

# HOUSE BILL No. 1403

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2; IC 13-20-13-11.

**Synopsis:** Waste tires. Adds a definition of "used tire", for purposes of the law governing solid waste management. Makes a change to the definition of "waste tire processing operation". Adds requirements for the adoption of administrative rules concerning the regulation of waste tire storage sites and waste tire processing operations.

**Effective:** July 1, 2020.

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## Wolkins

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January 15, 2020, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session of the 121st General Assembly (2020)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 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 13-11-2-243.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2020]: **Sec. 243.5. "Used tire", for purposes**  
4 **of IC 13-20-13 and IC 13-20-14, means a tire that meets all of the**  
5 **following criteria:**

- 6 (1) **The tire is suitable for use on a motor vehicle as follows:**
  - 7 (A) **The tire has at least two thirty-seconds (2/32) of an**
  - 8 **inch of remaining tread, or the tire wear bars are not**
  - 9 **exposed.**
  - 10 (B) **The tire has no cuts, slashes, or exposed cord.**
- 11 (2) **The tire is stored in a rack, stack, or row that:**
  - 12 (A) **is accessible for inspection; and**
  - 13 (B) **allows access for emergency equipment.**
- 14 (3) **The tire is stored out of the weather to prevent**
- 15 **accumulation of water or precipitation in the tires.**

16 SECTION 2. IC 13-11-2-250.5, AS AMENDED BY P.L.37-2012,  
17 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2020]: Sec. 250.5. "Waste tire processing operation", for  
 2 purposes of IC 13-20-13 and IC 13-20-14, means an operation that  
 3 processes waste tires by cutting, shredding, or grinding. ~~The term does~~  
 4 ~~not include a retail operation that cuts or shreds waste tires generated~~  
 5 ~~by the retail operation.~~

6 SECTION 3. IC 13-20-13-11, AS AMENDED BY P.L.97-2016,  
 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2020]: Sec. 11. (a) The board shall adopt rules under  
 9 IC 4-22-2 and IC 13-14-8 necessary to implement this chapter.

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

11 (1) Requirements for the registration of waste tire storage sites  
 12 and waste tire processing operations.

13 (2) Requirements concerning the following:

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

16 (B) Proper storage and processing of waste tires.

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

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

23 **(E) The transportation of waste tires and loads containing**  
 24 **any combination of both waste tires and used tires.**

25 **(F) Reporting requirements concerning the transportation**  
 26 **of:**

27 **(i) waste tires; and**

28 **(ii) loads containing any combination of both waste tires**  
 29 **and used tires;**

30 **that include evidence of proper end point disposal or**  
 31 **processing of tires described in this clause.**

32 (3) Financial assurance acceptable to the department necessary  
 33 for waste tire removal that a person that operates a waste tire  
 34 storage site must maintain. **The rules shall provide for the use**  
 35 **of a corporate financial test that is substantially similar to the**  
 36 **corporate financial test set forth in 40 CFR 258.74(e) as an**  
 37 **optional financial assurance mechanism.**

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

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



- 1                   (B) Administering this chapter.
- 2                   (c) The rules adopted under this section may establish standards and
- 3                   procedures for the legitimate use, instead of disposal, of waste tires,
- 4                   including standards and procedures concerning the following:
- 5                   (1) Proper storage and handling.
- 6                   (2) Record keeping.
- 7                   (3) Circumstances under which the use of a waste tire is not
- 8                   considered a legitimate use.

