

SENATE BILL No. 137

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2; IC 13-30-2-1.

Synopsis: Ban on sale or use of coal tar pavement products. Prohibits the: (1) sale or offer for sale; and (2) application to pavement; of a coal tar pavement product except as required for purposes of research on the effects of the coal tar pavement product on the environment.

Effective: July 1, 2019.

Niezgodski

January 3, 2019, read first time and referred to Committee on Environmental Affairs.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 137

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 13-11-2-30.6 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2019]: **Sec. 30.6. "Coal tar", for purposes of**
- 4 **section 30.7 of this chapter, means a viscous substance that:**
- 5 **(1) is obtained from the distillation of bituminous coal; and**
- 6 **(2) contains levels of polycyclic aromatic hydrocarbons**
- 7 **(PAHs) greater than ten thousand (10,000) milligrams per**
- 8 **kilogram.**
- 9 SECTION 2. IC 13-11-2-30.7 IS ADDED TO THE INDIANA
- 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2019]: **Sec. 30.7. "Coal tar pavement**
- 12 **product", for purposes of IC 13-30-2-1, means a surface applied**
- 13 **sealing product that:**
- 14 **(1) contains coal tar, coal tar pitch, or coal tar pitch volatiles;**
- 15 **and**
- 16 **(2) is intended for application on pavement.**
- 17 SECTION 3. IC 13-30-2-1, AS AMENDED BY P.L.133-2012,



1 SECTION 158, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2019]: Sec. 1. A person may not do any of the
 3 following:

4 (1) Discharge, emit, cause, allow, or threaten to discharge, emit,
 5 cause, or allow any contaminant or waste, including any noxious
 6 odor, either alone or in combination with contaminants from other
 7 sources, into:

8 (A) the environment; or

9 (B) any publicly owned treatment works;

10 in any form that causes or would cause pollution that violates or
 11 would violate rules, standards, or discharge or emission
 12 requirements adopted by the board under the environmental
 13 management laws.

14 (2) Increase the quantity or strength of a discharge of
 15 contaminants into the waters or construct or install a sewer or
 16 sewage treatment facility or a new outlet for contaminants into the
 17 waters of Indiana without prior approval of the department.

18 (3) Deposit any contaminants upon the land in a place and manner
 19 that creates or would create a pollution hazard that violates or
 20 would violate a rule adopted by the board.

21 (4) Deposit or cause or allow the deposit of any contaminants or
 22 solid waste upon the land, except through the use of sanitary
 23 landfills, incineration, composting, garbage grinding, or another
 24 method acceptable to the board.

25 (5) Dump or cause or allow the open dumping of garbage or of
 26 any other solid waste in violation of rules adopted by the board.

27 (6) Dispose of solid waste in, upon, or within the limits of or
 28 adjacent to a public highway, state park, state nature preserve, or
 29 recreation area or in or immediately adjacent to a lake or stream,
 30 except:

31 (A) in proper containers provided for sanitary storage of the
 32 solid waste; or

33 (B) as a part of a sanitary landfill operation or other land
 34 disposal method approved by the department.

35 (7) Construct, install, operate, conduct, or modify, without prior
 36 approval of the department, any equipment or facility of any type
 37 that may:

38 (A) cause or contribute to pollution; or

39 (B) be designed to prevent pollution.

40 However, the commissioner or the board may approve
 41 experimental uses of any equipment, facility, or pollution control
 42 device that is considered necessary for the further development of



- 1 the state of the art of pollution control.
- 2 (8) Conduct any salvage operation or open dump by open burning
- 3 or burn, cause, or allow the burning of any solid waste in a
- 4 manner that violates either:
- 5 (A) the air pollution control laws; or
- 6 (B) the rules adopted by the board.
- 7 (9) Commence construction of a proposed hazardous waste
- 8 facility without having first:
- 9 (A) filed an application for; and
- 10 (B) received;
- 11 a permit from the department.
- 12 (10) Commence or engage in the operation of a hazardous waste
- 13 facility without having first obtained a permit from the
- 14 department.
- 15 (11) Deliver any hazardous waste to a hazardous waste facility
- 16 that:
- 17 (A) is not approved; or
- 18 (B) does not hold a permit from the department.
- 19 (12) Cause or allow the transportation of a hazardous waste
- 20 without a manifest if a manifest is required by law.
- 21 (13) Violate any:
- 22 (A) condition;
- 23 (B) limitation; or
- 24 (C) stipulation;
- 25 placed upon a certificate of environmental compatibility by the
- 26 hazardous waste facility site approval authority or any other
- 27 provision of IC 13-22-10.
- 28 (14) Apply or allow the application of used oil to any ground
- 29 surface, except for purposes of treatment in accordance with a
- 30 permit issued by the department under any of the following:
- 31 (A) IC 13-15, except IC 13-15-9.
- 32 (B) IC 13-17-11.
- 33 (C) IC 13-18-18.
- 34 (D) IC 13-20-1.
- 35 (15) Commence construction of a solid waste incinerator without
- 36 first obtaining a permit from the department under IC 13-20-8.
- 37 (16) Commence operation of a solid waste incinerator without
- 38 first obtaining the approval of the department under IC 13-20-8.
- 39 **(17) After June 30, 2019:**
- 40 **(A) sell or offer for sale; or**
- 41 **(B) apply to pavement;**
- 42 **a coal tar pavement product, except as required for purposes**



1 **of research on the effects of the coal tar pavement product on**
2 **the environment.**

