

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6506
BILL NUMBER: SB 206

NOTE PREPARED: Feb 27, 2024
BILL AMENDED: Feb 1, 2024

SUBJECT: Environmental Matters.

FIRST AUTHOR: Sen. Niemeyer
FIRST SPONSOR: Rep. Morrison

BILL STATUS: As Passed House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Electronic Communications and Access:* The bill authorizes the Department of Environmental Management (IDEM) to use electronic means to deliver mail communications, send or publish notices, accept notices and permit applications, provide access to documents for public comment, and store documents for future access. It authorizes the use of electronic communications in proceedings involving regional water, sewage, and solid waste districts.

Determination Regarding Biomass Facility Permits: The bill requires IDEM to make a determination concerning prior approval for the construction or expansion of a biomass anaerobic digestion facility or biomass gasification facility not more than 90 days after the date on which IDEM receives the completed application. It eliminates a provision of law stating that a person constructing or expanding a biomass anaerobic digestion facility or a biomass gasification facility is not required to obtain the prior approval of IDEM if air pollution control permit requirements apply to the facility.

Effective Date: July 1, 2024.

Explanation of State Expenditures: *Electronic Means of Communication and Access:* The bill could reduce expenditures by allowing IDEM to use electronic means to communicate, rather than publishing notices in newspapers and sending notices through certified mail, and for providing access to documents when they are required by administrative rule. In instances where a period of time commences when a person is served with a paper or notice, three days are added to the period when the person is served the notice electronically (in addition to when the notice is sent through the U.S. mail).

Determination Regarding Biomass Gasification Facility: Workload could increase for IDEM as the bill

requires the agency to make a determination on an application to construct or expand certain biomass facilities within 90 days. If IDEM is not currently making determinations regarding the issuance of these permits in this time frame, it may have to modify how it processes the applications. Biomass facilities that are required to maintain air pollution control permits are currently not required to obtain prior approval under the solid waste processing facility process. The bill removes this exemption. These provisions may also increase workload for IDEM.

Explanation of State Revenues: *Determination Regarding Biomass Gasification Facility:* If IDEM fails to make a determination within 90 days on an application to construct or expand a biomass facility for which the only input is biomass, the bill requires IDEM to refund the applicant. However, there is currently no application fee for these facilities.

Explanation of Local Expenditures: *Electronic Means of Communication:* The bill could reduce expenditures for regional water, sewer, or solid waste districts or proposed districts by allowing them to use electronic means rather than sending certified mail to each freeholder or providing publications in newspapers for notices of hearings, extensions of services, rates, and rate increases. The bill also allows solid waste management districts to use electronic means to post public notice of monthly meetings.

Explanation of Local Revenues:

State Agencies Affected: Department of Environmental Management.

Local Agencies Affected: Regional water, sewer, or solid waste districts; solid waste management districts.

Information Sources:

<https://www.in.gov/idem/cleanups/investigation-and-cleanup-programs/institutional-controls/>;
<https://www.in.gov/idem/waste/waste-industries/biomass-digesters-and-gasification-facilities/>;
https://www.in.gov/idem/files/factsheet_olq_permits_biomass_fac.pdf.

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