ENGROSSED
HOUSE BILL No. 1230

DIGEST OF HB 1230 (Updated February 6, 2017 10:57 am - DI 84)

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

Synopsis: Regulation of coal combustion residuals. Authorizes the environmental rules board to adopt rules consistent with the regulations of the United States Environmental Protection Agency concerning standards for the disposal of coal combustion residuals in landfills and surface impoundments.

Effective: Upon passage.

Wolkins, Ober

(SENATE SPONSORS — BASSLER, TALLIAN)

January 10, 2017, read first time and referred to Committee on Environmental Affairs.
January 12, 2017, amended, reported — Do Pass.
January 17, 2017, read second time, ordered engrossed. Engrossed.
January 24, 2017, read third time, passed. Yeas 91, nays 0.
SENATE ACTION
January 26, 2017, read first time and referred to Committee on Environmental Affairs.
February 7, 2017, reported favorably — Do Pass.

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

ENGROSSED
HOUSE BILL No. 1230

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 13-11-2-30.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 30.8. "Coal combustion**
4 **residuals", for purposes of IC 13-19-3-3, has the meaning set forth**
5 **in IC 13-19-3-3(a).**
6 　　　SECTION 2. IC 13-19-3-3 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) As used in**
8 **this section, "coal combustion residuals" means fly ash, bottom**
9 **ash, boiler slag, and flue gas desulfurization materials generated**
10 **from burning coal for the purpose of generating electricity by**
11 **electric utilities and independent power producers.**
12 　　**(b) Except as provided in subsection (c),** the board may not adopt
13 rules under section 1 of this chapter to regulate the following:
14 　　　(1) The disposal of waste indigenous to the coal mining process
15 　　　and coal combustion products (as defined by ASTM E-2201-02a),
16 　　　including fly ash, bottom ash, boiler slag, fluidized bed
17 　　　combustion ash, or flue gas desulfurization material produced

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1   from the combustion of coal or the cleaning of stack gases on coal
2   combustion units if the material:
3   (A) is not included in the definition of hazardous waste or is
4   exempt from regulation as a hazardous waste under 42 U.S.C.
5   6921; and
6   (B) is disposed of at a facility regulated under IC 14-34.
7   (2) The use of coal combustion products (as defined by ASTM
8   E-2201-02a), including fly ash, bottom ash, boiler slag, fluidized
9   bed combustion ash, or flue gas desulfurization material produced
10   from the combustion of coal or the cleaning of stack gases on coal
11   combustion units, if the use includes one (1) of the following
12   uses:
13   (A) The extraction or recovery of materials and compounds
14   contained within coal combustion products.
15   (B) Bottom ash as an antiskid material.
16   (C) Raw material for manufacturing another product.
17   (D) Mine subsidence, mine fire control, and mine sealing.
18   (E) Structural fill when combined with cement, sand, or water
19   to produce a controlled strength fill material.
20   (F) A base in road construction.
21   (G) Cover for coal processing waste disposal locations to
22   inhibit infiltration at surface and underground mines subject
23   to IC 14-34, so long as a demonstration is made in concurrence
24   with the department of natural resources that the materials and
25   methods to be employed are appropriate for the intended use.
26   (H) Providing buffering or enhancing structural integrity for
27   refuse piles at surface and underground mines subject to
28   IC 14-34, so long as a demonstration is made in concurrence
29   with the department of natural resources that the materials and
30   methods to be employed are appropriate for the intended use.
31   (I) Agricultural applications, when applied using appropriate
32   agronomic amounts to improve crop or vegetative production.
33   **(c) The board may adopt rules under section 1(1) of this chapter**
34 **that are consistent with the regulations of the United States**
35 **Environmental Protection Agency concerning standards for the**
36 **disposal of coal combustion residuals in landfills and surface**
37 **impoundments, as set forth in 40 CFR 257.50 et seq.**
38   SECTION 3. **An emergency is declared for this act.**

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 2, after line 37, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to HB 1230 as introduced.)

WOLKINS

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1230 as printed January 13, 2017.)

ECKERTY, Chairperson

Committee Vote: Yeas 8, Nays 0