



January 26, 2016

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## SENATE BILL No. 256

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DIGEST OF SB 256 (Updated January 25, 2016 1:53 pm - DI 55)

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

**Synopsis:** Legitimate use of solid waste and waste tires. Defines "legitimate use" of a material as the use or reuse of a material, otherwise defined as a solid or hazardous waste, under which: (1) the material is used or reused in a manufacturing process or as a substitute for natural or commercial materials; and (2) the material is commercially valuable for an established or emerging market and is used or reused in a manner that does not pose an unacceptable threat to human health or the environment. Requires the department of environmental management (department) to develop proposed rules that: (1) provide for the legitimate use of solid and hazardous waste instead of its disposal; (2) provide that a material being legitimately used is not considered a solid or hazardous waste. Requires the environmental rules board (board) to consult with the department 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 a solid or hazardous waste. Provides that any such rules adopted by the board shall provide that a material being legitimately used is not considered a solid or 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.  
January 25, 2016, amended, reported favorably — Do Pass.

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SB 256—LS 6897/DI 55





January 26, 2016

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

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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, and IC 13-20, means the use or**  
5 **reuse of a material, otherwise defined as a solid or hazardous**  
6 **waste, under all of the following circumstances:**

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

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

9 (B) **as a substitute for natural or commercial materials.**

10 (2) **The material:**

11 (A) **is commercially valuable for an established or**  
12 **emerging market; and**

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

15 (b) **Subsection (a) does not affect or limit uses of materials as**  
16 **allowed under IC 13-19-3, rules adopted by the board, or other**  
17 **state or federal law or regulations.**

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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 shall:

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

8 **(2) develop proposed rules that:**

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

11 **(B) provide that a material being legitimately used is not**  
 12 **considered a solid or hazardous waste.**

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

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

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

24 ~~Develop operating policy~~ **Consult with the department**  
 25 ~~concerning the activities of the department.~~ **regulation of solid**  
 26 **waste and hazardous waste.**

27 **(3)** Carry out other duties imposed by law.

28 SECTION 4. IC 13-19-3-1.3 IS ADDED TO THE INDIANA CODE  
 29 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 30 **1, 2016]: Sec. 1.3. (a) Except as otherwise provided in this chapter,**  
 31 **the board may adopt rules establishing standards and procedures**  
 32 **for the legitimate use, instead of disposal, of material otherwise**  
 33 **defined as a solid or hazardous waste, including standards and**  
 34 **procedures concerning the following:**

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

36 **(2) Record keeping.**

37 **(3) Circumstances under which the use of a material is not**  
 38 **considered to be a legitimate use.**

39 **(b) The rules adopted under this section shall provide that a**  
 40 **material being legitimately used is not considered a solid or**  
 41 **hazardous waste.**

42 SECTION 5. IC 13-20-13-11 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The board shall  
 2 adopt rules under IC 4-22-2 and IC 13-14-8 necessary to implement  
 3 this chapter.

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

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

7 (2) Requirements concerning the following:

8 (A) The operation of waste tire storage sites and waste tire  
 9 processing operations.

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

11 (C) Contingency plans concerning the minimization of hazards  
 12 to human health and the environment at waste tire storage sites  
 13 and waste tire processing operations.

14 (D) Record keeping guidelines concerning the quantity of  
 15 waste tires stored and processed at waste tire storage sites and  
 16 waste tire processing operations.

17 (3) Financial assurance acceptable to the department necessary  
 18 for waste tire removal that a person that operates a waste tire  
 19 storage site must maintain.

20 (4) The establishment of the fee required by section ~~4(a)(4)~~  
 21 **4(a)(6)** of this chapter in an amount necessary to cover the costs  
 22 incurred in the following:

23 (A) Registering waste tire storage sites and waste tire  
 24 processing operations under this chapter.

25 (B) Administering this chapter.

26 **(c) The rules adopted under this section may establish standards**  
 27 **and procedures for the legitimate use, instead of disposal, of waste**  
 28 **tires, including standards and procedures concerning the**  
 29 **following:**

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

31 **(2) Record keeping.**

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



## COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 256, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, after "IC 13-19" insert ",".

Page 1, line 4, delete "(except for IC 13-19-3-8)".

Page 1, line 5, after "material" insert ", **otherwise defined as a solid or hazardous waste,**".

Page 1, line 5, after "all" insert "**of**".

Page 1, line 7, delete "reused as:" and insert "**reused:**".

Page 1, line 8, delete "an ingredient".

Page 1 line 9, delete "an effective" and insert "**as a**".

Page 1, line 12, delete "treated as a".

Page 1, line 12, delete "commodity".

Page 1, line 14, after "pose" delete "a" and insert "an unacceptable".

Page 1, delete lines 16 through 17, begin a new paragraph and insert:

**"(b) Subsection (a) does not affect or limit uses of materials as allowed under IC 13-19-3, rules adopted by the board, or other state or federal law or regulations."**

Page 2, line 6, delete "department:" and insert "department shall:".

Page 2, line 7, delete "shall".

Page 2, line 9, delete "may".

Page 2, line 10, delete "waste".

Page 2, line 11, after "disposal;" insert "**and**".

Page 2, line 12, delete "while".

Page 2, line 12, delete "is".

Page 2, line 13, delete "it".

Page 2, line 13, delete "solid waste or a hazardous waste; and" and insert "**solid or hazardous waste.**".

Page 2, delete lines 14 through 16.

Page 2, line 28, delete "on".

Page 2, line 29, delete "the development of policies".

Page 2 line 37, delete "solid waste" and insert "a solid".

Page 3, line 1, delete "may" and insert "**shall**".

Page 3, line 1, delete "while".



Page 3, line 2, after "material" delete "is".

Page 3, line 2, delete "it".

Page 3, line 3, delete "waste or a" and insert "**or**".

and when so amended that said bill do pass.

(Reference is to SB 256 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 7, Nays 1.

