



February 17, 2016

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## ENGROSSED HOUSE BILL No. 1300

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DIGEST OF HB 1300 (Updated February 15, 2016 10:15 am - DI 84)

**Citations Affected:** IC 13-11; IC 13-14; IC 13-18; IC 13-20; IC 13-20.5; IC 13-26; IC 13-30.

**Synopsis:** Environmental management matters. Eliminates references to certain administrative rules that have been repealed. Revises the definition of the term "land application". Provides that the terms "land application operation" and "solid waste" apply to the chapter of the law on wastewater management. Changes the conditions under which the commissioner of the department of environmental management (department) may revoke a temporary variance from an environmental administrative rule. Revises a provision concerning the type of: (1) NPDES permit applications; and (2) applications to renew or modify NPDES permits; for which an antidegradation review is required. Requires the environmental rules board (board) to adopt rules concerning land application of solid waste and industrial waste products. Repeals a section providing for the expiration of the law on mercury switches in end of life vehicles. Changes, from December 31, (Continued next page)

**Effective:** Upon passage; December 30, 2015 (retroactive); July 1, 2016.

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### Wolkins

(SENATE SPONSOR — BASSLER)

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January 12, 2016, read first time and referred to Committee on Environmental Affairs.  
January 28, 2016, amended, reported — Do Pass.  
February 1, 2016, read second time, amended, ordered engrossed.  
February 2, 2016, engrossed.  
February 3, 2016, read third time, passed. Yeas 98, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Environmental Affairs.  
February 16, 2016, reported favorably — Do Pass.

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EH 1300—LS 7021/DI 55



Digest Continued

2015, to May 1, 2016, the date by which the commissioner of the department is required to submit a report summarizing the information obtained from recycling activity reports concerning the previous calendar year. Amends the law concerning the department's annual report on the implementation of the electronic waste law to provide that the report must discuss the total weight of covered electronic devices recycled during the previous program year (rather than fiscal year). Provides that the statute concerning environmental legal actions does not apply to an action brought by the state arising from a site considered a high priority site or the site of a release considered a high priority release under the rules of the board concerning priorities in the selection of hazardous substance response sites. Specifies that, under the law concerning rates and charges established by regional water, sewage, and solid waste districts, just and equitable rates and charges are those that give due consideration to the interests of the ratepayers.



February 17, 2016

Second Regular Session of the 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.

## ENGROSSED HOUSE BILL No. 1300

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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 13-11-2-16.3, AS ADDED BY P.L.170-2006,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 16.3. (a) "Automotive salvage recycler", for  
4 purposes of this chapter, means a business that:

- 5 (1) acquires damaged, inoperative, discarded, abandoned, or  
6 salvage motor vehicles, or their remains, as stock-in-trade;  
7 (2) dismantles and processes the vehicles or remains for the  
8 reclamation and sale of reusable components and parts; and  
9 (3) disposes of recyclable materials to a scrap metal processor or  
10 other appropriate facility.

11 (b) ~~This section expires on the date IC 13-20-17.7 expires under~~  
12 ~~IC 13-20-17.7-9.~~

13 SECTION 2. IC 13-11-2-16.5, AS ADDED BY P.L.170-2006,  
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 UPON PASSAGE]: Sec. 16.5. (a) "Automobile scrapyards", for  
16 purposes of this chapter, means a business organized for any of the  
17 following purposes:

**EH 1300—LS 7021/DI 55**



- 1 (1) Processing scrap metal.  
 2 (2) Wrecking automobiles.  
 3 (3) Operating a junkyard.  
 4 (b) This section expires on the date IC 13-20-17.7 expires under  
 5 IC 13-20-17.7-9.  
 6 SECTION 3. IC 13-11-2-50.5, AS AMENDED BY P.L.78-2009,  
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2016]: Sec. 50.5. "Degradation", for purposes of IC 13-18-3,  
 9 means, with respect to a National Pollutant Discharge Elimination  
 10 System permit, the following:  
 11 (1) With respect to an outstanding national resource water, any  
 12 new or increased discharge of a pollutant or a pollutant parameter,  
 13 except for a short term, temporary increase.  
 14 (2) With respect to an outstanding state resource water, any new  
 15 or increased discharge of a pollutant or pollutant parameter that  
 16 results in a significant lowering of water quality for that pollutant  
 17 or pollutant parameter, unless:  
 18 (A) the activity causing the increased discharge:  
 19 (i) results in an overall improvement in water quality in the  
 20 outstanding state resource water; and  
 21 (ii) meets the applicable requirements of ~~327 IAC 2-1-2(1)~~  
 22 ~~and (2) and 327 IAC 2-1.5-4(a) and (b); rules adopted by~~  
 23 **the board under IC 13-18-3-2;** or  
 24 (B) the person proposing the increased discharge undertakes  
 25 or funds a water quality improvement project in accordance  
 26 with IC 13-18-3-2(k) in the watershed of the outstanding state  
 27 resource water that:  
 28 (i) results in an overall improvement in water quality in the  
 29 outstanding state resource water; and  
 30 (ii) meets the applicable requirements of ~~327 IAC 2-1-2(1)~~  
 31 ~~and (2) and 327 IAC 2-1.5-4(a) and (b); rules adopted by~~  
 32 **the board under IC 13-18-3-2.**  
 33 SECTION 4. IC 13-11-2-66.9, AS ADDED BY P.L.170-2006,  
 34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 UPON PASSAGE]: Sec. 66.9. (a) "End of life vehicle", for purposes of  
 36 IC 13-20-17.7, means a motor vehicle that is:  
 37 (1) sold; or  
 38 (2) otherwise conveyed;  
 39 to a motor vehicle recycler for the purpose of recycling.  
 40 (b) This section expires on the date IC 13-20-17.7 expires under  
 41 IC 13-20-17.7-9.  
 42 SECTION 5. IC 13-11-2-104.5, AS ADDED BY P.L.170-2006,



1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 104.5. (a) "Hulk crusher", for purposes of this  
3 chapter, means an enterprise that engages in the business of handling  
4 and flattening, compacting, or otherwise demolishing motor vehicles  
5 or their remains for economical delivery to a scrap metal processor or  
6 other appropriate facility.

7 (b) ~~This section expires on the date IC 13-20-17.7 expires under~~  
8 ~~IC 13-20-17.7-9.~~

9 SECTION 6. IC 13-11-2-114 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 114. "Land  
11 application", for purposes of IC 13-18-12, means the disposal of:

12 (1) ~~wastewater septage;~~

13 (2) ~~solid waste, as defined in section 205(a) of this chapter; or~~

14 (3) ~~industrial waste products, as allowed under~~  
15 ~~IC 13-18-12-2.5;~~

16 by burial or incorporation into the soil.

17 SECTION 7. IC 13-11-2-114.2 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 114.2. "Land  
19 application operation", for purposes of **IC 13-18-12** and IC 13-19-3,  
20 means an operation in which sludge, waste products, or wastewater  
21 generated by industrial, municipal, or semipublic facilities are disposed  
22 of by application upon or incorporation into the soil. The term does not  
23 include the operation of a landfill or an open dump.

24 SECTION 8. IC 13-11-2-128.8, AS ADDED BY P.L.170-2006,  
25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 UPON PASSAGE]: Sec. 128.8. (a) "Mercury switch", for purposes of  
27 IC 13-20-17.7, means a convenience light switch that:

28 (1) is located in the hood or trunk lid of a motor vehicle; and

29 (2) contains mercury.

30 (b) ~~This section expires on the date IC 13-20-17.7 expires under~~  
31 ~~IC 13-20-17.7-9.~~

32 SECTION 9. IC 13-11-2-130.1, AS AMENDED BY P.L.221-2014,  
33 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 UPON PASSAGE]: Sec. 130.1. (a) "Motor vehicle", for purposes of  
35 this chapter, means a vehicle that is self-propelled on a highway in  
36 Indiana. The term does not include a farm tractor or a motor driven  
37 cycle.

38 (b) ~~This section expires on the date IC 13-20-17.7 expires under~~  
39 ~~IC 13-20-17.7-9.~~

40 SECTION 10. IC 13-11-2-130.2, AS ADDED BY P.L.170-2006,  
41 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 UPON PASSAGE]: Sec. 130.2. (a) "Motor vehicle manufacturer", for



1 purposes of this chapter, means a person that is engaged in the business  
 2 of manufacturing or assembling new motor vehicles for sale to any of  
 3 the following:

- 4 (1) Dealers.
- 5 (2) Wholesale dealers.
- 6 (3) Distributors.
- 7 (4) The general public.

8 (b) ~~This section expires on the date IC 13-20-17.7 expires under~~  
 9 ~~IC 13-20-17.7-9.~~

10 SECTION 11. IC 13-11-2-130.3, AS ADDED BY P.L.170-2006,  
 11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 UPON PASSAGE]: Sec. 130.3. (a) "Motor vehicle recycler", for  
 13 purposes of IC 13-20-17.7, means any of the following:

- 14 (1) An automotive salvage recycler.
- 15 (2) An automobile scrapyard.
- 16 (3) A hulk crusher.
- 17 (4) A scrap metal processor.
- 18 (5) A vehicle disposal facility.

19 (b) ~~This section expires on the date IC 13-20-17.7 expires under~~  
 20 ~~IC 13-20-17.7-9.~~

21 SECTION 12. IC 13-11-2-136.5, AS ADDED BY P.L.170-2006,  
 22 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 UPON PASSAGE]: Sec. 136.5. (a) "National mercury switch recovery  
 24 program", for purposes of IC 13-20-17.7, means a national program:

- 25 (1) that accomplishes, as determined by the commissioner, the  
 26 goals of IC 13-20-17.7; and
- 27 (2) in which the state participates.

28 (b) ~~This section expires on the date IC 13-20-17.7 expires under~~  
 29 ~~IC 13-20-17.7-9.~~

30 SECTION 13. IC 13-11-2-196.5, AS ADDED BY P.L.170-2006,  
 31 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 196.5. (a) "Scrap metal processor", for  
 33 purposes of this chapter, means a private, commercial, or governmental  
 34 enterprise:

- 35 (1) that has facilities for processing iron, steel, or nonferrous  
 36 scrap; and
- 37 (2) whose principal product is scrap iron, scrap steel, or  
 38 nonferrous scrap for sale for remelting purposes.

39 (b) The term does not include a steel mill.

40 (c) ~~This section expires on the date IC 13-20-17.7 expires under~~  
 41 ~~IC 13-20-17.7-9.~~

42 SECTION 14. IC 13-11-2-205, AS AMENDED BY P.L.113-2014,



1 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2016]: Sec. 205. (a) "Solid waste", for purposes of  
 3 **IC 13-18-12**, IC 13-19, IC 13-21, IC 13-20-22, and environmental  
 4 management laws, except as provided in subsection (b), means any  
 5 garbage, refuse, sludge from a waste treatment plant, sludge from a  
 6 water supply treatment plant, sludge from an air pollution control  
 7 facility, or other discarded material, including solid, liquid, semisolid,  
 8 or contained gaseous material resulting from industrial, commercial,  
 9 mining, or agricultural operations or from community activities. The  
 10 term does not include:

11 (1) solid or dissolved material in:

12 (A) domestic sewage; or

13 (B) irrigation return flows or industrial discharges;

14 that are point sources subject to permits under Section 402 of the  
 15 Federal Water Pollution Control Act Amendments (33 U.S.C.  
 16 1342);

17 (2) source, special nuclear, or byproduct material (as defined by  
 18 the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.));

19 (3) manures or crop residues returned to the soil as fertilizers or  
 20 soil conditioners as part of a total farm operation; or

21 (4) vegetative matter at composting facilities registered under  
 22 IC 13-20-10.

23 (b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and  
 24 IC 13-21, does not include the following:

25 (1) A waste that is regulated under the following:

26 (A) IC 13-22-1 through IC 13-22-8.

27 (B) IC 13-22-13 through IC 13-22-14.

28 (2) An infectious waste (as defined in IC 16-41-16-4) that is  
 29 disposed of at an incinerator permitted under rules adopted by the  
 30 board to dispose of infectious waste.

31 (c) "Solid waste", for purposes of IC 13-26, means all putrescible  
 32 and nonputrescible solid and semisolid wastes, except human excreta.  
 33 The term includes garbage, rubbish, ashes, street cleanings, dead  
 34 animals, offal, and solid commercial, industrial, and institutional  
 35 wastes.

36 SECTION 15. IC 13-11-2-245.2, AS ADDED BY P.L.170-2006,  
 37 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 UPON PASSAGE]: Sec. 245.2. (a) "Vehicle disposal facility", for  
 39 purposes of this chapter, means a person, firm, limited liability  
 40 company, corporation, or other legal entity that, in the course of  
 41 business, engages in the acquisition and dismantling or demolition of  
 42 motor vehicles, motorcycles, semitrailers, or recreational vehicles or



1 their remains for the benefit of reusable components and parts or  
2 recyclable materials.

3 (b) The term includes the following enterprises:

4 (1) An automotive salvage recycler.

5 (2) A hulk crusher.

6 (c) The term does not include a scrap metal processor.

7 ~~(d) This section expires on the date IC 13-20-17.7 expires under~~  
8 ~~IC 13-20-17.7-9.~~

9 SECTION 16. IC 13-14-8-8, AS AMENDED BY P.L.147-2015,  
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2016]: Sec. 8. (a) Except as provided in section 9 of this  
12 chapter, if a person who is affected by a rule adopted by a board  
13 believes that the imposition of the rule would impose an undue  
14 hardship or burden upon the person, the person may apply to the  
15 commissioner for a variance from the rule.

16 (b) If the variance for which a person applies under subsection (a)  
17 would be in effect for more than one (1) year, the person's application  
18 must include a demonstration of how the person would come into  
19 compliance with the rule within the period for which the variance  
20 would be in effect.

21 (c) The commissioner may hold a public hearing on an application  
22 submitted under subsection (a).

23 (d) If the commissioner determines that immediate compliance with  
24 the rule would impose an undue hardship or burden upon the applicant,  
25 the commissioner may grant a variance from the rule, **except as**  
26 **provided in section 9 of this chapter.** A variance from a rule may be  
27 granted for a period of not more than five (5) years.

28 (e) If a variance from a rule granted to a person under this section  
29 will be in effect for more than one (1) year, the variance must include  
30 a schedule requiring the person to come into compliance with the rule  
31 within the period for which the variance will be in effect.

32 (f) The commissioner may revoke a variance granted to a person  
33 under this section if **the person:**

34 (1) ~~the person~~ fails to meet the requirements of the compliance  
35 schedule ~~included set forth~~ in the variance; ~~under this subsection;~~

36 (2) **receives a notice of noncompliance from the commissioner;**  
37 and

38 ~~(2) (3) after the end of the variance period, the person: (A) is~~  
39 ~~given a reasonable opportunity to meet the requirements of the~~  
40 ~~rule; and (B) receiving the notice of noncompliance, still does~~  
41 ~~not come into compliance with the rule. fails to take corrective~~  
42 **action in order to comply with the compliance schedule.**





1 If a variance is revoked under this subsection, the person granted the  
2 variance shall comply with the rule for which the variance was granted.

3 SECTION 17. IC 13-18-3-2, AS AMENDED BY P.L.53-2014,  
4 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The board may adopt rules  
6 under IC 4-22-2 that are necessary to the implementation of:

7 (1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et  
8 seq.), as in effect January 1, 1988; and

9 (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through  
10 300j), as in effect January 1, 1988;

11 except as provided in IC 14-37.

12 (b) "Degradation" has the meaning set forth in IC 13-11-2-50.5.

13 (c) "Outstanding national resource water" has the meaning set forth  
14 in IC 13-11-2-149.5.

15 (d) "Outstanding state resource water" has the meaning set forth in  
16 IC 13-11-2-149.6.

17 (e) "Watershed" has the meaning set forth in IC 14-8-2-310.

18 (f) The board may designate a water body as an outstanding state  
19 resource water by rule if the board determines that the water body has  
20 a unique or special ecological, recreational, or aesthetic significance.

21 (g) Before the board may adopt a rule designating a water body as  
22 an outstanding state resource water, the board must consider the  
23 following:

24 (1) Economic impact analyses, presented by any interested party,  
25 taking into account future population and economic development  
26 growth.

27 (2) The biological criteria scores for the water body, using factors  
28 that consider fish communities, macro invertebrate communities,  
29 and chemical quality criteria using representative biological data  
30 from the water body under consideration.

31 (3) The level of current urban and agricultural development in the  
32 watershed.

33 (4) Whether the designation of the water body as an outstanding  
34 state resource water will have a significant adverse effect on  
35 future population, development, and economic growth in the  
36 watershed, if the water body is in a watershed that has more than  
37 three percent (3%) of its land in urban land uses or serves a  
38 municipality with a population greater than five thousand (5,000).

39 (5) Whether the designation of the water body as an outstanding  
40 state resource water is necessary to protect the unique or special  
41 ecological, recreational, or aesthetic significance of the water  
42 body.



1 (h) Before the board may adopt a rule designating a water body as  
 2 an outstanding state resource water, the board must make available to  
 3 the public a written summary of the information considered by the  
 4 board under subsections (f) and (g), including the board's conclusions  
 5 concerning that information.

6 (i) The commissioner shall present a summary of the comments  
 7 received from the comment period and information that supports a  
 8 water body designation as an outstanding state resource water to the  
 9 interim study committee on environmental affairs established by  
 10 IC 2-5-1.3-4 in an electronic format under IC 5-14-6 not later than one  
 11 hundred twenty (120) days after the rule regarding the designation is  
 12 finally adopted by the board.

13 (j) Notwithstanding any other provision of this section, the  
 14 designation of an outstanding state resource water in effect on January  
 15 1, 2000, remains in effect.

16 (k) For a water body designated as an outstanding state resource  
 17 water, the board shall provide by rule procedures that will:

- 18 (1) prevent degradation; and
- 19 (2) allow for increases and additions in pollutant loadings from an  
 20 existing or new discharge if:

21 (A) there will be an overall improvement in water quality for  
 22 the outstanding state resource water as described in this  
 23 section; and

24 (B) the applicable requirements of ~~327 IAC 2-1-2(1) and 327~~  
 25 ~~IAC 2-1-2(2) and 327 IAC 2-1.5-4(a) and 327 IAC 2-1.5-4(b)~~  
 26 **rules adopted by the board under this section** are met.

27 (l) The procedures provided by rule under subsection (k) must  
 28 include the following:

- 29 (1) A definition of significant lowering of water quality that  
 30 includes a de minimis quantity of additional pollutant load:

31 (A) for which a new or increased permit limit is required; and

32 (B) below which antidegradation implementation procedures  
 33 do not apply.

- 34 (2) Provisions allowing the permittee to choose application of one

35 (1) of the following for each activity undertaken by the permittee  
 36 that will result in a significant lowering of water quality in the  
 37 outstanding state resource water:

38 (A) Implementation of a water quality project in the watershed  
 39 of the outstanding state resource water that will result in an  
 40 overall improvement of the water quality of the outstanding  
 41 state resource water.

42 (B) Payment of a fee, not to exceed five hundred thousand



- 1           dollars (\$500,000), based on the type and quantity of increased  
2           pollutant loadings, to the department for deposit in the  
3           outstanding state resource water improvement fund established  
4           under section 14 of this chapter for use as permitted under that  
5           section.
- 6           (3) Criteria for the submission and timely approval of projects  
7           described in subdivision (2)(A).
- 8           (4) A process for public input in the approval process.
- 9           (5) Use of water quality data that is less than seven (7) years old  
10          and specific to the outstanding state resource water.
- 11          (6) Criteria for using the watershed improvement fees to fund  
12          projects in the watershed that result in improvement in water  
13          quality in the outstanding state resource water.
- 14          (m) For a water body designated as an outstanding state resource  
15          water after June 30, 2000, the board shall provide by rule  
16          antidegradation implementation procedures before the water body is  
17          designated in accordance with this section.
- 18          (n) A water body may be designated as an outstanding national  
19          resource water only by the general assembly after recommendations for  
20          designation are made by the board and the interim study committee on  
21          environmental affairs established by IC 2-5-1.3-4.
- 22          (o) Before recommending the designation of an outstanding national  
23          resource water, the department shall provide for an adequate public  
24          notice and comment period regarding the designation. The  
25          commissioner shall present a summary of the comments and  
26          information received during the comment period and the department's  
27          recommendation concerning designation to the interim study  
28          committee on environmental affairs established by IC 2-5-1.3-4 in an  
29          electronic format under IC 5-14-6 not later than ninety (90) days after  
30          the end of the comment period. The committee shall consider the  
31          comments, information, and recommendation received from the  
32          department, and shall convey its recommendation concerning  
33          designation to the general assembly within six (6) months after receipt.
- 34          (p) This subsection applies to all surface waters of the state. The  
35          department shall complete an antidegradation review of all NPDES  
36          general permits. The department may modify the general permits for  
37          purposes of antidegradation compliance. After an antidegradation  
38          review of a permit is conducted under this subsection, activities  
39          covered by an NPDES general permit are not required to undergo an  
40          additional antidegradation review. An NPDES general permit may not  
41          be used to authorize a discharge into an outstanding national resource  
42          water or an outstanding state resource water, except that a short term,



1 temporary storm water discharge to an outstanding national resource  
 2 water or to an outstanding state resource water may be permitted under  
 3 an NPDES general permit if the commissioner determines that the  
 4 discharge will not significantly lower the water quality downstream of  
 5 the discharge.

6 (q) Subsection (r) applies to: ~~an application for:~~

7 (1) **an application for** an NPDES permit subject to  
 8 IC 13-15-4-1(a)(2)(B), IC 13-15-4-1(a)(3)(B), or  
 9 IC 13-15-4-1(a)(4); or

10 (2) **an application for** a modification or renewal of ~~a~~ **an NPDES**  
 11 permit; ~~referred to in one (1) of the sections referred to in~~  
 12 ~~subdivision (1)~~

13 that proposes new or increased discharge that would result in a  
 14 significant lowering of water quality as defined in subsection (l)(1).

15 (r) For purposes of an antidegradation review with respect to an  
 16 application referred to in subsection (q), the applicant shall  
 17 demonstrate at the time the application is submitted to the department,  
 18 and the commissioner shall review:

- 19 (1) an analysis of alternatives to the proposed discharge; and  
 20 (2) subject to subsection (s), social or economic factors indicating  
 21 the importance of the proposed discharge if alternatives to the  
 22 proposed discharge are not practicable.

23 (s) Subject to subsection (t), the commissioner shall consider the  
 24 following factors in determining whether a proposed discharge is  
 25 necessary to accommodate important economic or social development  
 26 in the area in which the waters are located under antidegradation  
 27 standards and implementation procedures:

- 28 (1) Creation, expansion, or maintenance of employment.  
 29 (2) The unemployment rate.  
 30 (3) The median household income.  
 31 (4) The number of households below the poverty level.  
 32 (5) Community housing needs.  
 33 (6) Change in population.  
 34 (7) The impact on the community tax base.  
 35 (8) Provision of fire departments, schools, infrastructure, and  
 36 other necessary public services.  
 37 (9) Correction of a public health, safety, or environmental  
 38 problem.  
 39 (10) Production of goods and services that protect, enhance, or  
 40 improve the overall quality of life and related research and  
 41 development.  
 42 (11) The impact on the quality of life for residents in the area.



- 1 (12) The impact on the fishing, recreation, and tourism industries.  
 2 (13) The impact on threatened and endangered species.  
 3 (14) The impact on economic competitiveness.  
 4 (15) Demonstration by the permit applicant that the factors  
 5 identified and reviewed under subdivisions (1) through (14) are  
 6 necessary to accommodate important social or economic  
 7 development despite the proposed significant lowering of water  
 8 quality.  
 9 (16) Inclusion by the applicant of additional factors that may  
 10 enhance the social or economic importance associated with the  
 11 proposed discharge, such as an approval that:  
 12 (A) recognizes social or economic importance; and  
 13 (B) is given to the applicant by:  
 14 (i) a legislative body; or  
 15 (ii) other government officials.  
 16 (17) Any other action or recommendation relevant to the  
 17 antidegradation demonstration made by a:  
 18 (A) state;  
 19 (B) county;  
 20 (C) township; or  
 21 (D) municipality;  
 22 potentially affected by the proposed discharge.  
 23 (18) Any other action or recommendation relevant to the  
 24 antidegradation demonstration received during the public  
 25 participation process.  
 26 (19) Any other factors that the commissioner:  
 27 (A) finds relevant; or  
 28 (B) is required to consider under the Clean Water Act.  
 29 (t) In determining whether a proposed discharge is necessary to  
 30 accommodate important economic or social development in the area in  
 31 which the waters are located under antidegradation standards and  
 32 implementation procedures, the commissioner:  
 33 (1) must give substantial weight to any applicable determinations  
 34 by governmental entities; and  
 35 (2) may rely on consideration of any one (1) or a combination of  
 36 the factors listed in subsection (s).  
 37 (u) Each exceptional use water (as defined in IC 13-11-2-72.5,  
 38 before its repeal) designated by the board before June 1, 2009, becomes  
 39 an outstanding state resource water on June 1, 2009, by operation of  
 40 law.  
 41 (v) Beginning June 1, 2009, all waters of the state are classified in  
 42 the following categories:



- 1 (1) Outstanding national resource waters.  
 2 (2) Outstanding state resource waters.  
 3 (3) Waters of the state as described in 327 IAC 2-1-2(1), as in  
 4 effect on January 1, 2009.  
 5 (4) High quality waters as described in 327 IAC 2-1-2(2), as in  
 6 effect on January 1, 2009.  
 7 (5) Waters of the state as described in 327 IAC 2-1.5-4(a), as in  
 8 effect on January 1, 2009.  
 9 (6) High quality waters as described in 327 IAC 2-1.5-4(b), as in  
 10 effect on January 1, 2009.

11 SECTION 18. IC 13-18-3-2.1, AS ADDED BY P.L.78-2009,  
 12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2016]: Sec. 2.1. (a) If:

14 (1) a discharge results from an activity for which:

- 15 ~~(1)~~ (A) an NPDES permit subject to IC 13-15-4-1(a)(2)(B),  
 16 IC 13-15-4-1(a)(3)(B), or IC 13-15-4-1(a)(4); or  
 17 ~~(2)~~ (B) a modification or renewal of a permit referred to in one  
 18 (1) of the sections referred to in subdivision (1);

19 **is sought; and**

20 **(2) the permit application or application to modify or renew**  
 21 **the permit that** proposes a new or increased discharge that would  
 22 result in a significant lowering of water quality as defined in  
 23 IC 13-18-3-2(1)(1); ~~is sought;~~

24 the deadline for the department to complete the antidegradation review  
 25 under 40 CFR 131.12 and 40 CFR Part 132, Appendix E with respect  
 26 to the discharge is the deadline for the commissioner to approve or  
 27 deny the NPDES permit application under IC 13-15-4-1.

28 (b) The commissioner may extend for cause for not more than ninety  
 29 (90) days the deadline under subsection (a) for the department to  
 30 complete the antidegradation review.

31 SECTION 19. IC 13-18-12-4, AS AMENDED BY P.L.37-2012,  
 32 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2016]: Sec. 4. (a) The board shall, in accordance with  
 34 IC 13-14-9, adopt rules to establish the following:

35 (1) Standards for the following:

36 (A) The issuance of **permits for:**

- 37 (i) septage management ~~permits~~ under section 3 of this  
 38 chapter; **and**  
 39 **(ii) land application of authorized septage, solid waste,**  
 40 **and industrial waste products.**

41 (B) Transportation, storage, ~~and~~ treatment, ~~of septage,~~ and  
 42 disposal of septage. ~~including land application.~~



- 1 (2) Procedures and standards for approval of sites for land  
 2 application. ~~of septage.~~
- 3 (b) The board may designate a county or city health agency as the  
 4 board's agent to approve land application sites in accordance with rules  
 5 adopted under this section.
- 6 SECTION 20. IC 13-20-17.7-9 IS REPEALED [EFFECTIVE  
 7 UPON PASSAGE]. ~~Sec. 9: This chapter expires on the earlier of:~~
- 8 ~~(1) the date on which a national mercury switch recovery program~~  
 9 ~~takes effect, as determined by the commissioner; or~~  
 10 ~~(2) July 1, 2016.~~
- 11 SECTION 21. IC 13-20-25-14, AS AMENDED BY P.L.147-2015,  
 12 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 DECEMBER 30, 2015 (RETROACTIVE)]: Sec. 14. Not later than  
 14 ~~December 31, 2015~~, **May 1, 2016**, and in each succeeding calendar  
 15 year, the commissioner shall submit to the executive director of the  
 16 legislative services agency, in an electronic format under IC 5-14-6, a  
 17 report summarizing the information obtained through the recycling  
 18 activity reports submitted to the commissioner under this chapter  
 19 concerning the calendar year most recently ended. The executive  
 20 director of the legislative services agency shall forward the report to the  
 21 members of the standing committees of the senate and the house  
 22 having subject matter jurisdiction most closely related to the subject of  
 23 recycling.
- 24 SECTION 22. IC 13-20.5-7-4, AS AMENDED BY P.L.53-2014,  
 25 SECTION 127, IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Before August 1, 2013, and  
 27 before August 1 of each year thereafter, the department shall submit a  
 28 report concerning the implementation of this article to:
- 29 (1) the general assembly in an electronic format under IC 5-14-6;  
 30 (2) the governor;  
 31 (3) the interim study committee on environmental affairs  
 32 established by IC 2-5-1.3-4 in an electronic format under  
 33 IC 5-14-6; and  
 34 (4) the Indiana recycling market development board established  
 35 by IC 4-23-5.5-2.
- 36 (b) For each state fiscal year, the report submitted under subsection  
 37 (a):
- 38 (1) must discuss the total weight of covered electronic devices  
 39 recycled in the state ~~fiscal~~ **program** year and a summary of  
 40 information in the reports submitted by manufacturers and  
 41 recyclers under IC 13-20.5-3;  
 42 (2) must discuss the various collection programs used by



1 manufacturers to collect covered electronic devices, information  
 2 regarding covered electronic devices that are being collected by  
 3 persons other than registered manufacturers, collectors, and  
 4 recyclers, and information about covered electronic devices, if  
 5 any, being disposed of in landfills in Indiana;

6 (3) must include a description of enforcement actions under this  
 7 article during the state fiscal year; and

8 (4) may include other information received by the department  
 9 regarding the implementation of this article.

10 SECTION 23. IC 13-26-11-9 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Just and  
 12 equitable rates and charges are those that: ~~produce sufficient revenue~~  
 13 ~~to:~~

14 (1) **produce sufficient revenue to** pay all expenses incident to  
 15 the operation of the works, including maintenance cost, operating  
 16 charges, upkeep, repairs, and interest charges on bonds or other  
 17 obligations;

18 (2) **produce sufficient revenue to** provide the sinking fund for  
 19 the liquidation of bonds or other evidence of indebtedness and  
 20 reserves against default in the payment of interest and principal  
 21 of bonds; ~~and~~

22 (3) **produce sufficient revenue to** provide adequate money to be  
 23 used as working capital, as well as money for making  
 24 improvements, additions, extensions, and replacements; **and**

25 **(4) give due consideration to the interests of the ratepayers.**

26 (b) Rates and charges too low to meet the financial requirements  
 27 described in subsection (a) are unlawful. The initial rates and charges  
 28 established after notice and hearing under this article are prima facie  
 29 just and equitable.

30 **(c) Nothing in this section shall prohibit a district authority**  
 31 **from examining the methodology or process by which rates and**  
 32 **charges were derived.**

33 SECTION 24. IC 13-30-9-1, AS AMENDED BY P.L.221-2007,  
 34 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2016]: Sec. 1. This chapter applies to actions brought by the  
 36 state or a person. However, this chapter does not apply to an action  
 37 brought by the state if the action arises from a site: ~~that:~~

38 (1) ~~that~~ is listed on the National Priorities List for hazardous  
 39 substance response sites (40 CFR 300 et seq.);

40 (2) ~~scores at least twenty-five (25) under the Indiana scoring~~  
 41 ~~model under 329 IAC 7; that:~~

42 **(A) is considered a high priority site; or**





1                   **(B) is the site of a release that is considered a high priority**  
2                   **release;**  
3                   **under rules adopted by the board under IC 13-25-4-7; or**  
4                   **(3) that** is deemed by the commissioner to pose an imminent  
5                   threat to human health or the environment.  
6                   **SECTION 25. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1300, 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:

Page 10, line 11, after "permit" insert ";".

Page 10, line 12, delete "subject to IC 13-15-4-1(a)(2)(B)".

Page 10, delete line 13.

and when so amended that said bill do pass.

(Reference is to HB 1300 as introduced.)

WOLKINS

Committee Vote: yeas 12, nays 0.

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1300 be amended to read as follows:

Page 14, between lines 9 and 10, begin a new paragraph and insert:  
 "SECTION 23. IC 13-26-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Just and equitable rates and charges are those that: ~~produce sufficient revenue to:~~

- (1) **produce sufficient revenue to** pay all expenses incident to the operation of the works, including maintenance cost, operating charges, upkeep, repairs, and interest charges on bonds or other obligations;
- (2) **produce sufficient revenue to** provide the sinking fund for the liquidation of bonds or other evidence of indebtedness and reserves against default in the payment of interest and principal of bonds; **and**
- (3) **produce sufficient revenue to** provide adequate money to be used as working capital, as well as money for making improvements, additions, extensions, and replacements; **and**
- (4) **give due consideration to the interests of the ratepayers.**

(b) Rates and charges too low to meet the financial requirements described in subsection (a) are unlawful. The initial rates and charges established after notice and hearing under this article are prima facie just and equitable.

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**(c) Nothing in this section shall prohibit a district authority from examining the methodology or process by which rates and charges were derived."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1300 as printed January 29, 2016.)

LEHMAN

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COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1300, 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 HB1300 as reprinted February 2, 2016.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 6, Nays 0

