



February 22, 2024

ENGROSSED

SENATE BILL No. 206

DIGEST OF SB 206 (Updated February 21, 2024 1:45 pm - DI 140)

Citations Affected: IC 13-13; IC 13-15; IC 13-20; IC 13-21; IC 13-26.

Synopsis: Environmental matters. Authorizes the department of environmental management (department) to use electronic means to deliver mail communications, send or publish notices, accept notices and permit applications, provide access to documents for public comment, and store documents for future access. Authorizes the use of electronic communications in proceedings involving regional water, sewage, and solid waste districts. Requires the IDEM to make a determination concerning prior approval for the construction or expansion of a biomass anaerobic digestion facility or biomass gasification facility not more than 90 days after the date on which the department receives the completed application. Eliminates a provision of law stating that a person constructing or expanding a biomass anaerobic digestion facility or a biomass gasification facility is not required to obtain the prior approval of the department if air pollution control permit requirements apply to the facility.

Effective: July 1, 2024.

Niemeyer, Dernulc

(HOUSE SPONSOR — MORRISON)

January 9, 2024, read first time and referred to Committee on Environmental Affairs.
February 1, 2024, amended, reported favorably — Do Pass.
February 5, 2024, read second time, ordered engrossed. Engrossed.
February 6, 2024, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 12, 2024, read first time and referred to Committee on Environmental Affairs.
February 22, 2024, reported — Do Pass.

ES 206—LS 6506/DI 150



February 22, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 206

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 13-13-5-1.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: **Sec. 1.5. (a) Subject to subsection (b), the department, to**
4 **increase efficiency and communication in carrying out the**
5 **purposes of section 1 of this chapter, may determine as appropriate**
6 **when to use electronic means to do the following:**
7 (1) **Deliver mail communications required by rule.**
8 (2) **Accept applications required by rule.**
9 (3) **Post public notices required by rule.**
10 (4) **Provide access to documents for public comment required**
11 **by rule.**
12 (5) **Store documents for future access required by rule.**
13 (b) **The department shall comply with IC 13-14-13 when using**
14 **electronic means for the purposes described in subsection (a).**
15 SECTION 2. IC 13-15-4-7 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 7. (a) The following**
17 **apply** for purposes of calculating a period under sections 1 through 6

ES 206—LS 6506/DI 150



1 of this chapter: ~~the period:~~

2 (1) **The period** begins on the ~~earlier~~ **earliest** of the ~~date:~~
3 **following:**

4 (A) **The date on which** an application and any required fee is
5 received and stamped received by the department. ~~or~~

6 (B) **The date that is** marked by the department on a certified
7 mail return receipt accompanying an application and any
8 required fee. ~~and~~

9 (C) **The date on which notice is sent by the department to**
10 **the applicant confirming that the department has received**
11 **an application and any required fees.**

12 (2) **The period** ends on the date a decision is issued to approve or
13 deny the application under IC 4-21.5-3-4 or IC 4-21.5-3-5.

14 (b) If an applicant pays an application fee with a check that is not
15 covered with sufficient funds, a period described under sections 1
16 through 6 of this chapter is suspended until the applicant pays the
17 permit application fee.

18 SECTION 3. IC 13-15-4-10, AS AMENDED BY P.L.140-2013,
19 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2024]: Sec. 10. The commissioner may suspend the
21 processing of an application, and the period described under sections
22 1 through 6 of this chapter is suspended, if one (1) of the following
23 occurs:

24 (1) The department determines that the application is incomplete
25 and has mailed ~~or electronically sent~~ a notice of deficiency to the
26 applicant that specifies the parts of the application that:

27 (A) do not contain adequate information for the department to
28 process the application; or

29 (B) are not consistent with applicable law.

30 The period described under sections 1 through 6 of this chapter
31 shall be suspended during the first two (2) notices of deficiency
32 sent to an applicant under this subdivision. If more than two (2)
33 notices of deficiency are issued on an application, the period may
34 not be suspended unless the applicant agrees in writing to defer
35 processing of the application pending the applicant's response to
36 the notice of deficiency. A notice of deficiency may include a
37 request for the applicant to conduct tests or sampling to provide
38 information necessary for the department to process the
39 application. If an applicant's response does not contain complete
40 information to satisfy all deficiencies described in a notice of
41 deficiency, the department shall notify the applicant not later than
42 thirty (30) working days after receiving the response. The



1 commissioner shall resume processing the application, and the
 2 period described under sections 1 through 6 of this chapter
 3 resumes on the **earlier earliest** of the date the department receives
 4 and stamps as received the applicant's complete information, **or**
 5 the date marked by the department on a certified mail return
 6 receipt accompanying the applicant's complete information, **or**
 7 **the date a notice is sent by the department to the applicant**
 8 **confirming that the department has received the applicant's**
 9 **complete information.**

10 (2) The commissioner receives a written request from an
 11 applicant to:

12 (A) withdraw; or

13 (B) defer processing of;

14 the application for the purposes of resolving an issue related to a
 15 permit or to provide additional information concerning the
 16 application.

17 (3) The department is required by federal law or by an agreement
 18 with the United States Environmental Protection Agency for a
 19 federal permit program to transmit a copy of the proposed permit
 20 to the administrator of the United States Environmental Protection
 21 Agency for review and possible objections before the permit may
 22 be issued. The period described under sections 1 through 6 of this
 23 chapter shall be suspended from the time the department submits
 24 the proposed permit to the administrator for review until:

25 (A) the department receives the administrator's concurrence or
 26 objection to the issuance of the proposed permit; or

27 (B) the period established in federal law by which the
 28 administrator is required to make objections expires without
 29 the administrator having filed an objection.

30 (4) A board initiates emergency rulemaking under section 3(b) of
 31 this chapter to revise the period described under sections 1
 32 through 6 of this chapter.

33 SECTION 4. IC 13-15-5-3 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) Except as
 35 provided in section 2 of this chapter:

36 (1) after the comment period; or

37 (2) if a public hearing is held, after the public hearing;

38 the commissioner shall issue the permit or deny the permit application.

39 (b) Unless the commissioner states otherwise in writing, the
 40 commissioner's action under this section is effective immediately.

41 (c) Notice of the commissioner's action shall be served upon the
 42 following:

ES 206—LS 6506/DI 150



- 1 (1) The permit applicant.
 2 (2) Each person who submitted written comments under section
 3 1 of this chapter.
 4 (3) Each person who requests notice of the permit determination.
 5 (4) The Administrator of the United States Environmental
 6 Protection Agency if service is required under the applicable
 7 federal law.
- 8 (d) If the commissioner's action is likely to have a significant impact
 9 upon persons who are not readily identifiable, the commissioner may
 10 publish notice of the action on the permit application in a newspaper
 11 of general circulation in the county affected by the proposed permit **or**
 12 **the commissioner may use electronic means to publish notice.**
- 13 SECTION 5. IC 13-15-6-7 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. (a) In computing a
 15 period of time under this chapter, the day of the act, event, or default
 16 from which the designated period of time begins to run is not included.
 17 The last day of the computed period is to be included unless it is a:
 18 (1) Saturday;
 19 (2) Sunday;
 20 (3) legal holiday under a state statute; or
 21 (4) day that the office in which the act is to be done is closed
 22 during regular business hours.
- 23 (b) A period runs until the end of the next day after a day described
 24 in subsections (a)(1) through (a)(4).
- 25 (c) A period of time under this chapter that commences when a
 26 person is served with a paper **or electronic notice** commences with
 27 respect to a particular person on the ~~earlier of the date that~~ **earliest of:**
 28 (1) **the date** the person is personally served with the notice; ~~or~~
 29 (2) **the date** a notice for the person is deposited in the United
 30 States mail; ~~or~~
 31 (3) **the date a notice for the person is electronically delivered.**
- 32 (d) If a notice is served through the United States mail **or**
 33 **electronically**, three (3) days must be added to a period that
 34 commences upon service of that notice.
- 35 SECTION 6. IC 13-20-10.5-3, AS ADDED BY P.L.189-2011,
 36 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2024]: Sec. 3. ~~(a)~~ The department may determine that a
 38 biomass anaerobic digestion facility or a biomass gasification facility
 39 for which the input is a combination of biomass and solid waste is
 40 subject to regulation as a solid waste processing facility.
 41 ~~(b) Anaerobic digestion and gasification facilities required to~~
 42 ~~maintain a permit under IC 13-17 are not required to seek approval~~



1 under this chapter.

2 SECTION 7. IC 13-20-10.5-3.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2024]: **Sec. 3.5. (a) The department shall**
5 **make a determination under section 1 of this chapter concerning**
6 **prior approval for the construction or expansion of a biomass**
7 **anaerobic digestion facility or biomass gasification facility for**
8 **which the only input is biomass not later than ninety (90) days**
9 **after the date on which the department receives the completed**
10 **application for prior approval, including all required supplemental**
11 **information, unless the department and the applicant agree to a**
12 **longer time.**

13 **(b) Subject to subsection (a), the department may conduct any**
14 **inquiry or investigation that:**

15 **(1) is consistent with the department's duties under this**
16 **chapter; and**

17 **(2) the department considers necessary;**

18 **before making a determination under section 1 of this chapter.**

19 **(c) If the department fails to make a determination within the**
20 **time frame provided in subsection (a), the applicant may request**
21 **and receive a refund of the fee paid by the applicant when the**
22 **application for prior approval was submitted. The department**
23 **shall continue to review the application and approve or deny the**
24 **application as soon as practicable.**

25 SECTION 8. IC 13-21-5-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2. (a) A district must**
27 **conduct at least one (1) regularly scheduled public meeting each month**
28 **before the creation, amendment, or alteration of the district solid waste**
29 **management plan. The board shall give notice of each public meeting**
30 **in accordance with IC 5-14-1.5. In addition, a copy of the schedule of**
31 **regularly scheduled monthly meetings shall annually be submitted for**
32 **publication to a newspaper of general circulation in each county of the**
33 **district, and the board may use electronic means to post public**
34 **notice.** The notice:

35 **(1) must be at least two (2) columns wide by five (5) inches long;**
36 **and**

37 **(2) may not be placed in the part of the newspaper where legal**
38 **notices and classified advertisements appear.**

39 **(b) Public comments shall be taken at each board meeting.**

40 SECTION 9. IC 13-26-2-6, AS AMENDED BY P.L.152-2021,
41 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2024]: **Sec. 6. (a) Except as provided in section 9 of this**



1 chapter, the hearing officer shall fix a time and place inside or within
 2 ten (10) miles of the proposed district for the hearing on any matter for
 3 which a hearing is authorized under this chapter.

4 (b) The hearing officer shall make a reasonable effort to provide
 5 notice of the hearing as follows:

6 (1) By publication of notice two (2) times each week for two (2)
 7 consecutive weeks:

8 (A) with each notice:

9 (i) published in at least two (2) newspapers of general
 10 circulation in each of the counties, in whole or in part, in the
 11 district; ~~and~~

12 (ii) at a minimum, including a legal notice and a
 13 prominently displayed three (3) inches by five (5) inches
 14 advertisement; ~~or and~~

15 **(iii) published through electronic means in a manner that**
 16 **maximizes notice of the hearing; or**

17 (B) with the first publication of notice in the newspapers
 18 described in clause (A) and all subsequent publications of
 19 notice:

20 (i) in accordance with IC 5-3-5 and

21 ~~(ii)~~ on the official ~~web site~~ **website** of each of the counties,
 22 in whole or in part, in the district; **or**

23 **(ii) in an electronic manner that maximizes notice of the**
 24 **hearing to the impacted individuals.**

25 (2) By United States mail **or electronically** sent at least two (2)
 26 weeks before the hearing to the following:

27 (A) The fiscal and executive bodies of each county with
 28 territory in the proposed district.

29 (B) The executive of all other eligible entities with territory in
 30 the proposed district, including the executive of a city or town
 31 that has:

32 (i) a municipal sewage works under IC 36-9-23; or

33 (ii) a public sanitation department under IC 36-9-25;

34 having extraterritorial jurisdiction within the boundaries of the
 35 area to be included in the proposed district.

36 (C) The state and any of its agencies owning, controlling, or
 37 leasing land within the proposed district, excluding highways
 38 and public thoroughfares owned or controlled by the Indiana
 39 department of transportation.

40 (D) Each sewage disposal company holding a certificate of
 41 territorial authority under IC 8-1-2-89 respecting territory in
 42 the proposed district.



1 (3) By making a reasonable effort to provide notice of the hearing
 2 by regular United States mail, postage prepaid, mailed at least two
 3 (2) weeks before the hearing to each freeholder within the
 4 proposed district **or electronically at least two (2) weeks before**
 5 **the hearing to each freeholder within the proposed district.**

6 (4) By including the date on which the hearing is to be held and
 7 a brief description of:

8 (A) the subject of the petition, including a description of the
 9 general boundaries of the area to be included in the proposed
 10 district; and

11 (B) the locations where copies of the petition are available for
 12 viewing.

13 SECTION 10. IC 13-26-5-6.5, AS AMENDED BY P.L.152-2021,
 14 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2024]: Sec. 6.5. A district that intends to extend service within
 16 its territory shall provide notice to all owners of property to be served
 17 by the proposed extension of service in the following manner not later
 18 than sixty (60) days from the date of the decision to extend service:

19 (1) By publication one (1) time each week for three (3)
 20 consecutive weeks:

21 (A) with each publication of notice:

22 (i) in at least two (2) newspapers of general circulation in
 23 each of the counties, in whole or in part, of the district
 24 affected by the proposed extension of service; ~~or~~

25 (ii) if there is only one (1) newspaper of general circulation
 26 in a county, a single publication satisfies the requirement of
 27 this subdivision; or

28 **(iii) published through electronic means in a manner that**
 29 **maximizes notice of the hearing; or**

30 (B) with the first publication of notice made in a newspaper or
 31 newspapers described in clause (A) and the two (2) subsequent
 32 publications of notice:

33 (i) in accordance with IC 5-3-5 and

34 ~~(ii)~~ on the official ~~web site~~ **website** of the district; **or**

35 **(ii) in an electronic manner that maximizes notice of the**
 36 **hearing to the impacted individuals.**

37 (2) By United States mail, postage prepaid, mailed to each
 38 freeholder within the territory to which the district proposes to
 39 extend service **or electronically at least two (2) weeks before**
 40 **the hearing to each freeholder within the proposed district.**

41 SECTION 11. IC 13-26-11-12, AS AMENDED BY P.L.152-2021,
 42 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024]: Sec. 12. After introduction of the ordinance initially
 2 fixing rates or charges but before the ordinance is finally adopted,
 3 notice of the hearing setting forth the proposed schedule of the rates or
 4 charges must be given **electronically or** by publication one (1) time
 5 each week for two (2) weeks:

6 (1) with each publication of notice:

7 (A) in a newspaper of general circulation in each of the
 8 counties with territory in the district; or

9 (B) **published through electronic means in a manner that**
 10 **maximizes notice of the hearing; or**

11 (2) with the first publication of notice in a newspaper **or**
 12 **electronically** described in subdivision (1) and the second
 13 publication of notice:

14 (A) in accordance with IC 5-3-5; ~~and~~

15 (B) on the official ~~web site~~ **website** of the district; **and**

16 (C) **in an electronic manner that maximizes notice of the**
 17 **hearing to the impacted individuals.**

18 The last publication **or electronic notice** must be at least seven (7)
 19 days before the date fixed in the notice for the hearing. The hearing
 20 may be adjourned as necessary.

21 SECTION 12. IC 13-26-11-13, AS AMENDED BY P.L.84-2016,
 22 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2024]: Sec. 13. (a) The ordinance establishing the initial rates
 24 or charges, either as:

25 (1) originally introduced; or

26 (2) modified and amended;

27 shall be passed and put into effect after the hearing.

28 (b) A copy of the schedule of the rates and charges established must
 29 be:

30 (1) kept on file in the office of the district; and

31 (2) open to public inspection.

32 (c) Whenever the board acts under section 8(b) of this chapter, to
 33 change or readjust the rates and charges, the board shall mail **or**
 34 **electronically share**, either separately or along with a periodic billing
 35 statement, a notice of the new rates and charges to each user affected
 36 by the change or readjustment. In the case of a sewage district, if the
 37 change or readjustment increases the rates and charges by the amount
 38 specified in section 15(c) of this chapter, the notice required by this
 39 subsection:

40 (1) must include a statement of a ratepayer's rights under section
 41 15 of this chapter; and

42 (2) shall be mailed **or electronically shared** within the time



- 1 specified in section 15(c) of this chapter.
- 2 (d) Following the passage of an ordinance under subsection (a), the
 3 lesser of fifty (50) or ten percent (10%) of the ratepayers of the district
 4 may file a written petition objecting to the initial rates and charges of
 5 the district. A petition filed under this subsection must:
- 6 (1) contain the name and address of each petitioner;
 - 7 (2) be filed with a member of the district authority, in the county
 8 where at least one (1) petitioner resides, not later than thirty (30)
 9 days after the district adopts the ordinance; and
 - 10 (3) set forth the grounds for the ratepayers' objection.
- 11 (e) The district authority shall set the matter for public hearing not
 12 less than ten (10) business days but not later than twenty (20) business
 13 days after the petition has been filed. The district authority shall:
- 14 (1) send notice of the hearing:
 - 15 (A) by certified mail; **or**
 - 16 (B) **electronically;**
 17 to the district and the first listed petitioner; and
 - 18 (2) publish the notice of the hearing:
 - 19 (A) in a newspaper of general circulation in each county in the
 20 district; **or**
 - 21 (B) **in an electronic manner that maximizes notice of the**
 22 **hearing to the impacted individuals.**
- 23 (f) Upon the date fixed in the notice, the district authority shall hear
 24 the evidence produced and determine the following:
- 25 (1) Whether the board of trustees of the district, in adopting the
 26 ordinance establishing sewer rates and charges, followed the
 27 procedure required by this chapter.
 - 28 (2) Whether the sewer rates and charges established by the board
 29 by ordinance are just and equitable rates and charges, according
 30 to the standards set forth in section 9 of this chapter.
- 31 (g) After the district authority hears the evidence produced and
 32 makes the determinations set forth in subsection (f), the district
 33 authority, by a majority vote, shall:
- 34 (1) sustain the ordinance establishing the rates and charges;
 - 35 (2) sustain the petition; or
 - 36 (3) make any other ruling appropriate in the matter, subject to the
 37 standards set forth in section 9 of this chapter.
- 38 (h) The order of the district authority may be appealed by the district
 39 or a petitioner to the circuit court, superior court, or probate court of
 40 the county in which the district is located. The court shall try the appeal
 41 without a jury and shall determine one (1) or both of the following:
- 42 (1) Whether the board of trustees of the district, in adopting the



1 ordinance establishing sewer rates and charges, followed the
 2 procedure required by this chapter.
 3 (2) Whether the sewer rates and charges established by the board
 4 by ordinance are just and equitable rates and charges, according
 5 to the standards set forth in section 9 of this chapter.
 6 Either party may appeal the circuit court's, superior court's, or probate
 7 court's decision in the same manner that other civil cases may be
 8 appealed.
 9 SECTION 13. IC 13-26-11-15, AS AMENDED BY P.L.84-2016,
 10 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2024]: Sec. 15. (a) A district authority is established in each
 12 regional sewage district established under this article. A district
 13 authority:
 14 (1) must consist of an odd number of members;
 15 (2) must consist of at least three (3) members; and
 16 (3) may not include as a member any person who serves on the
 17 board of trustees of the district.
 18 (b) The district authority of a regional sewage district consists of the
 19 following members:
 20 (1) In the case of a regional sewage district located in one (1)
 21 county, the following members:
 22 (A) If no members of the county executive are trustees of the
 23 regional sewage district, the county executive of the county.
 24 (B) If:
 25 (i) one (1) or more members of the county executive are
 26 trustees of the regional sewage district; and
 27 (ii) no members of the county fiscal body are trustees of the
 28 regional sewage district;
 29 the members of the county fiscal body.
 30 (C) If the regional sewage district's board of trustees consists
 31 of one (1) or more members of the county executive and one
 32 (1) or more members of the county fiscal body, three (3)
 33 members appointed as follows:
 34 (i) Two (2) members appointed by the county executive. If
 35 not all of the members of the county executive are trustees
 36 of the district, the county executive may appoint either or
 37 both of the two (2) members required by this item from
 38 among the county executive's own membership, subject to
 39 subsection (a)(3).
 40 (ii) One (1) member appointed by the county fiscal body. If
 41 not all of the members of the county fiscal body are trustees
 42 of the district, the county fiscal body may appoint the



1 member required by this item from among the county fiscal
2 body's own membership, subject to subsection (a)(3).
3 (2) In the case of a regional sewage district located in more than
4 one (1) county, the following members:
5 (A) If:
6 (i) an odd number of counties are part of the regional sewage
7 district; and
8 (ii) each county in the district has at least one (1) county
9 executive member who is not a trustee of the regional
10 sewage district;
11 one (1) county executive member, appointed by that member's
12 county executive, from each county in which the district is
13 located, subject to subsection (a)(3).
14 (B) If an even number of counties are part of the regional
15 sewage district, the following members:
16 (i) Two (2) county executive members, appointed by those
17 members' county executive, from the county that has the
18 largest number of customers served by the district's sewer
19 system. However, if the county that has the largest number
20 of customers served by the district's sewer system does not
21 have at least two (2) members of its executive who are not
22 also trustees of the district, the county executive of that
23 county may appoint one (1) or more of the members
24 required by this item from outside the county executive's
25 own membership in order to comply with subsection (a)(3).
26 (ii) One (1) county executive member, appointed by that
27 member's county executive, from each county, other than the
28 county described in item (i), in which the district is located.
29 However, if a county described in this item does not have at
30 least one (1) member of its executive who is not also a
31 trustee of the district, the county executive of that county
32 may appoint the member required by this item from outside
33 the county executive's own membership in order to comply
34 with subsection (a)(3).
35 (C) If an odd number of counties are part of the regional
36 sewage district and an odd number of those counties in the
37 district do not have at least one (1) county executive member
38 who is not also a trustee of the district, the following members:
39 (i) One (1) county executive member, appointed by that
40 member's county executive, from each county that has at
41 least one (1) county executive member who is not also a
42 trustee of the district, subject to subsection (a)(3).



1 (ii) One (1) member appointed by the county executive of
 2 each county that does not have at least one (1) county
 3 executive member who is not also a trustee of the district. A
 4 member appointed under this item must be appointed from
 5 outside the appointing county executive's own membership,
 6 subject to subsection (a)(3).

7 (c) If a district adopts an ordinance increasing sewer rates and
 8 charges at a rate that is greater than five percent (5%) per year, as
 9 calculated from the rates and charges in effect from the date of the
 10 district's last rate increase, the district shall mail **or electronically**
 11 **share**, either separately or along with a periodic billing statement, a
 12 notice of the new rates and charges to each user of the sewer system
 13 who is affected by the increase. The notice:

- 14 (1) shall be mailed **or electronically shared** not later than seven
 15 (7) days after the district adopts the ordinance increasing the rates
 16 and charges; and
 17 (2) must include a statement of a ratepayer's rights under this
 18 section.

19 (d) If subsection (c) applies, fifty (50) ratepayers of the district or
 20 ten percent (10%) of the district's ratepayers, whichever is fewer, may
 21 file a written petition objecting to the rates and charges of the district.
 22 A petition filed under this subsection must:

- 23 (1) contain the name and address of each petitioner;
 24 (2) be filed with a member of the district authority, in the county
 25 where at least one (1) petitioner resides, not later than thirty (30)
 26 days after the district adopts the ordinance establishing the rates
 27 and charges; and
 28 (3) set forth the grounds for the ratepayers' objection.

29 If a petition meeting the requirements of this subsection is filed, the
 30 district authority shall investigate and conduct a public hearing on the
 31 petition. If more than one (1) petition concerning a particular increase
 32 in rates and charges is filed, the district authority shall consider the
 33 objections set forth in all the petitions at the same public hearing.

34 (e) The district authority shall set the matter for public hearing not
 35 less than ten (10) business days but not later than twenty (20) business
 36 days after the petition has been filed. The district authority shall:

- 37 (1) send notice of the hearing:
 38 (A) by certified mail; **or**
 39 (B) **electronically**;
 40 to the district and the first listed petitioner; and
 41 (2) publish the notice of the hearing:
 42 (A) in a newspaper of general circulation in each county in the



1 district; or
 2 **(B) in an electronic manner that maximizes notice of the**
 3 **hearing to the impacted individuals.**
 4 (f) Upon the date fixed in the notice, the district authority shall hear
 5 the evidence produced and determine the following:
 6 (1) Whether the board of trustees of the district, in adopting the
 7 ordinance increasing sewer rates and charges, followed the
 8 procedure required by this chapter.
 9 (2) Whether the increased sewer rates and charges established by
 10 the board by ordinance are just and equitable rates and charges,
 11 according to the standards set forth in section 9 of this chapter.
 12 (g) After the district authority hears the evidence produced and
 13 makes the determinations set forth in subsection (f), the district
 14 authority, by a majority vote, shall:
 15 (1) sustain the ordinance establishing the rates and charges;
 16 (2) sustain the petition; or
 17 (3) make any other ruling appropriate in the matter, subject to the
 18 standards set forth in section 9 of this chapter.
 19 (h) The order of the district authority may be appealed by the district
 20 or a petitioner to the circuit court, superior court, or probate court of
 21 the county in which the district is located. The court shall try the appeal
 22 without a jury and shall determine one (1) or both of the following:
 23 (1) Whether the board of trustees of the district, in adopting the
 24 ordinance increasing sewer rates and charges, followed the
 25 procedure required by this chapter.
 26 (2) Whether the increased sewer rates and charges established by
 27 the board by ordinance are just and equitable rates and charges,
 28 according to the standards set forth in section 9 of this chapter.
 29 Either party may appeal the circuit court's, superior court's, or probate
 30 court's decision in the same manner that other civil cases may be
 31 appealed.



COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 206, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 15 through 17.

Delete page 2.

Page 3, delete lines 1 through 26, begin a new paragraph and insert:
"SECTION 3. IC 13-15-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. (a) **The following apply** for purposes of calculating a period under sections 1 through 6 of this chapter: ~~the period:~~

(1) **The period** begins on the ~~earlier~~ **earliest** of the ~~date:~~ **following:**

(A) **The date on which** an application and any required fee is received and stamped received by the department. ~~or~~

(B) **The date that is** marked by the department on a certified mail return receipt accompanying an application and any required fee. ~~and~~

(C) **The date on which notice is sent by the department to the applicant confirming that the department has received an application and any required fees.**

(2) **The period** ends on the date a decision is issued to approve or deny the application under IC 4-21.5-3-4 or IC 4-21.5-3-5."

Page 4, line 16, delete "earlier of" and insert "**earlier earliest** of".

Page 4, line 19, delete "a notice" and insert "**the date a notice is**".

Page 5, line 40, strike "earlier of the date that:" and insert "**earliest of:**".

Page 5, line 41, after "(1)" insert "**the date**".

Page 5, line 42, after "(2)" insert "**the date**".

Page 6, line 2, after "(3)" insert "**the date**".

Page 6, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 6. IC 13-20-10.5-3, AS ADDED BY P.L.189-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The department may determine that a biomass anaerobic digestion facility or a biomass gasification facility for which the input is a combination of biomass and solid waste is subject to regulation as a solid waste processing facility.

(b) ~~Anaerobic digestion and gasification facilities required to maintain a permit under IC 13-17 are not required to seek approval under this chapter.~~"



Page 7, delete lines 2 through 42.

Delete pages 8 through 11.

Page 12, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 206 as introduced.)

NIEMEYER, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 206, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 206 as printed February 2, 2024.)

CULP

Committee Vote: Yeas 10, Nays 0

