

HOUSE BILL No. 1403

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-22-12.

Synopsis: Hazardous waste disposal fee increase. Increases the fee for the disposal of hazardous waste in a disposal facility from \$11.50 per ton to \$22.50 per ton. Provides that 75% of the \$11 fee increase shall be paid over to the county in which the hazardous waste is disposed of and 25% shall be deposited in the hazardous substances response trust fund.

Effective: July 1, 2018.

Baird

January 16, 2018, read first time and referred to Committee on Ways and Means.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1403



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 13-22-12-3.5, AS AMENDED BY P.L.147-2015,
2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 3.5. (a) For the disposal of hazardous waste in
4 Indiana, the fees are as follows:

5 (1) For hazardous waste disposed of in a disposal facility, ~~eleven~~
6 **twenty-two** dollars and fifty cents (~~\$11.50~~) (**\$22.50**) per ton. If
7 hazardous waste is mixed with or dissolved or suspended in water
8 or another liquid at the time it is disposed of in a disposal facility,
9 the entire mixture, solution, or suspension disposed of is
10 considered hazardous waste disposed of in a disposal facility for
11 the purposes of this subdivision.

12 (2) For hazardous waste disposed of by underground injection,
13 eleven dollars and fifty cents (\$11.50) per ton. However, a person
14 required to pay disposal fees under this subdivision is not liable
15 for more than twenty-five thousand dollars (\$25,000) in disposal
16 fees under this subdivision for all hazardous waste disposed of by
17 the person by underground injection in one (1) calendar year.



1 (b) Fees imposed under subsection (a)(1) shall be paid by the
 2 operator of the disposal facility at which the hazardous waste is
 3 disposed of. For hazardous waste disposed of by underground injection
 4 at a location other than a disposal facility, the fee imposed on the
 5 disposal of the hazardous waste under subsection (a)(2) shall be paid
 6 by the person disposing of the hazardous waste.

7 (c) Fees imposed under this section begin accruing on January 1 of
 8 each year. The fees that accrue under this section during a calendar
 9 year shall be paid to the department on or before March 1 of the
 10 following year.

11 (d) The fees imposed under this section shall be based on the total
 12 tonnage of hazardous waste disposed of. The fees do not apply to the
 13 treatment or storage of hazardous waste in a disposal facility.

14 (e) The fees paid to the department under this section shall be
 15 deposited and paid over as provided in section 3.6 of this chapter.

16 SECTION 2. IC 13-22-12-3.6, AS ADDED BY P.L.220-2014,
 17 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2018]: Sec. 3.6. (a) ~~The fees~~ **Each fee** collected under section
 19 3.5 of this chapter upon the disposal of a ~~quantity~~ **ton** of hazardous
 20 waste shall be ~~deposited and paid over~~ **distributed** as follows:

21 **(1) Eleven dollars and fifty cents (\$11.50) of the fee as follows:**

22 ~~(+) (A)~~ **(A)** Seventy-five percent (75%) ~~shall be~~ deposited in the
 23 hazardous substances response trust fund established by
 24 IC 13-25-4-1.

25 ~~(-) (B)~~ **(B)** Twenty-five percent (25%) ~~shall be~~ paid over to the
 26 county in which the hazardous waste is disposed of.

27 **(2) The remainder, if any, of the fee as follows:**

28 **(A) Seventy-five percent (75%) paid over to the county in**
 29 **which the hazardous waste is disposed of.**

30 **(B) Twenty-five percent (25%) deposited in the hazardous**
 31 **substances response trust fund established by IC 13-25-4-1.**

32 (b) Except as provided in subsection (e), and subject to subsections
 33 (f) and (g), the revenue paid over to the county under subsection ~~(a)(2)~~
 34 **(a)(1)(B) and (a)(2)(A)** shall be deposited in a separate fund
 35 established by the county for the purposes of the following:

36 (1) Establishing monitoring wells on land near the site of the
 37 disposal facility.

38 (2) Analyzing samples from the monitoring wells established
 39 under subdivision (1).

40 (3) Conducting other types of testing and surveillance for
 41 hazardous waste contamination of land near the disposal facility.

42 (4) Providing training for county and local public health and



- 1 public safety officers in the proper procedures for dealing with
2 emergencies involving hazardous substances or hazardous waste.
3 (5) Providing special clothing and equipment needed by county
4 and local public health and public safety officers for dealing with
5 emergencies involving hazardous substances or hazardous waste.
6 (6) Funding research on alternatives to land disposal as a means
7 of eliminating hazardous waste.
8 (7) Paying the cost of hazardous waste, hazardous substance, or
9 solid waste removal and remedial action at a site located within
10 the county.
11 (8) Meeting the county's requirements under IC 13-21 for the
12 planning and implementation of a solid waste management
13 district plan.
14 (9) Paying the costs associated with the construction or
15 rehabilitation of a facility used for training described in
16 subdivision (4).
17 (10) Paying the costs associated with any other project that has
18 identifiable environmental benefits.
19 (11) Paying the costs associated with the construction, structural
20 rehabilitation, and equipment of a facility used for either of the
21 following purposes:
22 (A) A county public safety central dispatch.
23 (B) A county emergency operations center.
24 (12) Paying costs associated with the maintenance or repair of
25 county roads.
26 (13) Paying for the costs of county ambulance service.
27 (c) The county fund established under subsection (b) shall be
28 administered by the county treasurer, and the expenses of administering
29 the fund shall be paid from money in the fund. Money in the fund not
30 currently needed to meet the obligations of the fund may be invested
31 in the same manner as other public funds may be invested. Interest that
32 accrues from these investments shall be deposited in the fund. Money
33 in the fund at the end of a particular fiscal year does not revert to the
34 county general fund.
35 (d) No money in the county fund established under subsection (b)
36 shall be used for activities authorized in subsection (b)(8) or (b)(9)
37 until the purposes listed in subsection (b)(1) through (b)(7) have been
38 fulfilled.
39 (e) Subsection (b)(9), (b)(10), and (b)(11) do not apply to a county
40 having a population of more than three hundred thousand (300,000) but
41 less than four hundred thousand (400,000).
42 (f) The county may not pay from the county fund established under



1 subsection (b) in a calendar year for the purposes set forth in
2 subsection (b)(11) an amount that exceeds ten percent (10%) of the
3 balance in the fund as of January 1 of that calendar year.

4 (g) If a county expends money in the county fund established under
5 subsection (b) for the maintenance or repair of county roads, the county
6 may not annually expend more than ten percent (10%) of the balance
7 in the fund (as determined on January 1 of the calendar year in which
8 the expenditures are made) for those purposes.

9 (h) A fund established by a county under IC 6-6-6.6-3 before its
10 repeal:

11 (1) satisfies the requirement of subsection (b) that a county
12 establish a fund;

13 (2) shall be administered under subsection (c); and

14 (3) is in all other respects subject to this section.

15 (i) Money deposited in a fund established by a county under
16 IC 6-6-6.6-3 before its repeal:

17 (1) may remain in the fund; and

18 (2) may be used for the purposes set forth in subsection (b),

19 subject to subsections (d) through (g);

20 notwithstanding the repeal of IC 6-6-6.6-3.

