

## SENATE BILL No. 256

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2-118.4; IC 13-19; IC 13-20-13-11.

**Synopsis:** Legitimate use of solid waste and waste tires. Defines "legitimate use" of a material as the use or reuse of a material under which: (1) the material is used or reused as an ingredient in a manufacturing process or an effective substitute for natural or commercial materials; and (2) the material is treated as a commercially valuable commodity for an established or emerging market and is used or reused in a manner that does not pose a threat to human health or the environment. Authorizes the department of environmental management (department) to develop proposed rules that: (1) provide for the legitimate use of solid waste and hazardous waste instead of its disposal; (2) provide that while a material is being legitimately used it is not considered a solid waste or a hazardous waste; and (3) ensure that the legitimate use of the solid waste or hazardous waste will not present a threat to public health or the environment. Provides for the environmental rules board (board) to consult with the department on the development of policies concerning the regulation of solid waste and hazardous waste and authorizes the board to adopt rules establishing standards and procedures for the legitimate use, instead of disposal, of material otherwise defined as solid waste or hazardous waste, including rules providing that while a material is being legitimately used it is not considered a solid waste or a hazardous waste. Also authorizes the board to adopt rules establishing standards and procedures for the legitimate use, instead of disposal, of waste tires.

**Effective:** July 1, 2016.

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## Charbonneau

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January 7, 2016, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session 119th General Assembly (2016)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 256

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 13-11-2-118.4 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2016]: **Sec. 118.4. (a) "Legitimate use", for**  
4 **purposes of this article, IC 13-19 (except for IC 13-19-3-8), and**  
5 **IC 13-20, means the use or reuse of a material under all the**  
6 **following circumstances:**

7 (1) **The material is used or reused as:**

8 (A) **an ingredient in a manufacturing process; or**

9 (B) **an effective substitute for natural or commercial**  
10 **materials.**

11 (2) **The material:**

12 (A) **is treated as a commercially valuable commodity for an**  
13 **established or emerging market; and**

14 (B) **is used or reused in a manner that does not pose a**  
15 **threat to human health or the environment.**

16 (b) **"Legitimate use", for purposes of IC 13-19-3-8, means the**  
17 **use of slag in any of the activities listed in IC 13-19-3-8.**



1 SECTION 2. IC 13-19-1-2, AS AMENDED BY P.L.37-2012,  
 2 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2016]: Sec. 2. (a) The goal of the state is to encourage solid  
 4 waste source reduction, recycling, and other alternatives to conserve  
 5 environmental resources.

6 (b) The department:

7 (1) shall produce an annual report on the state of the environment;

8 and

9 (2) may develop proposed rules that:

10 (A) provide for the legitimate use of solid waste and  
 11 hazardous waste instead of its disposal;

12 (B) provide that while a material is being legitimately used  
 13 it is not considered a solid waste or a hazardous waste; and

14 (C) ensure that the legitimate use of the solid waste or  
 15 hazardous waste will not present a threat to public health  
 16 or the environment.

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

19 SECTION 3. IC 13-19-3-1, AS AMENDED BY P.L.133-2012,  
 20 SECTION 132, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2016]: Sec. 1. The board shall do the following:

22 (1) Except as otherwise provided in sections 3 through 4 of this  
 23 chapter, adopt rules under IC 4-22-2 and IC 13-14-9 to regulate  
 24 solid and hazardous waste and atomic radiation in Indiana,  
 25 including rules necessary to the implementation of implement the  
 26 federal Resource Conservation and Recovery Act (42 U.S.C. 6901  
 27 et seq.), as amended.

28 (2) ~~Develop operating policy~~ Consult with the department on  
 29 the development of policies concerning the activities of the  
 30 department: regulation of solid waste and hazardous waste.

31 (3) Carry out other duties imposed by law.

32 SECTION 4. IC 13-19-3-1.3 IS ADDED TO THE INDIANA CODE  
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 34 1, 2016]: Sec. 1.3. (a) Except as otherwise provided in this chapter,  
 35 the board may adopt rules establishing standards and procedures  
 36 for the legitimate use, instead of disposal, of material otherwise  
 37 defined as solid waste or hazardous waste, including standards and  
 38 procedures concerning the following:

39 (1) Proper storage and handling.

40 (2) Record keeping.

41 (3) Circumstances under which the use of a material is not  
 42 considered to be a legitimate use.



1           **(b) The rules adopted under this section may provide that while**  
 2 **a material is being legitimately used it is not considered a solid**  
 3 **waste or a hazardous waste.**

4           SECTION 5. IC 13-20-13-11 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The board shall  
 6 adopt rules under IC 4-22-2 and IC 13-14-8 necessary to implement  
 7 this chapter.

8           (b) The rules adopted under this section must include the following:

9           (1) Requirements for the registration of waste tire storage sites  
 10 and waste tire processing operations.

11           (2) Requirements concerning the following:

12           (A) The operation of waste tire storage sites and waste tire  
 13 processing operations.

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

15           (C) Contingency plans concerning the minimization of hazards  
 16 to human health and the environment at waste tire storage sites  
 17 and waste tire processing operations.

18           (D) Record keeping guidelines concerning the quantity of  
 19 waste tires stored and processed at waste tire storage sites and  
 20 waste tire processing operations.

21           (3) Financial assurance acceptable to the department necessary  
 22 for waste tire removal that a person that operates a waste tire  
 23 storage site must maintain.

24           (4) The establishment of the fee required by section ~~4(a)(4)~~  
 25 **4(a)(6)** of this chapter in an amount necessary to cover the costs  
 26 incurred in the following:

27           (A) Registering waste tire storage sites and waste tire  
 28 processing operations under this chapter.

29           (B) Administering this chapter.

30           **(c) The rules adopted under this section may establish standards**  
 31 **and procedures for the legitimate use, instead of disposal, of waste**  
 32 **tires, including standards and procedures concerning the**  
 33 **following:**

34           **(1) Proper storage and handling.**

35           **(2) Record keeping.**

36           **(3) Circumstances under which the use of a waste tire is not**  
 37 **considered a legitimate use.**

