

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 ENROLLED ACT No. 256

AN ACT to amend the Indiana Code concerning environmental law.

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

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

(1) The material is used or reused:

(A) in a manufacturing process; or

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

(2) The material:

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

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

(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.

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

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(b) The department shall:

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

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

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

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

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

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

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

(2) ~~Develop operating policy~~ **Consult with the department concerning the activities of the department: regulation of solid waste and hazardous waste.**

(3) Carry out other duties imposed by law.

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

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

(2) **Record keeping.**

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

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

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

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

(1) Requirements for the registration of waste tire storage sites



and waste tire processing operations.

(2) Requirements concerning the following:

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

(B) Proper storage and processing of waste tires.

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

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

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

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

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

(B) Administering this chapter.

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

(1) Proper storage and handling.

(2) Record keeping.

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



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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