 41       concerning proper installation and closure of underground storage
- 42       tanks or aboveground storage tanks, which includes the American

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1 Petroleum Institute's series, "An Education and Certification Program  
2 for Underground Storage Tank Professionals" and "API 653  
3 Aboveground Storage Tank Inspector Certification Program".

4 SECTION 2~~50~~[48]. IC 13-23-3-2 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) To obtain a  
6 certificate under section 1 of this chapter, a person must:

- 7 (1) take an examination that is approved;  
8 (2) achieve a passing score on the examination that is  
9 established; and  
10 (3) pay any reasonable fees necessary to offset the costs incurred  
11 by the ~~state fire marshal department~~ in administering the  
12 examination and certification procedures that are established;

13 under rules adopted by the ~~fire prevention and building safety~~  
14 ~~commission; board.~~

15 (b) An examination described under subsection (a) must cover the  
16 following subjects:

- 17 (1) Relevant rules adopted by the  
18 ~~(A) board and~~  
19 ~~(B) fire prevention and building safety commission;~~  
20 concerning underground storage tanks.  
21 (2) Any other subjects approved under rules adopted by the fire  
22 prevention and building safety commission.

23 (c) The ~~fire prevention and building safety commission board~~  
24 shall adopt rules establishing the following:

- 25 (1) The number of times a person who fails an examination  
26 described under this section may take the examination again.  
27 (2) The period of time a person who fails an examination  
28 described under this section must wait before taking the  
29 examination again.

30 (d) The ~~state fire marshal department~~ may, under rules adopted  
31 by the ~~fire prevention and building safety commission; board,~~ certify  
32 a person:

- 33 (1) under section 1 of this chapter; and  
34 (2) by ~~reciprocity; equivalency;~~

35 if the person is licensed or certified by another state that has  
36 certification requirements that are substantially similar to the  
37 requirements established under this section.

38 SECTION 2~~51~~[49]. IC 13-23-4-1 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The rules adopted  
40 under ~~IC 13-23-1-2(c)(6)~~ IC 13-23-1-2(b)(6) may allow evidence of  
41 financial responsibility in one (1) or a combination of the following  
42 forms:

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- 1 (1) Insurance.
- 2 (2) Guarantee.
- 3 (3) Surety bond.
- 4 (4) Letter of credit.
- 5 (5) Qualification as a self-insurer.
- 6 (6) Any other method satisfactory to the commissioner and the
- 7 Administrator of the United States Environmental Protection
- 8 Agency.

9 SECTION 25 ~~↔~~ [0]. IC 13-23-4-2 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The rules adopted  
 11 under ~~IC 13-23-1-2(c)(6)~~ IC 13-23-1-2(b)(6) may require the use of  
 12 certain policy provisions or contract terms, including provisions or  
 13 terms concerning the following:

- 14 (1) The minimum amount of coverage required for various
- 15 classes and categories of underground storage tanks established
- 16 under section 4 of this chapter.
- 17 (2) Conditions or defenses that are necessary or unacceptable in
- 18 establishing evidence of financial responsibility.

19 SECTION 25 ~~↔~~ [1]. IC 13-23-4-4 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The rules adopted  
 21 under ~~IC 13-23-1-2(c)(6)~~ IC 13-23-1-2(b)(6) may require a minimum  
 22 amount of coverage for particular classes or categories of underground  
 23 storage tanks containing petroleum. Minimum coverage amounts  
 24 established under this subsection must be at least one million dollars  
 25 (\$1,000,000) for each occurrence, with an appropriate aggregate  
 26 amount.

27 (b) The board may by rule set minimum coverage amounts lower  
 28 than the amount set forth in subsection (a) for underground storage  
 29 tanks containing petroleum that are:

- 30 (1) not located at facilities engaged in the production, refining,
- 31 or marketing of petroleum; and
- 32 (2) not used to handle substantial quantities of petroleum.

33 (c) In adopting rules establishing classes and categories of  
 34 underground storage tanks containing petroleum for purposes of this  
 35 section, the board may consider the following factors:

- 36 (1) The:
  - 37 (A) size, type, location, storage, and handling capacity of
  - 38 underground storage tanks in the class or category; and
  - 39 (B) volume of petroleum handled by those tanks.
- 40 (2) The:
  - 41 (A) likelihood of release; and
  - 42 (B) potential extent of damage from any release;

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- 1 from underground storage tanks in the class or category.
- 2 (3) The economic impact of the limits on the owners and
- 3 operators of each class or category, particularly relating to the
- 4 small business segment of the petroleum marketing industry.
- 5 (4) The availability of methods of financial responsibility in
- 6 amounts greater than the amount established by this section.
- 7 (5) Any other factors that the board considers pertinent.

8 SECTION 25~~4~~[2]. IC 13-23-7-5, AS AMENDED BY  
 9 P.L.96-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2026]: Sec. 5. The treasurer of state shall invest  
 11 the money in the ELTF not currently needed to meet the obligations of  
 12 the ELTF in the same manner as other public money may be invested.  
 13 Interest that accrues from these investments shall be deposited in the  
 14 ELTF. ~~At least one (1) time each year, the treasurer of state shall~~  
 15 ~~provide the financial assurance board a report detailing the investments~~  
 16 ~~made under this section.~~

17 SECTION 25~~5~~[3]. IC 13-23-8-4, AS AMENDED BY  
 18 P.L.9-2024, SECTION 344, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The administrator shall pay  
 20 ELTF claims that are:

- 21 (1) for costs related to eligible releases;
- 22 (2) submitted by eligible parties; and
- 23 (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.
- 24 (b) **The administrator, if appropriate, may allow** an eligible  
 25 party ~~may~~ **to assign the eligible party's** right to receive payment of  
 26 an ELTF claim to another person.
- 27 (c) Not more than forty-five (45) business days after an ELTF  
 28 claim is submitted, the administrator shall do one (1) of the following:
- 29 (1) Approve the ELTF claim and, under IC 13-23-9-2(c),  
 30 forward the ELTF claim to the state comptroller for payment.
- 31 (2) Send to the claimant a written notice that:
- 32 (A) states that a correction, a clarification, or additional  
 33 information is needed before the ELTF claim can be  
 34 approved; and
- 35 (B) provides a clear explanation:
- 36 (i) of the correction, clarification, or additional  
 37 information that is needed; and
- 38 (ii) of why it is needed.
- 39 (3) Deny the claim and provide the claimant with a statement of  
 40 the reasons for the denial under IC 13-23-9-2(b).

41 SECTION 25~~6~~[4]. IC 13-23-9-1.7, AS AMENDED BY  
 42 P.L.149-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: Sec. 1.7. (a) The administrator may pay  
 2 an ELTF claim for fifty percent (50%) of the costs of decommissioning  
 3 or replacing an underground petroleum storage tank, provided that:

- 4 (1) the applicant is the owner of the tank;  
 5 (2) such decommissioning or replacement is necessary, in the  
 6 judgment of the administrator, to protect human health and the  
 7 environment considering the age, obsolescence, and level of  
 8 deterioration of the tank; and  
 9 (3) the costs:

10 (A) are reasonable and cost effective; and

11 (B) result from or reimburse the claimant for work  
 12 performed decommissioning the tank or replacing the tank  
 13 with a new aboveground storage tank as defined in  
 14 IC 13-11-2-0.4 or underground storage tank as defined in  
 15 IC 13-11-2-241.

16 (b) **Subject to subsection (c)**, the expenses described in  
 17 subsection (a) that are paid from the ELTF in a state fiscal year may not  
 18 exceed:

19 (1) ten million dollars (\$10,000,000) each year for claims  
 20 submitted by applicants owning not more than twelve (12)  
 21 underground petroleum storage tanks;

22 (2) seven million five hundred thousand dollars (\$7,500,000)  
 23 each year for claims submitted by applicants owning more than  
 24 twelve (12) but not more than one hundred (100) underground  
 25 petroleum storage tanks; and

26 (3) two million five hundred thousand dollars (\$2,500,000) each  
 27 year for claims submitted by applicants owning more than one  
 28 hundred (100) underground petroleum storage tanks.

29 (c) At the end of each state fiscal year, any funds that were  
 30 allocated for the decommissioning or replacement of underground  
 31 petroleum storage tanks, as described in subsection (b), but that were  
 32 not spent shall roll over to the next state fiscal year and be used to  
 33 decommission or replace underground petroleum storage tanks within  
 34 the same category as allocated in the prior state fiscal year pursuant to  
 35 subsection (b)(1), (b)(2), and (b)(3).

36 SECTION 25~~7~~<sup>5</sup>. IC 13-23-9-4 IS REPEALED [EFFECTIVE  
 37 JULY 1, 2026]. Sec. 4. ~~If the administrator denies an ELTF claim~~  
 38 ~~under this chapter, the claimant may appeal the denial under IC 4-21.5~~  
 39 ~~to the office of administrative law proceedings under IC 4-15-10.5.~~

40 SECTION 25~~8~~<sup>6</sup>. IC 13-23-11-2, AS AMENDED BY  
 41 P.L.176-2023, SECTION 46, IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The board

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1 consists of the following ~~nine (9)~~ **ten (10)** members:

2 (1) The administrator or the administrator's designee.

3 (2) One (1) member nominated by the treasurer of state in  
4 consultation with the commissioner of the department of state  
5 revenue.

6 (3) One (1) member representing the independent petroleum  
7 wholesale distributor-marketer industry. ~~In making this~~  
8 ~~appointment, the governor may consider the recommendation of~~  
9 ~~the Indiana petroleum marketers and convenience store~~  
10 ~~association.~~

11 (4) One (1) member representing the petroleum refiner-supplier  
12 industry. ~~In making this appointment, the governor may consider~~  
13 ~~the recommendation of the Indiana petroleum council.~~

14 (5) One (1) member of the financial lending community who has  
15 experience with loan guaranty programs.

16 (6) One (1) member representing the convenience store operator  
17 industry or independent petroleum retail distributor-marketer  
18 industry. ~~In making this appointment, the governor may consider~~  
19 ~~the recommendation of the Indiana petroleum marketers and~~  
20 ~~convenience store association.~~

21 (7) One (1) member representing environmental interests.

22 (8) One (1) member representing an environmental consulting  
23 firm that performs work involving underground storage tank or  
24 aboveground storage tank corrective actions.

25 (9) One (1) member representing the property and casualty  
26 insurance industry.

27 **(10) One (1) member representing airports.**

28 (b) The governor shall appoint the members specified in  
29 subsection (a)(2) through ~~(a)(9)~~ **(a)(10)** for terms of ~~two (2)~~ **four (4)**  
30 years.

31 **(c) The governor may consider nomination and**  
32 **recommendations for members appointed under subsection (a)(2)**  
33 **through (a)(10) from representative constituencies.**

34 SECTION 25~~69~~<sup>7</sup>. IC 13-23-11-4 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) If an appointed  
36 member of the board is not able to serve the member's full term, the  
37 governor shall appoint an individual to serve for the remainder of the  
38 unexpired term.

39 (b) The term of an appointed member of the board continues until  
40 the member's successor has been appointed. ~~and qualified.~~

41 **(c) No member may serve more than two (2) consecutive**  
42 **terms.**

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1 SECTION 2~~60~~[58]. IC 13-23-11-5 IS AMENDED TO READ  
2 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. ~~The board, at the~~  
3 ~~board's first meeting of each year, shall elect~~ **The governor may**  
4 **designate** from among the board's members a chairperson and other  
5 officers necessary to transact business.

6 SECTION 2~~61~~[59]. IC 13-23-11-6, AS AMENDED BY  
7 P.L.113-2014, SECTION 79, IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The board must  
9 have a quorum to transact business. Five (5) members constitute a  
10 quorum.

11 (b) An affirmative vote of the majority of members present is  
12 required for the board to take action.

13 (c) ~~The board shall meet upon:~~

14 (1) ~~the request of the chairperson; or~~

15 (2) ~~the written request of three (3) of the board's members.~~

16 (d) ~~A meeting must be held not later than fourteen (14) days after~~  
17 ~~a request is made.~~

18 SECTION 26~~0~~[0]. IC 13-23-11-7, AS AMENDED BY  
19 P.L.176-2023, SECTION 47, IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) The board shall  
21 do the following:

22 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to do  
23 the following:

24 (A) Carry out the duties of the board under this article.

25 (B) Establish standards and procedures under which:

26 (i) eligible parties may submit ELTF claims; and

27 (ii) the administrator of the ELTF may pay ELTF  
28 claims.

29 (C) Establish standards for determining the reasonableness  
30 and cost effectiveness of corrective action for purposes of  
31 reimbursement from the ELTF under IC 13-23-9-1.5(a)(1).

32 (D) Establish standards for priorities in the payment of  
33 ELTF claims, including a priority for claims associated with  
34 releases from USTs and ASTs that pose an immediate and  
35 significant threat to the environment.

36 (E) Provide reimbursement from the petroleum storage tank  
37 excess liability trust fund for fifty percent (50%) of costs of  
38 decommissioning or replacing underground petroleum  
39 storage tanks that meet the criteria under IC 13-23-9-1.7.

40 (F) Establish procedures to reopen ELTF eligibility and  
41 funding for a release previously granted "no further action"

42 (NFA) status by the department should either the

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1 department or the owner of the underground petroleum  
 2 storage tank or aboveground petroleum storage tank  
 3 subsequently decide to permanently decommission the use  
 4 of the site as a ~~petroleum facility~~ **UST facility or AST**  
 5 **facility** and undertake the investigation and remediation of  
 6 any residual contamination arising from the site's former  
 7 use as a ~~petroleum facility~~. **UST facility or AST facility.**  
 8 Before reopening ELTF eligibility and funding, the  
 9 administrator may require that the applicant provide  
 10 information regarding the planned future use of the site.

11 (2) ~~Take testimony and~~ Receive a written report at every meeting  
 12 of the board from the administrator or the administrator's  
 13 designee regarding the financial condition and operation of the  
 14 ELTF, including:

15 (A) a ~~detailed~~ breakdown of contractual and administrative  
 16 expenses the department is claiming from the ELTF under  
 17 IC 13-23-7-1(a)(4); and

18 (B) a claims statistics report consisting of:  
 19 (i) the status and amounts of claims submitted to the  
 20 ELTF; and  
 21 (ii) ELTF claims payments made.

22 ~~Testimony shall be taken and a written report shall be received~~  
 23 ~~under this subdivision at every meeting of the board. However,~~  
 24 ~~the testimony and written report are not required more than one~~  
 25 ~~(1) time during any thirty (30) day period.~~

26 (3) Consult with the department on administration of the ELTF  
 27 in developing uniform policies and procedures for revenue  
 28 collection and claims administration of the ELTF.

29 (b) The department shall consult with the board on administration  
 30 of the ELTF. The consultation must include evaluation of alternative  
 31 means of administering the ELTF in a cost effective and efficient  
 32 manner.

33 (c) ~~At each meeting of the board, the department shall provide the~~  
 34 ~~board with a written report on the financial condition and operation of~~  
 35 ~~the ELTF.~~

36 SECTION 26~~<3>~~[1]. IC 13-23-11-9 IS ADDED TO THE  
 37 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2026]: **Sec. 9. This chapter expires July 1,**  
 39 **2031.**

40 SECTION 26~~<4>~~[2]. IC 13-23-13-1, AS AMENDED BY  
 41 P.L.176-2023, SECTION 50, IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Subject to

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1 subsections (b)(1) and ~~[(d),]~~ [(e),] the commissioner may, under rules  
2 adopted under IC 13-23-1-2:

- 3 (1) issue an order under IC 13-14-2-7 or IC 4-21.5-4; or
  - 4 (2) proceed under IC 13-14-2-6;
- 5 to require the owner or operator of an underground storage tank or  
6 aboveground storage tank to undertake corrective action with respect  
7 to any release of a regulated substance.

8 (b) Except as provided in subsection ~~[(d),]~~ [(e),] the commissioner  
9 may not, with respect to a release of petroleum from an underground  
10 storage tank or aboveground storage tank:

- 11 (1) take action under subsection (a); or
- 12 (2) if a reportable quantity of the released petroleum remains or  
13 may remain underground at the site of the underground storage  
14 tank or aboveground storage tank:
  - 15 (A) request that the owner or operator of the underground  
16 storage tank or aboveground storage tank execute a  
17 restrictive covenant (as defined in IC 13-11-2-193.5)  
18 applying to the site of the underground storage tank or  
19 aboveground storage tank;
  - 20 (B) make a determination of no further action being  
21 required at the site of the underground storage tank or  
22 aboveground storage tank; or
  - 23 (C) approve closure, or its equivalent, of the site of the  
24 underground storage tank or aboveground storage tank;

25 unless the commissioner has all of the requirements under  
26 subsection (c) are met.

27 (c) The following must occur before an action described in  
28 subsection (b)(1) or (b)(2) is taken:

29 (1) received and reviewed Either:

- 30 (A) the commissioner has received and reviewed [the  
31 initial site characterization of the site of the release[:] or[  
32 (B) [an alternative evaluation is prepared for submittal to  
33 the commissioner in accordance with subsection ~~[(e),]~~ (d).

34 (2) The commissioner has received ]and [reviewed ]an  
35 evaluation of potential remedial activities to achieve  
36 remedial objectives<-including>]. The evaluation must  
37 include:

- 38 (A) closure options, environmental deed restrictions,  
39 and remediation methods to achieve a no further action  
40 determination<-including>[: and  
41 (B) estimated costs and time frames sufficient for the  
42 commissioner to evaluate the adequacy of the proposed

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response.]

**However, an evaluation under subdivision (2) is not required if the site is administered by the Indiana Finance Authority.**

~~[(c)]~~ **(d)** When necessary and feasible as determined by a qualified environmental professional, an initial site characterization shall include:

- (1) site-specific geologic information obtained from a minimum of three (3) continuously sampled soil borings; and
- (2) hydrogeologic information, including depth to ground water and ground water flow directions and gradients, obtained from a minimum of three (3) monitoring wells screened across the water table.

A qualified environmental professional, on behalf of the owner or operator of an underground storage tank or an aboveground storage tank from which there has been a release of petroleum, may submit for approval by the commissioner an alternative procedure for initial site characterization and request a waiver of the requirements in this subsection. The commissioner may approve the request for a waiver and alternative procedure only if the alternative procedure provides substantially equal protection for human health and the environment. If an initial site characterization does not define the nature and extent of the contaminant plume, additional investigation shall be performed when necessary and feasible as determined by a qualified environmental professional.

~~[(d)]~~ **[(e)]** The commissioner may take action under subsection (a) without having received and reviewed the initial site characterization if the commissioner reasonably believes that the release from the underground storage tank or aboveground storage tank creates a threat to human health or the environment sufficient to necessitate action under subsection (a) before the initial site characterization is submitted to the department.

- ~~[(e)]~~ **(f)** If the commissioner:
- (1) requires corrective action under subsection (a); and
  - (2) determines that the corrective action will be done properly and promptly by the owner or operator of the underground storage tank or aboveground storage tank from which the release occurs;

the commissioner may enter into an agreed order with the owner or operator to implement necessary corrective action.

SECTION 26~~<5>~~**[3]**. IC 13-23-13-2, AS AMENDED BY P.L.176-2023, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. The commissioner,

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1 under rules adopted under IC 13-23-1-2, may undertake corrective  
2 action with respect to any release of a regulated substance into the  
3 environment from an underground storage tank or aboveground storage  
4 tank if:

5 (1) that action is necessary, in the judgment of the commissioner,  
6 to protect human health and the environment; and

7 (2) at least one (1) of the following conditions exists:

8 (A) A person cannot be found not later than ninety (90)  
9 days after a suspected or confirmed release is identified (or  
10 a shorter time necessary to protect human health and the  
11 environment) who is:

12 (i) an owner or operator of the underground storage  
13 tank or aboveground storage tank;

14 (ii) subject to the rules concerning corrective action;  
15 and

16 (iii) capable of properly carrying out corrective action  
17 with respect to the release.

18 (B) An existing situation requires prompt action by the  
19 commissioner under this section to protect human health  
20 and the environment.

21 (C) The cost of corrective action at the site of an  
22 underground storage tank exceeds the amount of financial  
23 responsibility required under ~~IC 13-23-1-2(c)(6)~~;  
24 **IC 13-23-1-2(b)(6)**, IC 13-23-4-4, and IC 13-23-4-5 and,  
25 considering the class or category of underground storage  
26 tank from which the release occurred, expenditures by the  
27 state are necessary to ensure an effective corrective action.

28 (D) The owner or operator of the underground storage tank  
29 or aboveground storage tank has failed or refused to comply  
30 with an order of the commissioner or a judgment of a court  
31 of competent jurisdiction under section 1 of this chapter to  
32 take corrective action with respect to the release.

33 SECTION ~~26<6>~~ **[4]**. IC 13-23-13-9 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. In determining the  
35 equities for seeking the recovery of costs under section 8 of this  
36 chapter, the commissioner may consider the following:

37 (1) The amount of financial responsibility required to be  
38 maintained under ~~IC 13-23-1-2(c)(6)~~. **IC 13-23-1-2(b)(6)**.

39 (2) The factors considered in establishing that amount for  
40 underground storage tanks containing petroleum under  
41 IC 13-23-4-4.

42 SECTION 26 ~~<7>~~ **[5]**. IC 13-23-16-2, AS AMENDED BY

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1 P.L.176-2023, SECTION 65, IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. If the department  
 3 receives a report concerning:

4 (1) the discovery of released regulated substances at an  
 5 underground storage tank or aboveground storage tank site or in  
 6 the surrounding area under ~~329 IAC 9-4-1(1)~~; **40 CFR 280.50**;  
 7 or

8 (2) a spill or overfill under ~~329 IAC 9-4-4(a)~~; **40 CFR 280.53**;  
 9 the department shall, not more than seven (7) days after receiving the  
 10 report, provide notice of the release, spill, or overfill to the county  
 11 health officer of each county in which the release, spill, or overfill  
 12 occurred.

13 SECTION ~~26-6~~ [6]. IC 13-23-16-3, AS ADDED BY  
 14 P.L.221-2007, SECTION 16, IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Not more than seven  
 16 (7) days after receiving a notice from the department under section 2  
 17 of this chapter, a county health officer shall **make a reasonable effort**  
 18 **to** do the following:

19 (1) Publish notice of the release, spill, or overfill in a newspaper  
 20 **or other media** of general circulation in the county health  
 21 officer's county.

22 (2) Provide any other notice of the release, spill, or overfill the  
 23 county health officer considers necessary or appropriate.

24 SECTION ~~26-7~~ [7]. IC 13-23-16-4, AS ADDED BY  
 25 P.L.221-2007, SECTION 16, IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. Notice provided by  
 27 a county health officer under section 3 of this chapter must include:

28 (1) the same information reported to the department under ~~329~~  
 29 ~~IAC 9-4-1(1)~~ or ~~329 IAC 9-4-4(a)~~; **40 CFR 280.50 or 40 CFR**  
 30 **280.53**; and

31 (2) any other information the county health officer considers  
 32 necessary or appropriate.

33 SECTION ~~2-70~~ [68]. IC 13-24-1-1 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The  
 35 commissioner may issue an order under:

36 (1) IC 13-14-2-7;

37 (2) IC 4-21.5-4; or

38 (3) IC 4-21.5-3-6;

39 to require an owner or operator or a responsible person to undertake  
 40 removal or remedial action with respect to a release of petroleum at a  
 41 petroleum facility.

42 (b) If the commissioner determines that the removal or remedial

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1 action will be done properly and promptly by the owner, operator, or  
2 responsible person, the commissioner may enter into an agreed order  
3 with the owner, operator, or responsible person to implement necessary  
4 removal or remedial action.

5 (c) If the commissioner and the owner or operator or the  
6 responsible party fail to agree on the appropriate and necessary  
7 removal or remedial action to be taken, the dispute shall be resolved  
8 under IC 4-21-5.

9 SECTION 2<del>71</del>[69]. IC 13-24-1-8 IS REPEALED [EFFECTIVE  
10 JULY 1, 2026]. Sec. 8: IC 4-21-5 applies to:

- 11 (1) determinations;
- 12 (2) notices;
- 13 (3) hearings; and
- 14 (4) appeal determinations;

15 under this chapter:

16 SECTION 27<del>28</del>[0]. IC 13-25-2-6.5 IS AMENDED TO READ  
17 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. (a) The  
18 department shall work with interested stakeholders, including the  
19 federal government, the general public, members of the general  
20 assembly, and businesses, to evaluate the feasibility of simplifying and  
21 expediting notification under IC 13-25-2-6. Options to be evaluated  
22 include:

- 23 (1) connecting persons required to provide notice under  
24 IC 13-25-2-6 with the National Response Center; and
- 25 (2) recommending any appropriate changes in federal law.

26 (b) The department shall implement an option evaluated under  
27 subsection (a) if the option:

- 28 (1) is practical to implement;
- 29 (2) is technically feasible;
- 30 (3) is economically feasible;
- 31 (4) is protective of human health and the environment; and
- 32 (5) would adequately serve persons required to provide notice  
33 under IC 13-25-2-6.

34 (c) The department shall provide a toll free long distance  
35 telephone line through which a person required to provide notice under  
36 IC 13-25-2-6 may contact ~~the office described in IC 13-13-3-1 of this~~  
37 ~~chapter.~~ **the department.**

38 SECTION 27<del>28</del>[1]. IC 13-25-4-7, AS AMENDED BY  
39 P.L.133-2012, SECTION 154, IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. The board ~~shall~~ **may**  
41 adopt rules establishing criteria for determining the commissioner's  
42 priorities in selecting hazardous substance response sites. ~~Until these~~

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1 rules have been adopted; the commissioner shall give priority to those  
2 sites presenting a significant threat to public health and environment.

3 SECTION 27<4>[2]. IC 13-25-4-11 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) [ ] After a  
5 response is initiated under:

- 6 (1) section 9 of this chapter; or
- 7 (2) IC 13-24-1;

8 the state department may impose a lien on the property on which the  
9 response is undertaken <or impose a restrictive covenant on a  
10 facility or site where remediation objectives set forth in  
11 IC 13-25-5-8>. <5 have not been met.> The lien may secure the  
12 payment to the state of an amount of money equal to the amount  
13 expended from the fund under section 1(a)(3) of this chapter to finance  
14 the response. [ ]

15 (b) The board may adopt rules under IC 4-22-2 and IC 13-14-9  
16 to set forth procedures to allow the department to impose <

- 17 <1> a lien <> <or
- 18 <2> a restrictive covenant;
- 19 > as described in this section.

20 SECTION 27<5>[3]. IC 13-25-4-12 IS REPEALED [EFFECTIVE  
21 JULY 1, 2026]. Sec. 12: For a lien arising under section 11 of this  
22 chapter to be perfected; notice of the lien must be filed in the office of  
23 the county recorder of the county in which the real property subject to  
24 the lien is located. Before notice of a lien may be filed in the office of  
25 the county recorder; the department shall provide notice of the  
26 intention to file the lien as provided by section 19 of this chapter.

27 SECTION 27<6>[4]. IC 13-25-4-13 IS REPEALED [EFFECTIVE  
28 JULY 1, 2026]. Sec. 13: The department shall provide notice of the  
29 filing of a lien to the owner of the property if the owner can be  
30 identified. If the owner of record cannot be identified; the department  
31 shall notify the tenant or other person having control of the property.

32 SECTION 27<7>[5]. IC 13-25-4-14 IS REPEALED [EFFECTIVE  
33 JULY 1, 2026]. Sec. 14: When a notice of a lien arising under section  
34 11 of this chapter is presented to the county recorder for filing; the  
35 county recorder shall enter the lien appropriately in the entry book and  
36 in the miscellaneous record. The entries made under this section must  
37 show the following:

- 38 (1) The date of filing;
- 39 (2) The book and page number or instrument number;
- 40 (3) The name of the person named in the notice;
- 41 (4) A legal description of the property if appropriate;
- 42 (5) A serial number or other identifying number given in the

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1 notice:  
2 SECTION 27~~<8>~~[6]. IC 13-25-4-15 IS REPEALED [EFFECTIVE  
3 JULY 1, 2026]. Sec. 15: (a) Subject to subsection (b), when a  
4 certificate of discharge of a lien arising under section 11 of this chapter  
5 or IC 13-7-8.7-10.7 (before its repeal) is:  
6 (1) issued by an employee or a designated agent of the  
7 department; and  
8 (2) presented for filing in the office of the county recorder of the  
9 county where the notice of lien was filed;  
10 the county recorder shall record the certificate of discharge as a release  
11 of the lien.  
12 (b) To be recorded under this section, the certificate must refer to  
13 the county recorder's book and page number or instrument number  
14 under which the lien was recorded.  
15 SECTION 27~~<9>~~[7]. IC 13-25-4-16 IS REPEALED [EFFECTIVE  
16 JULY 1, 2026]. Sec. 16: When recording a release of a lien under  
17 section 15 of this chapter, the county recorder shall inscribe, in the  
18 margin of each entry made to record the lien under section 14 of this  
19 chapter, a reference to the place where the release is recorded.  
20 SECTION ~~<280>~~[278]. IC 13-25-4-17 IS REPEALED  
21 [EFFECTIVE JULY 1, 2026]. Sec. 17: Upon:  
22 (1) the recording of the certificate of discharge as a release under  
23 section 15 of this chapter; and  
24 (2) the inscribing of the references to the release under section  
25 16 of this chapter;  
26 a certificate of discharge of a lien arising under section 11 of this  
27 chapter operates as a full discharge and satisfaction of the lien unless  
28 the references to the release inscribed under section 15 of this chapter  
29 specifically note the release as a partial lien release.  
30 SECTION 2~~<81>~~[79]. IC 13-25-4-18 IS REPEALED  
31 [EFFECTIVE JULY 1, 2026]. Sec. 18: A lien created under section 11  
32 of this chapter or IC 13-7-8.7-10.7 (before its repeal) continues until  
33 the earlier of the following:  
34 (1) The full discharge and satisfaction of the lien.  
35 (2) The expiration of a ten (10) year period from the date of the  
36 creation of the lien unless an action to foreclose the lien is  
37 pending.  
38 SECTION 28~~<2>~~[0]. IC 13-25-4-19 IS REPEALED [EFFECTIVE  
39 JULY 1, 2026]. Sec. 19: (a) At least thirty (30) days before notice of a  
40 lien arising under this chapter may be filed under section 12 of this  
41 chapter, the department must send a written notice:  
42 (1) to the owner of the real property that would be subject to the

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1           lien; or  
2           (2) if the owner of record cannot be identified; to the tenant or  
3           other person having control of the real property;  
4           of the date on which the state intends to impose a lien under section 11  
5           of this chapter.

6           (b) The department shall provide the county recorder of the county  
7           in which the real property that would be subject to the lien is located  
8           with a copy of the written notice described in subsection (a):

9           SECTION 28 ~~↔~~ [1]. IC 13-25-4-20 IS REPEALED [EFFECTIVE  
10          JULY 1, 2026]. Sec. 20: (a) Before the date on which the state intends  
11          to impose a lien on real property under section 11 of this chapter, the  
12          owner of the real property may request that a hearing be conducted  
13          under IC 4-21.5. A hearing conducted under this section and IC 4-21.5  
14          shall be limited to determining if there is probable cause to believe  
15          that:

16               (1) a removal or a remedial action was conducted on the real  
17               property under:

- 18                     (A) this chapter; or
- 19                     (B) IC 13-24-1; and

20               (2) if the removal or the remedial action was conducted under  
21               this chapter, the owner of the real property would be subject to  
22               liability under 42 U.S.C. 9607 (Section 107 of the federal  
23               Comprehensive Environmental Response, Compensation, and  
24               Liability Act):

25               (b) For the purposes of a hearing conducted under this section and  
26               IC 4-21.5, an administrative law judge is the ultimate authority.

27          SECTION 28 ~~↔~~ [2]. IC 13-25-4-21 IS REPEALED [EFFECTIVE  
28          JULY 1, 2026]. Sec. 21: If an owner requests a hearing under section  
29          20 of this chapter, the state may not impose a lien on the owner's real  
30          property under section 11 of this chapter until the commissioner  
31          determines after the hearing that there is probable cause to believe that:

32               (1) a removal or a remedial action was conducted on the real  
33               property under this chapter or IC 13-24-1; and

34               (2) if the removal or the remedial action was conducted under  
35               this chapter, the owner of the real property would be subject to  
36               liability under 42 U.S.C. 9607 (Section 107 of the federal  
37               Comprehensive Environmental Response, Compensation, and  
38               Liability Act):

39          SECTION 28 ~~↔~~ [3]. IC 13-25-4-22 IS REPEALED [EFFECTIVE  
40          JULY 1, 2026]. Sec. 22: If the department provides a county recorder  
41          with a copy of a written notice under section 19(b) of this chapter, the  
42          department shall retrieve the copy of the written notice from the county

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1 recorder on the date a lien is imposed on the real property described in  
2 the written notice. However:

3 (1) if:

4 (A) a hearing is not held under section 20 of this chapter  
5 and IC 4-21-5; and

6 (B) a lien is not imposed:

7 (i) on the real property described in the notice; and

8 (ii) by the date indicated in the notice;

9 the department shall retrieve the copy of the notice on the day  
10 after the date the lien was to be imposed on the real property; or

11 (2) if:

12 (A) a hearing is held under section 20 of this chapter and  
13 IC 4-21-5; and

14 (B) a lien is not imposed on the real property described in  
15 the notice;

16 the department shall retrieve the copy of the notice on the day  
17 after the date the commissioner determines that a lien may not be  
18 imposed on the real property.

19 SECTION 28~~6~~[4]. IC 13-25-5-6 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) If an applicant's  
21 application is rejected under section 5 of this chapter **because the**  
22 **application is incomplete**, the applicant may do the following:

23 (1) Appeal the department's decision under IC 4-21-5.

24 (2) If the application is rejected because the application is not  
25 complete, submit a completed application without submitting an  
26 additional application fee.

27 (b) If an applicant's application is rejected and the applicant:

28 (1) does not appeal the rejection; or

29 (2) loses an appeal concerning the rejection;

30 the department shall refund the unexpended part of the applicant's  
31 application fee.

32 SECTION 28~~7~~[5]. IC 13-25-5-8 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Before the  
34 department evaluates a proposed voluntary remediation work plan, the  
35 applicant who submitted the work plan and the commissioner must  
36 enter into a voluntary remediation agreement that sets forth the terms  
37 and conditions of the evaluation and the implementation of the work  
38 plan. A voluntary remediation agreement must include the following:

39 (1) Provisions for the following:

40 (A) A requirement that the department provide the applicant  
41 with an itemized list of estimated costs the department may  
42 incur under this chapter.

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- 1 (B) The recovery of all reasonable costs that:  
 2 (i) are incurred by the department in the review and  
 3 oversight of the work plan;  
 4 (ii) are attributable to the voluntary remediation  
 5 agreement; and  
 6 (iii) exceed the fee submitted by the applicant under  
 7 section 2 of this chapter.
- 8 (C) A schedule of payments to be made by the applicant to  
 9 the department to recover the costs to the department.
- 10 (2) A mechanism to resolve disputes arising from the evaluation,  
 11 analysis, and oversight of the implementation of the work plan,  
 12 including any of the following:
- 13 (A) Arbitration.  
 14 (B) Adjudication under IC 4-21.5.  
 15 (C) A dispute resolution procedure provided under the  
 16 Indiana Rules of Court.
- 17 (3) A provision concerning the indemnification of the parties.  
 18 (4) A provision concerning retention of records.  
 19 (5) A timetable for the department to do the following:
- 20 (A) Reasonably review and evaluate the adequacy of the  
 21 work plan.  
 22 (B) Make a determination concerning the approval or  
 23 rejection of the work plan.
- 24 (6) A provision concerning applicable interagency coordination.  
 25 (7) A provision specifying the proposed remediation objectives  
 26 to be achieved on the site, as described in section 8.5 of this  
 27 chapter.
- 28 (8) ~~The~~ A requirement that the applicant submit to the  
 29 department a proposed voluntary remediation work plan  
 30 ~~(A) not later than one hundred eighty (180) days one (1)~~  
 31 ~~year~~ after the date the voluntary remediation agreement is  
 32 signed. ~~or~~  
 33 ~~(B) after a longer period if the extension is agreed to by the~~  
 34 ~~department and the applicant.~~
- 35 (9) Any other conditions considered necessary by the  
 36 commissioner or the applicant concerning the effective and  
 37 efficient implementation of this chapter.
- 38 (b) If an agreement is not reached between an applicant and the  
 39 commissioner within a reasonable time after good faith negotiations  
 40 have begun between the applicant and the commissioner:  
 41 (1) the applicant or the commissioner may withdraw from the  
 42 negotiations; and

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- 1 (2) the department shall refund the unexpended part of the  
 2 applicant's application fee.
- 3 SECTION 28~~8~~[6]. IC 13-25-5-11 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) Before the  
 5 commissioner approves or rejects a proposed voluntary remediation  
 6 work plan under section 10 of this chapter, the commissioner must:  
 7 (1) notify local government units located in a county affected by  
 8 the proposed voluntary remediation work plan of the work plan;  
 9 (2) provide that a copy of the proposed voluntary remediation  
 10 work plan be placed in at least one (1) public library in a county  
 11 affected by the work plan; **published electronically on the**  
 12 **department's website;** and  
 13 (3) publish a notice requesting comments concerning the  
 14 proposed voluntary remediation work plan.
- 15 (b) A comment period of at least thirty (30) days must follow  
 16 publication of a notice under this section. During a comment period,  
 17 interested persons may do the following:  
 18 (1) Submit written comments to the commissioner concerning  
 19 the proposed voluntary remediation work plan.  
 20 (2) Request a public hearing concerning the proposed voluntary  
 21 remediation work plan.
- 22 (c) If the commissioner receives at least one (1) written request,  
 23 the commissioner may hold a public hearing in the geographical area  
 24 affected by the proposed voluntary remediation work plan on the  
 25 question of whether to approve or reject the work plan. The  
 26 commissioner shall consider all written comments and public  
 27 testimony.
- 28 SECTION 28~~9~~[7]. IC 13-25-5-15 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) If an applicant  
 30 who submitted an approved voluntary remediation work plan proceeds  
 31 with the work plan, the department or a person under contract with the  
 32 department shall do the following:  
 33 (1) Oversee and review the implementation of the voluntary  
 34 remediation work plan.  
 35 (2) Make regular reports to the commissioner concerning the  
 36 remediation.
- 37 (b) **Upon submission of a report to the commissioner, the**  
 38 **commissioner may evaluate the remedial action to verify the action**  
 39 **is achieving project goals. If project goals are not met, the**  
 40 **commissioner may require modification of the voluntary**  
 41 **remediation work plan.**
- 42 (c) If the parties are unable to agree to a modification as

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1 provided for in subsection (b) within one hundred eighty (180)  
2 days, the commissioner or applicant may withdraw the project  
3 from the voluntary remediation work program. Projects  
4 withdrawn from the voluntary remediation work program may be  
5 referred to the state clean-up program.

6 SECTION 2<90>[88]. IC 13-25-5-16 IS AMENDED TO READ  
7 AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) If the  
8 commissioner determines that an applicant has successfully completed  
9 a voluntary remediation work plan approved under this chapter, the  
10 commissioner shall certify that the work plan has been completed by  
11 issuing the applicant a certificate of completion.

12 (b) The issuance of a certificate of completion under this section  
13 is a final agency action for purposes of IC 4-21.5.

14 (c) A person who receives a certificate under this section shall  
15 attach a copy of the certificate to the recorded deed that concerns the  
16 property on which the remediation took place.

17 (d) If the commissioner determines that an applicant has not  
18 successfully completed a voluntary remediation work plan  
19 approved under this chapter, the commissioner shall notify the  
20 applicant of this determination under IC 4-21.5.

21 SECTION <291>[289]. IC 13-25-5-17 IS REPEALED  
22 [EFFECTIVE JULY 1, 2026]. Sec. 17. If the commissioner determines  
23 that an applicant has not successfully completed a voluntary  
24 remediation work plan approved under this chapter, the commissioner  
25 shall notify the applicant of this determination under IC 4-21.5.

26 SECTION 29<2>[0]. IC 13-26-2-5 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. Upon the  
28 determination of the department that a sufficient petition has been filed  
29 in accordance with this chapter, the commissioner shall appoint a  
30 hearing officer. who does not have to be a state employee. If the  
31 hearing officer is not a full-time state employee, the hearing officer is  
32 entitled to be paid reasonable:

- 33 (1) expenses; and
- 34 (2) per diem;

35 for each day or part of a day in actual attendance at a meeting or  
36 hearing or in performance of duties. The reasonable per diem and  
37 expenses are valid claims against the department.

38 <— SECTION 293. IC 13-26-8-4, AS AMENDED BY P.L. 165-2018,  
39 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2026]: Sec. 4. (a) This section applies to the addition of  
41 territory to a regional sewage or solid waste district other than at the  
42 request of an eligible entity described in section 1 of this chapter. This

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- 1 section does not apply to a regional water district.  
 2 ~~— (b) To add territory to a district already established, the board of~~  
 3 ~~the district must file with the department a motion adopted by the board~~  
 4 ~~requesting the addition of territory to the district. If the motion is for~~  
 5 ~~the addition of territory to a regional sewage district, the board, not~~  
 6 ~~later than ten (10) days after filing the motion with the department,~~  
 7 ~~must also file a copy of the motion in the office of:~~  
 8 ~~— (1) the executive of each governmental entity having territory~~  
 9 ~~within the territory proposed to be added to the regional sewage~~  
 10 ~~district; and~~  
 11 ~~— (2) the executive of a city or town having:~~  
 12 ~~— (A) a municipal sewage works under IC 36-9-23; or~~  
 13 ~~— (B) a public sanitation department under IC 36-9-25;~~  
 14 ~~— if the territory proposed to be added to the regional sewage~~  
 15 ~~district includes territory within the extraterritorial jurisdiction~~  
 16 ~~of the municipal sewage works or public sanitation department.~~  
 17 ~~— (c) Except as provided under subsections (d) and (e), if a motion~~  
 18 ~~is filed with the department under subsection (b):~~  
 19 ~~— (1) the same procedure must be used to add territory to the~~  
 20 ~~district as is provided for the establishment of a district under~~  
 21 ~~IC 13-26-2; and~~  
 22 ~~— (2) the department shall proceed in the same manner that is set~~  
 23 ~~forth in IC 13-26-2, IC 13-26-4, IC 13-26-6, and IC 13-26-7.~~  
 24 ~~— (d) Not more than one hundred eighty (180) days after the date a~~  
 25 ~~motion is filed with the department under subsection (b) to add~~  
 26 ~~territory to a district already established, if a petition is filed with the~~  
 27 ~~department that is signed by a majority of the freeholders within the~~  
 28 ~~area proposed to be added and indicating that the freeholders are~~  
 29 ~~opposed to the addition of the area by the district:~~  
 30 ~~— (1) the department may not proceed under subsection (c); and~~  
 31 ~~— (2) the territory may not be added to the district.~~  
 32 ~~— (e) For purposes of subsection (c):~~  
 33 ~~— (1) the commissioner is not required to appoint a hearing officer~~  
 34 ~~under IC 13-26-2-5;~~  
 35 ~~— (2) the board shall:~~  
 36 ~~— (A) provide the notice of; and~~  
 37 ~~— (B) conduct;~~  
 38 ~~— the hearing required under IC 13-26-2-6; and~~  
 39 ~~— (3) instead of making findings and recommendations under~~  
 40 ~~IC 13-26-2-8, the board shall submit documentary evidence to~~  
 41 ~~the commissioner to prove the:~~  
 42 ~~— (A) notice was provided; and~~

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1 ~~— (B) hearing was conducted;~~  
 2 ~~— by the board as required under subdivision (2):~~  
 3 > SECTION 29<4>[1]. IC 13-27-2-2 IS REPEALED [EFFECTIVE  
 4 JULY 1, 2026]. Sec. 2: The commissioner shall appoint an assistant  
 5 commissioner to head the division:  
 6 SECTION 29<5>[2]. IC 13-27-2-3 IS REPEALED [EFFECTIVE  
 7 JULY 1, 2026]. Sec. 3: The commissioner shall hire employees of the  
 8 division:  
 9 SECTION 29<6>[3]. IC 13-27-2-4 IS REPEALED [EFFECTIVE  
 10 JULY 1, 2026]. Sec. 4: (a) The commissioner may appoint liaison  
 11 advisory panels to assist the division in the functions of the division:  
 12 Individual panels must include members representing different areas  
 13 of interest in—and potential support of pollution prevention and  
 14 environmentally related technical assistance, including the following:  
 15 (1) Industry.  
 16 (2) Education.  
 17 (3) Environmental and public interest groups.  
 18 (4) State government.  
 19 (5) Local government officials associated with state programs for  
 20 pollution prevention.  
 21 (6) Organized labor.  
 22 (b) A member of a liaison advisory panel is not entitled to the  
 23 minimum salary per diem provided by IC 4-10-11-2.1(b). The member  
 24 is, however, entitled to reimbursement for traveling expenses as  
 25 provided under IC 4-13-1-4 and other expenses actually incurred in  
 26 connection with the member's duties as provided in the state policies  
 27 and procedures established by the Indiana department of administration  
 28 and approved by the budget agency.  
 29 SECTION 29<7>[4]. IC 13-27-2-5 IS REPEALED [EFFECTIVE  
 30 JULY 1, 2026]. Sec. 5: The commissioner and the assistant  
 31 commissioner, through coordinated effort, shall do the following:  
 32 (1) Periodically review state environmental programs and  
 33 projects for their ability and progress in promoting multimedia  
 34 industrial pollution prevention.  
 35 (2) Assist the division of air, the division of water, and the  
 36 division of solid and hazardous waste management in  
 37 identifying, within planned and existing regulatory programs of  
 38 the department, obstacles to pollution prevention and  
 39 opportunities to promote and assist in pollution prevention;  
 40 including the following:  
 41 (A) Encouraging regulatory flexibility to afford businesses  
 42 the opportunity to develop or implement pollution

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- 1 prevention technologies and practices.
- 2 (B) Performing pollution prevention impact analyses of
- 3 administrative rules before proposed rules are published
- 4 and before final adoption.
- 5 (C) Exploring permanent funding for the program.
- 6 (3) Promote increased coordination between the divisions of the
- 7 department and between the department and other governmental
- 8 regulatory programs with responsibilities and duties relating to
- 9 toxic materials and environmental wastes, including, to the
- 10 fullest extent possible, the following:
- 11 (A) Joint planning processes.
- 12 (B) Joint research and studies.
- 13 (C) Joint public hearings.
- 14 (D) Joint hazard assessments.
- 15 (E) Joint environmental and workplace impact statements.
- 16 (F) Joint pollution prevention impact analyses for existing
- 17 and proposed administrative rules.
- 18 (4) Develop policies and programs to reduce the following by
- 19 means of industrial pollution prevention:
- 20 (A) Generation of municipal wastes.
- 21 (B) Generation of household hazardous wastes and
- 22 pollutants.
- 23 (C) Use of toxic materials in consumer products.
- 24 (5) Provide general information about, and actively publicize the
- 25 advantages of and developments in, pollution prevention and the
- 26 requirements of this article.
- 27 (6) Assist businesses that seek information, guidance, planning
- 28 assistance, or recommendations for pollution prevention by
- 29 providing technical information to those businesses at
- 30 production or commercial locations.
- 31 (7) Work with existing environmental regulatory programs to
- 32 make use of existing information gathering systems that may
- 33 assist the division in assessing the progress of pollution
- 34 prevention statewide.
- 35 (8) Grant or deny applications for pollution prevention grants
- 36 under section 10 of this chapter.
- 37 (9) Provide source reduction and recycling technical assistance
- 38 and administer the Indiana recycling grants program established
- 39 under IC 13-20-22-2.
- 40 SECTION 29-~~8~~[5]. IC 13-27-2-5.1 IS ADDED TO THE
- 41 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
- 42 [EFFECTIVE JULY 1, 2026]: **Sec. 5.1. The department may do the**

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- 1 following:
- 2 (1) Periodically review state environmental programs and
- 3 projects for their ability and progress in promoting
- 4 multimedia industrial pollution prevention.
- 5 (2) Remove obstacles to pollution prevention.
- 6 (3) Develop and implement pollution prevention and
- 7 environmental recognition programs to incentivize:
- 8 (A) communities;
- 9 (B) salvage facilities;
- 10 (C) marinas;
- 11 (D) companies; and
- 12 (E) other entities;
- 13 that exceed environmental regulatory requirements.
- 14 (4) Assist businesses that seek:
- 15 (A) information;
- 16 (B) guidance;
- 17 (C) planning assistance; or
- 18 (D) recommendations;
- 19 for pollution prevention by providing technical information
- 20 to those businesses.
- 21 (5) Work with existing environmental regulatory programs
- 22 to make use of existing information gathering systems that
- 23 may assist the department in assessing the progress of
- 24 pollution prevention.
- 25 (6) Provide source reduction and recycling technical
- 26 assistance and administer the Indiana recycling grants
- 27 program established under IC 13-20-22-2.
- 28 SECTION 29~~9~~[6]. IC 13-27-2-6 IS REPEALED [EFFECTIVE
- 29 JULY 1, 2026]. Sec. 6: The division shall assist other governmental
- 30 regulatory programs in devising:
- 31 (1) standards;
- 32 (2) administrative rules; and
- 33 (3) permits;
- 34 based on goals and principles of pollution prevention:
- 35 SECTION ~~300~~[297]. IC 13-27-2-7 IS REPEALED
- 36 [EFFECTIVE JULY 1, 2026]. Sec. 7: To facilitate the use and
- 37 coordination of reporting requirements, the commissioner may seek
- 38 unified reporting and permitting authority from the United States
- 39 Environmental Protection Agency with respect to federal toxic
- 40 material, waste management, and pollution control laws and
- 41 regulations in effect on January 1, 1990, including the following:
- 42 (1) The federal Clean Air Act (42 U.S.C. 7401 et seq.);

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1           (2) The Federal Water Pollution Control Act (33 U.S.C. 1251 et  
 2           seq.);  
 3           (3) The federal Toxic or Hazardous Substance Control Act (15  
 4           U.S.C. 2601 et seq.);  
 5           (4) The federal Solid Waste Disposal Act (42 U.S.C. 6901 et  
 6           seq.);  
 7           (5) The federal Comprehensive Environmental Response,  
 8           Compensation, and Liability Act (42 U.S.C. 9601 et seq.);  
 9           SECTION ~~301~~ [298]. IC 13-27-2-9 IS AMENDED TO READ  
 10          AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) To:  
 11           (1) promote pollution prevention statewide by all industries and  
 12           companies; and  
 13           (2) assist in obtaining information on the progress of multimedia  
 14           reduction of environmental wastes and related environmental  
 15           policies and programs;  
 16          the commissioner ~~shall~~ **may** establish and operate a state information  
 17          clearinghouse for pollution prevention.  
 18           (b) The commissioner ~~shall~~ **may** use the clearinghouse established  
 19          under this section to do the following:  
 20           (1) Collect and compile the following:  
 21                (A) Information from organizations receiving grants under  
 22                this article.  
 23                (B) Information from the published technical literature.  
 24           (2) Mount active outreach and educational programs to further  
 25           the development and adoption of principles and techniques of  
 26           pollution prevention.  
 27           (c) The clearinghouse established under this section must include  
 28          data on the operation and effectiveness of industry pollution prevention  
 29          programs. The ~~division~~ **department** shall permit and facilitate free use  
 30          of this data by businesses, governmental agencies, and the general  
 31          public. A business may not be required to submit information of a  
 32          proprietary nature to the clearinghouse or to a governmental program  
 33          funded under this article.  
 34           (d) The ~~division~~ shall **provide information for the clearinghouse**  
 35          established under this section.  
 36          SECTION ~~302~~ [299]. IC 13-27-2-11 IS REPEALED  
 37          [EFFECTIVE JULY 1, 2026]. Sec. 11: ~~The division shall sponsor pilot~~  
 38          ~~projects to develop and demonstrate innovative techniques for clean~~  
 39          ~~manufacturing. The results of pilot projects sponsored under this~~  
 40          ~~section shall be made available for use by the public. However,~~  
 41          ~~information about a pilot project that is considered proprietary by a~~  
 42          ~~manufacturer involved in the pilot project may not be disclosed to the~~

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1 public:  
2 SECTION 30~~<3>~~[0]. IC 13-27-2-13 IS REPEALED [EFFECTIVE  
3 JULY 1, 2026]. Sec. 13: The commissioner may:  
4 (1) order all hearings and investigations necessary for the  
5 administration of this article; and  
6 (2) advise and assist other governmental units on matters of  
7 planning or program administration within the scope of the  
8 commissioner's powers, duties, and objectives under this article.  
9 SECTION 30~~<4>~~[1]. IC 13-27-7-3 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Programs  
11 implemented by the ~~division~~: **department**:  
12 (1) must encourage pollution prevention; and  
13 (2) may not discourage the use of recycling or treatment  
14 techniques determined to be acceptable for pollution that has not  
15 been prevented.  
16 SECTION 30~~<5>~~[2]. IC 13-28-3-2, AS AMENDED BY  
17 P.L.53-2014, SECTION 128, IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The assistance  
19 program established under this chapter shall do the following:  
20 (1) ~~Designate an individual to serve as a liaison and ombudsman~~  
21 ~~to the regulated community to~~ Assist the regulated community  
22 with specific regulatory or permit matters pending with the  
23 department.  
24 (2) Provide assistance to new and existing businesses and small  
25 municipalities in identifying:  
26 (A) applicable environmental rules and regulations; and  
27 (B) permit requirements;  
28 that apply to new and existing businesses and small  
29 municipalities.  
30 (3) Develop and distribute educational materials regarding:  
31 (A) environmental requirements;  
32 (B) compliance methods;  
33 (C) voluntary environmental audits;  
34 (D) pollution control technologies; and  
35 (E) other compliance issues;  
36 including standardized forms and procedures for completing  
37 permit applications.  
38 (4) Provide public outreach and training sessions in cooperation  
39 with representatives of the business and municipal communities  
40 regarding existing and future state and federal environmental  
41 requirements.  
42 (5) Develop and operate a clearinghouse to respond to inquiries

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1 from businesses and municipalities concerning applicable  
2 environmental rules, regulations, and requirements.

3 (6) Provide technical assistance concerning pollution control  
4 techniques to local and state governmental entities and  
5 businesses and distribute educational materials regarding  
6 pollution prevention developed by the ~~pollution prevention~~  
7 ~~division established by IC 13-27-2-1.~~ **department.**

8 (7) Provide administrative and technical support for the  
9 compliance advisory panel established by IC 13-13-7.1-1.

10 (8) Conduct other activities as required to:

11 (A) improve regulatory compliance; and

12 (B) promote cooperation and assistance in meeting  
13 environmental requirements.

14 (b) The assistance program may ~~establish~~ **provide** limited onsite  
15 assistance to provide compliance information **and technical assistance**  
16 to a small business or small municipality, subject to the confidentiality  
17 provisions of section 4 of this chapter. The assistance program may use  
18 money from the environmental management special fund to implement  
19 this subsection. The assistance program may limit the number of  
20 inspections per year and restrict onsite assistance to specific programs.

21 SECTION 30~~6~~<sup>[3]</sup>. IC 13-28-3-7 IS ADDED TO THE  
22 INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2026]: **Sec. 7. As part of the technical and**  
24 **compliance assistance program, the department shall establish a**  
25 **small business stationary source technical assistance program as**  
26 **required under Section 507 of the federal Clean Air Act (42 U.S.C.**  
27 **7661f).**

28 SECTION 30~~7~~<sup>[4]</sup>. IC 13-28-4-11, AS AMENDED BY  
29 P.L.130-2018, SECTION 74, IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The department  
31 shall maintain statistics on the use of environmental audit reports in  
32 department compliance and enforcement activities, including statistics  
33 on:

34 (1) ~~the number of times the reports are~~ disclosed to the  
35 department;

36 (2) ~~the number and types of violations~~ disclosed to the  
37 department through the reports; **and**

38 (3) the civil penalties collected for the violations. ~~and~~

39 (4) ~~the time necessary for the violations to be corrected.~~

40 The department shall report annually to the ~~interim study committee on~~  
41 ~~environmental affairs established by IC 2-5-1.3-4~~ in an electronic  
42 format under IC 5-14-6 on the use of environmental audit reports.

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1 (b) The department shall propose an enforcement policy, pursuant  
2 to IC 13-14-1-11.5, that provides relief from civil penalties for a  
3 voluntary disclosure that results from an internal environmental audit.  
4 In developing this enforcement policy, the department shall consider  
5 similar policies implemented by:

- 6 (1) the United States Environmental Protection Agency; and
- 7 (2) states contiguous to Indiana.

8 SECTION 30~~<8>~~[5]. IC 13-28-5-2 IS REPEALED [EFFECTIVE  
9 JULY 1, 2026]. Sec. 2: The program must provide the following:

- 10 (1) Education, training, and information on permit and  
11 compliance requirements of the federal Clean Air Act (42 U.S.C.  
12 7401 et seq.);
- 13 (2) Standardized forms and procedures for completing permit  
14 applications;
- 15 (3) An ombudsman for small businesses.

16 SECTION 30~~<9>~~[6]. IC 13-28-5-3 IS REPEALED [EFFECTIVE  
17 JULY 1, 2026]. Sec. 3: The ombudsman described in section 2 of this  
18 chapter shall assist as necessary each small business that applies for  
19 assistance with the following:

- 20 (1) Specific regulatory matters pending before the department;
- 21 (2) Permit applications.

22 SECTION ~~<310>~~[307]. IC 13-28-5-4 IS REPEALED  
23 [EFFECTIVE JULY 1, 2026]. Sec. 4: The department may establish the  
24 technical and environmental compliance assistance program required  
25 by this chapter as part of the technical and compliance assistance  
26 program established under IC 13-28-3.

27 SECTION 3~~<11>~~[08]. IC 13-29-1-13 IS REPEALED  
28 [EFFECTIVE JULY 1, 2026]. Sec. 13: The board shall adopt under  
29 IC 4-22-2 and IC 13-14-9 the rules necessary to implement this chapter.

30 SECTION 3~~<12>~~[09]. IC 13-30-1-2 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A citizen, a  
32 partnership, a corporation, a limited liability company, an association,  
33 or a public officer or agency, as a condition precedent to maintaining  
34 an action, must give notice in writing by registered or certified mail to:

- 35 (1) the department of natural resources;
- 36 (2) (1) the department; and
- 37 (3) (2) the attorney general.

38 (b) The attorney general shall promptly notify all state  
39 administrative agencies having jurisdiction over or control of the  
40 pollution, impairment, destruction, or protection of the environment for  
41 which relief is sought.

42 ~~< SECTION 313. IC 13-30-2-1, AS AMENDED BY P.L.133-2012;~~

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1 ~~SECTION 158, IS AMENDED TO READ AS FOLLOWS~~  
 2 ~~[EFFECTIVE JULY 1, 2026]: Sec. 1. A person may not do any of the~~  
 3 ~~following:~~  
 4 ~~— (1) Discharge, emit, cause, allow, or threaten to discharge, emit,~~  
 5 ~~cause, or allow any contaminant or waste, including any noxious~~  
 6 ~~odor, either alone or in combination with contaminants from~~  
 7 ~~other sources, into:~~  
 8 ~~— (A) the environment; or~~  
 9 ~~— (B) any publicly owned treatment works;~~  
 10 ~~— in any form that causes or would cause pollution that violates or~~  
 11 ~~would violate rules, standards, or discharge or emission~~  
 12 ~~requirements adopted by the board under the environmental~~  
 13 ~~management laws.~~  
 14 ~~— (2) Increase the quantity or strength of a discharge of~~  
 15 ~~contaminants into the waters or construct or install a sewer or~~  
 16 ~~sewage treatment facility or a new outlet for contaminants into~~  
 17 ~~the waters of Indiana without prior approval of the department.~~  
 18 ~~— (3) Deposit any contaminants upon the land in a place and~~  
 19 ~~manner that creates or would create a pollution hazard that~~  
 20 ~~violates or would violate a rule adopted by the board.~~  
 21 ~~— (4) Deposit or cause or allow the deposit of any contaminants or~~  
 22 ~~solid waste upon the land, except through the use of sanitary~~  
 23 ~~landfills, incineration, composting, garbage grinding, or another~~  
 24 ~~method acceptable to the board.~~  
 25 ~~— (5) Dump or cause or allow the open dumping of garbage or of~~  
 26 ~~any other solid waste in violation of rules adopted by the board.~~  
 27 ~~— (6) Dispose of solid waste in, upon, or within the limits of or~~  
 28 ~~adjacent to a public highway, state park, state nature preserve, or~~  
 29 ~~recreation area or in or immediately adjacent to a lake or stream;~~  
 30 ~~except:~~  
 31 ~~— (A) in proper containers provided for sanitary storage of the~~  
 32 ~~solid waste; or~~  
 33 ~~— (B) as a part of a sanitary landfill operation or other land~~  
 34 ~~disposal method approved by the department.~~  
 35 ~~— (7) Construct, install, operate, conduct, or modify, without prior~~  
 36 ~~approval of the department, any equipment or facility of any type~~  
 37 ~~that may:~~  
 38 ~~— (A) cause or contribute to pollution; or~~  
 39 ~~— (B) be designed to prevent pollution.~~  
 40 ~~— However, the commissioner or the board may approve~~  
 41 ~~experimental uses of any equipment, facility, or pollution control~~  
 42 ~~device that is considered necessary for the further development~~

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- 1 of the state of the art of pollution control:
- 2 ~~(8) Conduct any salvage operation or open dump by open~~
- 3 ~~burning or burn, cause, or allow the burning of any solid waste~~
- 4 ~~in a manner that violates either:~~
- 5 ~~(A) the air pollution control laws; or~~
- 6 ~~(B) the rules adopted by the board.~~
- 7 ~~(9) Commence construction of a proposed hazardous waste~~
- 8 ~~facility without having first:~~
- 9 ~~(A) filed an application for; and~~
- 10 ~~(B) received;~~
- 11 ~~a permit from the department.~~
- 12 ~~(10) Commence or engage in the operation of a hazardous waste~~
- 13 ~~facility without having first obtained a permit from the~~
- 14 ~~department.~~
- 15 ~~(11) Deliver any hazardous waste to a hazardous waste facility~~
- 16 ~~that:~~
- 17 ~~(A) is not approved; or~~
- 18 ~~(B) does not hold a permit from the department.~~
- 19 ~~(12) Cause or allow the transportation of a hazardous waste~~
- 20 ~~without a manifest if a manifest is required by law.~~
- 21 ~~(13) Violate any:~~
- 22 ~~(A) condition;~~
- 23 ~~(B) limitation; or~~
- 24 ~~(C) stipulation;~~
- 25 ~~placed upon a certificate of environmental compatibility by the~~
- 26 ~~hazardous waste facility site approval authority or any other~~
- 27 ~~provision of IC 13-22-10.~~
- 28 ~~(14) Apply or allow the application of used oil to any ground~~
- 29 ~~surface, except for purposes of treatment in accordance with a~~
- 30 ~~permit issued by the department under any of the following:~~
- 31 ~~(A) IC 13-15, except IC 13-15-9;~~
- 32 ~~(B) IC 13-17-11;~~
- 33 ~~(C) IC 13-18-18;~~
- 34 ~~(D) IC 13-20-1.~~
- 35 ~~(15) Commence construction of a solid waste incinerator without~~
- 36 ~~first obtaining a permit from the department under IC 13-20-8.~~
- 37 ~~(16) Commence operation of a solid waste incinerator without~~
- 38 ~~first obtaining the approval of the department under IC 13-20-8.~~
- 39 > SECTION 31<4>[0]. IC 13-30-10-1.5, AS AMENDED BY
- 40 P.L.181-2018, SECTION 14, IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. (a) Except as
- 42 provided in subsection (b), a person regulated under IC 13-22 who

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1 knowingly:

2 (1) transports hazardous waste to an unpermitted facility;

3 (2) treats, stores, or disposes of hazardous waste without a

4 permit issued by the department under IC 13-22; or

5 (3) transports, treats, stores, disposes, recycles, or causes to be

6 transported used oil regulated under rules adopted by the board

7 without a manifest or in violation of the standards established by

8 the department for the management of used oil;

9 commits a Class B misdemeanor.

10 (b) Notwithstanding the maximum fine provisions of IC 35-50-3-3,

11 criminal fines for a person convicted of an offense described in

12 subsection (a) shall be assessable in a maximum amount of not less

13 than ten thousand dollars (\$10,000) per day per violation.

14 (c) Except as provided in subsection (d), a person regulated under

15 IC 13-17 who knowingly violates:

16 (1) any applicable requirements of IC 13-17-4, IC 13-17-5,

17 IC 13-17-6, ~~IC 13-17-7~~, IC 13-17-8, IC 13-17-9, IC 13-17-10, or

18 IC 13-17-13 or of rules of the board implementing the chapters

19 referred to in this subdivision;

20 (2) any condition of a permit issued by the department under

21 IC 13-17; or

22 (3) any fee or filing requirement in IC 13-17, including the

23 requirement to file an application for a permit under IC 13-17;

24 commits a Class C misdemeanor.

25 (d) Notwithstanding the maximum fine provisions of IC 35-50-3-4,

26 criminal fines for a person convicted of an offense described in

27 subsection (c) shall be assessable in a maximum amount of not less

28 than ten thousand dollars (\$10,000) per day per violation.

29 (e) Except as provided in subsection (f), a person who willfully or

30 negligently violates:

31 (1) any applicable standards or limitations of IC 13-18-3-2.4,

32 IC 13-18-4-5, IC 13-18-12, IC 13-18-14, IC 13-18-15, or

33 IC 13-18-16 or of rules of the board implementing the chapters

34 referred to in this subdivision;

35 (2) any condition of a National Pollutant Discharge Elimination

36 System permit issued by the department under IC 13-18-19 or

37 rules adopted by the board under IC 13-18-19;

38 (3) any National Pollutant Discharge Elimination System Permit

39 filing requirement under IC 13-18-19; or

40 (4) any condition of a permit issued by the department in

41 accordance with the requirements of 33 U.S.C. 1344;

42 commits a Class A misdemeanor.

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- 1 (f) Notwithstanding the maximum fine provisions of IC 35-50-3-2,
- 2 criminal fines for a person convicted of an offense described in
- 3 subsection (e) shall be assessable in a maximum amount of not less
- 4 than ten thousand dollars (\$10,000) per day per violation.
- 5 (g) A person who willfully or recklessly violates any applicable
- 6 standards or limitations of IC 13-18-8 commits a Class B misdemeanor.
- 7 (h) A person who willfully or recklessly violates any applicable
- 8 standards or limitations of IC 13-18-9, IC 13-18-10, or IC 13-18-10.5
- 9 commits a Class C misdemeanor.
- 10 (i) A person who:
- 11 (1) knowingly commits any act described in subsection (a), (c),
- 12 or (e); and
- 13 (2) knows that commission of the act places another person in
- 14 imminent danger of death or serious bodily injury;
- 15 commits a Level 4 felony. However, the offense is a Level 3 felony if
- 16 it results in serious bodily injury to any person, and a Level 2 felony if
- 17 it results in the death of any person.
- 18 (j) It shall be a defense to an offense described in subsection (i)
- 19 that the person charged:
- 20 (1) did not know; or
- 21 (2) could not reasonably have been expected to know;
- 22 that the violation would place another person in imminent danger or
- 23 threat of serious bodily injury. For the purposes of subsection (i), a
- 24 person is responsible only for the person's own actual awareness or
- 25 actual belief, and knowledge by another person may not be attributed
- 26 to the person.
- 27 (k) The penalties under this section apply regardless of whether a
- 28 person uses electronic submissions or paper documents to accomplish
- 29 the actions described in this section. [□](#)

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