

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 472

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-11-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 2.5. (a) "Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstocks, chemicals, and other products through processes that include:**

- (1) pyrolysis;**
- (2) gasification;**
- (3) depolymerization;**
- (4) catalytic cracking;**
- (5) reforming;**
- (6) hydrogenation;**
- (7) solvolysis;**
- (8) chemolysis; and**
- (9) other similar technologies.**

(b) "Advanced recycling" does not include the following:

- (1) Incineration of plastics or waste to energy processes.**
- (2) Solid waste processing.**
- (3) Solid waste recovery.**
- (4) Treatment of a waste.**

SECTION 2. IC 13-11-2-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**

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UPON PASSAGE]: **Sec. 2.6. (a) "Advanced recycling facility" means a manufacturing facility that:**

- (1) receives, stores, and converts post-use polymers and recovered feedstocks resulting from advanced recycling; and**
- (2) is subject to manufacturing regulation by the department for any of the following:**

- (A) Air.**
- (B) Water.**
- (C) Waste.**
- (D) Land use.**

(b) The term does not include any of the following:

- (1) A final disposal facility.**
- (2) An incinerator.**
- (3) A solid waste disposal facility.**
- (4) A solid waste management facility.**
- (5) A solid waste processing facility.**
- (6) A solid waste recovery facility.**
- (7) A solid waste-to-energy facility.**

(c) Recycled products produced at an advanced recycling facility include:

- (1) monomers;**
- (2) oligomers;**
- (3) plastics;**
- (4) plastics and chemical feedstocks;**
- (5) basic and unfinished chemicals;**
- (6) waxes;**
- (7) lubricants;**
- (8) coatings; and**
- (9) adhesives.**

SECTION 3. IC 13-11-2-52.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 52.5. "Depolymerization" means a manufacturing process in which post-use polymers are broken into smaller molecules, including:**

- (1) monomers and oligomers; or**
- (2) raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings.**

SECTION 4. IC 13-11-2-82 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 82. (a) "Final disposal facility", for purposes of IC 13-20-3, IC 13-20-5, IC 13-20-22, and IC 13-21, means any of the following:**

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- (1) A landfill.
- (2) An incinerator.
- (3) A waste-to-energy facility.

(b) The term does not include a transfer station **or an advanced recycling facility.**

SECTION 5. IC 13-11-2-88.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 88.5. "Gasification" means a manufacturing process through which post-use polymers and recovered feedstocks are heated in an oxygen controlled atmosphere and converted into syngas (carbon monoxide and hydrogen) and converted into valuable raw, intermediate, and final products, including plastic monomers, chemicals, waxes, lubricants, coatings, plastics, and chemical feedstocks, in the form of raw materials and products.**

SECTION 6. IC 13-11-2-126.9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 126.9. "Mass balance attribution" means a chain of custody accounting methodology with rules defined by a third party certification system that enables the attribution of the mass of advanced recycling feedstocks to one (1) or more advanced recycling products.**

SECTION 7. IC 13-11-2-167.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 167.5. "Post-use polymer" means a plastic to which all of the following apply:**

- (1) **The plastic is derived from any of the following activities:**
 - (A) **Industrial.**
 - (B) **Commercial.**
 - (C) **Agricultural.**
 - (D) **Domestic.**
- (2) **The plastic is not mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility and includes preconsumer recovered materials and postconsumer materials.**
- (3) **The use or intended use of the plastic is as a feedstock for the manufacturing of:**
 - (A) **other feedstocks;**
 - (B) **raw materials; or**
 - (C) **other intermediate or final products;****using advanced recycling.**
- (4) **The plastic:**

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- (A) has been sorted from solid waste and other regulated waste; and
- (B) may contain residual amounts of solid waste, including:
 - (i) organic material;
 - (ii) incidental contaminants; or
 - (iii) impurities, including paper labels and metal rings.
- (5) The plastic is:
 - (A) processed at an advanced recycling facility; or
 - (B) held at an advanced recycling facility before processing.

SECTION 8. IC 13-11-2-177.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 177.6. "Pyrolysis" means a manufacturing process through which post-use polymers or recovered feedstocks are:**

- (1) heated in the absence of oxygen until melted and thermally decomposed catalytically or noncatalytically; and
- (2) cooled, condensed, and converted into valuable raw materials and intermediate and final products, including:
 - (A) plastic monomers;
 - (B) chemicals;
 - (C) waxes;
 - (D) lubricants;
 - (E) plastic;
 - (F) chemical feedstocks; and
 - (G) naphtha.

SECTION 9. IC 13-11-2-178.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 178.5. (a) "Recovered feedstock" means at least one (1) of the following materials that has been processed to be used as feedstock at an advanced recycling facility:**

- (1) Post-use polymers.
- (2) Materials for which the United States Environmental Protection Agency has:
 - (A) made a nonwaste determination; or
 - (B) determined to be feedstocks and not solid waste.
- (b) "Recovered feedstock" does not include the following:
 - (1) Unprocessed municipal solid waste.
 - (2) Material that has been mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility.



SECTION 10. IC 13-11-2-179.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 179.8. "Recycled plastic" means products that are produced from:**

- (1) mechanical recycling of preconsumer recovered feedstocks or plastics, and postconsumer plastics; or**
- (2) advanced recycling of preconsumer recovered feedstocks or plastics, and postconsumer plastics via mass balance attribution under a third party certification system.**

SECTION 11. IC 13-11-2-180, AS AMENDED BY P.L.178-2009, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 180. (a) "Recycling", for purposes of IC 13-20-17.5 and IC 13-21:

(1) means a process by which materials that would otherwise become solid waste are:

- ~~(1)~~ **(A)** collected;
 - ~~(2)~~ **(B)** separated or processed; and
 - ~~(3)~~ **(C)** converted into materials or products for reuse or sale;
- and**

(2) includes advanced recycling.

(b) "Recycling", for purposes of section 179.9 of this chapter and IC 13-20.5, means the process of collecting and preparing video display devices or covered electronic devices for use in manufacturing processes or for recovery of useable materials followed by delivery of the materials for use. The term does not include the following:

- (1) Destruction of recyclable materials by incineration or another process.
- (2) Land disposal of recyclable materials.
- (3) Reuse, repair, or any other process through which video display devices or covered electronic devices are returned to use for covered entities in their original form.

SECTION 12. IC 13-11-2-205, AS AMENDED BY P.L.120-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 205. (a) "Solid waste", for purposes of IC 13-18-12, IC 13-19, IC 13-21, IC 13-20-22, and environmental management laws, except as provided in subsection (b), **and subject to subsection (d)**, means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. The term does not include:

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- (1) solid or dissolved material in:
- (A) domestic sewage; or
 - (B) irrigation return flows or industrial discharges; that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);
- (2) source, special nuclear, or byproduct material (as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.));
- (3) manures or crop residues returned to the soil as fertilizers or soil conditioners as part of a total farm operation;
- (4) vegetative matter at composting facilities registered under IC 13-20-10; or
- (5) material that is discarded if:
- (A) the material is not:
 - (i) spent lead acid batteries regulated under IC 13-20-16 and 329 IAC 3.1-11.1;
 - (ii) salvaged from mobile homes regulated under 329 IAC 11.6;
 - (iii) alternative fuels regulated under 329 IAC 11.7;
 - (iv) used oil regulated under 329 IAC 13;
 - (v) waste tires regulated under IC 13-20-14 and 329 IAC 15;
 - (vi) electronic waste regulated under 329 IAC 16;
 - (vii) legitimate use of iron and steelmaking slags, as described in 329 IAC 11-3-1(11);
 - (viii) legitimate use of foundry sand, as described in 329 IAC 11-3-1(12); or
 - (ix) engineered wood waste burned as a fuel, as described in 329 IAC 11-3-1(20);
 - (B) the material is otherwise:
 - (i) determined under 40 CFR 262.11 to be nonhazardous; or
 - (ii) exempted or excluded from regulation as a hazardous waste under 40 CFR 261; and
 - (C) the material is used:
 - (i) by a manufacturer as an ingredient in or a component of a product; or
 - (ii) as a commodity in a process that results in a product.
- (b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and IC 13-21, **and subject to subsection (d)**, does not include the following:
- (1) A waste that is regulated under the following:
 - (A) IC 13-22-1 through IC 13-22-8.
 - (B) IC 13-22-13 through IC 13-22-14.

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

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

(d) The term "solid waste" does not include post-use polymers and recovered feedstocks that are:

(1) converted at an advanced recycling facility; or

(2) held at an advanced recycling facility before conversion.

SECTION 13. IC 13-11-2-206, AS AMENDED BY P.L.154-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 206. **(a) "Solid waste disposal facility"**, for purposes of IC 13-19-3-8.2, IC 13-19-4, IC 13-20-4, and IC 13-20-6, **and subject to subsection (b)**, means a facility at which solid waste is:

(1) deposited on or beneath the surface of the ground as an intended place of final location; or

(2) incinerated.

(b) The term "solid waste disposal facility" does not include an advanced recycling facility.

SECTION 14. IC 13-11-2-209 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 209. **(a) "Solid waste management"**, for purposes of IC 13-21 and environmental management laws, **and subject to subsection (b)**, means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

(b) The term "solid waste management" does not include activities undertaken at an advanced recycling facility.

SECTION 15. IC 13-11-2-212, AS AMENDED BY P.L.154-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 212. **(a) "Solid waste processing facility"**, for purposes of IC 13-19-3-8.2, IC 13-19-4, IC 13-20-1, IC 13-20-4, and IC 13-20-6, **and subject to subsection (b)**, means a facility at which at least one (1) of the following is located:

(1) A solid waste incinerator.

(2) A transfer station.

(3) A solid waste baler.

(4) A solid waste shredder.

(5) A resource recovery system.

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- (6) A composting facility.
- (7) A garbage grinding system.
- (8) A medical or an infectious waste treatment facility.
- (9) A solid waste solidification facility that is not located on an operating, permitted landfill.
- (10) A facility that uses plasma arc or another source of heat to treat solid waste.

(b) The term "**solid waste processing facility**" does not include **the following:**

- (1) A facility or operation that generates solid waste.
- (2) **An advanced recycling facility.**

SECTION 16. IC 13-11-2-212.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 212.5. (a) "Solvolysis" means a manufacturing process:**

(1) **through which post-use polymers are purified with the aid of solvents while:**

- (A) **heated at low temperatures;**
- (B) **pressurized; or**
- (C) **heated at low temperatures and pressurized;**

allowing the removal of additives and contaminants; and
 (2) **resulting in the following products:**

- (A) **Monomers.**
- (B) **Intermediates.**
- (C) **Valuable chemicals.**
- (D) **Plastics.**
- (E) **Chemical feedstocks.**
- (F) **Raw materials.**

(b) **The process includes:**

- (1) **hydrolysis;**
- (2) **aminolysis;**
- (3) **ammonolysis;**
- (4) **methanolysis; and**
- (5) **glycolysis.**

SECTION 17. IC 13-11-2-230.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 230.3. (a) "Third party certification system" means an international and multinational third party certification system, that consists of a set of rules for the implementation of mass balance attribution approaches for advanced recycling of materials.**

(b) **Third party certification systems include:**



- (1) International Sustainability & Carbon Certification;**
- (2) Underwriter Laboratories;**
- (3) SCS Recycled Content;**
- (4) Roundtable on Sustainable Biomaterials;**
- (5) Ecoloop; and**
- (6) REDcert2.**

SECTION 18. IC 13-19-4-1, AS AMENDED BY P.L.154-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in section 8(e) of this chapter, this chapter does not apply to:

- (1) an applicant for a transfer station permit that holds a permit for and continuously operates; or
- (2) the transfer of a permit for a transfer station to an applicant that holds a permit for and is operating;

a transfer station, solid waste disposal facility, or hazardous waste facility in Indiana after December 31, 2004.

(b) Except as provided in section 8(e) of this chapter, this chapter does not apply to the transfer of a permit for a solid waste disposal facility to an applicant that holds a permit for and is operating a solid waste disposal facility or hazardous waste facility in Indiana after December 31, 2004.

(c) This chapter does not apply to an advanced recycling facility.

SECTION 19. IC 13-20-1-1, AS AMENDED BY P.L.154-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter does not apply to an individual, a corporation, a partnership, a limited liability company, or a business association that in its regular business activity:

- (1) produces solid waste as a byproduct of or incidental to its regular business activity; and
- (2) disposes of the solid waste at a site that is:
 - (A) owned by the individual, corporation, partnership, limited liability company, or business association; and
 - (B) limited to use by that individual, corporation, partnership, limited liability company, or business association for the disposal of solid waste produced by:
 - (i) that individual, corporation, partnership, limited liability company, or business association; or
 - (ii) a subsidiary of an entity referred to in item (i).

(b) This chapter does not apply to an advanced recycling facility.

SECTION 20. IC 13-20-8-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter does not apply to an advanced recycling facility.**

SECTION 21. IC 13-20-21-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.2. This chapter does not apply to an advanced recycling facility.**

SECTION 22. IC 13-20-25-4, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** As used in this chapter, "recyclable material" means municipal waste that is suitable for recycling.

(b) The term includes a post-use polymer.

SECTION 23. IC 13-20-25-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 8.5. For the purposes of this title, products sold as fuel are not considered recycled products.**

SECTION 24. **An emergency is declared for this act.**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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